



Advertising Standards Authority for Ireland

ANNUAL REPORT

40th Annual Report 2020



THE OFFICIAL HERALDIC ACHIEVEMENT OF ASAI

THE COAT OF ARMS OR OFFICIAL HERALDIC ACHIEVEMENT OF THE ADVERTISING STANDARDS AUTHORITY FOR IRELAND WAS GRANTED BY THE CHIEF HERALD OF IRELAND AND REGISTERED IN HIS OFFICE IN APRIL, 1983.

The design and composition of the arms graphically symbolise the sphere of influence as well as the function of ASAI.

The heraldic arrangement of the national tinctures enhanced by the wreathed cross is designed to suggest the packaging of goods on a nationwide basis, while the lion, traditional symbol of active vigilance, signifies the role of ASAI as overseer in relation to the advertising of those goods.

The shield, historically an emblem of defence, is symbolic of the protection afforded the consumer public by the ASAI, which seeks to establish and maintain principled advertising in Ireland.

ALL THESE ITEMS ARE ENCAPSULATED IN THE SLOGAN OR MOTTO OF THE ASAI, 'FIANT SECUNDUM DESCRIPTIONEM BONA' - LET THE PRODUCT ACCORD WITH ITS DESCRIPTION - WHICH BESPEAKS THE IDEAL OF THE ADVERTISING STANDARDS AUTHORITY FOR IRELAND.

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SECTION ONE

Chairman's Statement

CHAIRMAN'S STATEMENT



In the 40 years since the Advertising Standards Authority for Ireland was founded in 1981 by some of the then most far-seeing fathers of our industry, there have been many years in which challenges were real, varied, and unpredictable and had to be grappled with.

However, it is doubtful if any year threw up the extreme conditions that we have witnessed in 2020. Because of the pandemic of Covid 19, our worlds were, and continue to be, turned upside down when all normal and predictive thinking was thrown out the window. Working and communicating remotely became, and remain, the necessary norm.

It is my honour to pay tribute to everyone associated with the ASAI for their quite remarkable dedication, loyalty and supports during the past 12 months. We have managed to continue operating successfully with no interruption to our day-to-day operations and responsibilities.

This comes down to many things. First, the fact that we had, over the years, the wisdom to build a strong financial reserve to fund our emergency day-to-day requirements as income slowed and was predicted to drop to previously unseen and dangerously low levels. However, because of strong advertiser, agency and media relationships built up over many years, our income did not fall as predicted but stabilised, allowing us to record a satisfactory year-end outcome.

We availed of Government support systems for which we qualified. Obviously, these helped.

Secondly, the fact that we have an Executive with the experience and foresight to understand the various new problems as they arose and initiate plans to cope admirably, often at short notice.

During 2020, all members of our Board of Directors gave willingly of their time and input with no interruption to our scheduled meetings and our AGM. Equally, all members of our Complaints Committee were available, again with no alterations or losses to their calendar of required meetings. I would like to express the sincere thanks of the ASAI Board to Prof. Bairbre Redmond, Chairperson of the Complaints Committee, who is stepping down from her role in 2021. The ASAI has benefitted immensely from the broad breadth of experiences she has brought to the role. We wish her the absolute best for the future.

Similarly, our Finance Committee fulfilled their commitment for six meetings, again with no interruptions.

Our other working groups, studying and developing subjects which required many and varied intellectual skills and insights, were always available as required.

Our links and co-operations with the European Advertising Standards Alliance (EASA) were maintained and even strengthened by the election of our CEO, Orla Twomey, to the role of Vice Chairperson of EASA. Through EASA, and Orla's personal commitments, the start of a funding stream from the digital sector was realised. This enables us to encompass digital platforms more thoroughly than ever before.

I must also reiterate our appreciation for the support and co-operation of all our stakeholders during 2020. Accepting and acknowledging the stresses and strains they were all working under, nevertheless their commitment to the ASAI never wavered, always giving of their best endeavours through constant communications.

May I conclude my report by recording my thanks to our hands-on Executive, without whom the ASAI would be a very different organisation. The task of accepting the need to work remotely, re-calibrate mainframes and attend to their duties and obligations without quibble, is indeed noteworthy and most admirable.

While it is difficult to predict how 2021 will be, the one thing we can all be sure of is that 2020 has given us the opportunity to successfully leverage our extensive capabilities as the Irish advertising regulator. We have embraced the challenges and opportunities presented while continuing to thrive and flourish, always with a view to ensuring the highest standards of advertising for all stakeholders.

Thank you.

SEAN O'MEARA,
Chairman, Advertising Standards Authority for Ireland.

SECTION TWO

Highlights Summary

HIGHLIGHTS SUMMARY

The ASAI received 1,648 complaints during 2020, down 12.6% on the previous year. This decrease is marginal in the context of the severe economic, social and environmental impacts of the COVID-19 pandemic commencing in Q1, 2020 and continuing to year end. Notwithstanding the year-on-year variance, misleading complaints (68%) were found to dominate breach areas of the Code, consistent with prior years.

During the year, the ASAI, along with the European Advertising Standards Alliance (EASA), welcomed Google as the first corporate and Digital Pure Play member of the EASA and a partner of the ad self-regulatory (SR) network.

The ASAI also conducted research around consumer sentiment towards the influencer and blogger industry. This formed part of an ongoing dialogue with a continued focus on providing information and guidance in this area. Consumers' concern over lack of transparency in influencer marketing underpins the ASAI's drive to enhance transparency in this market.

With the publication of the General Scheme of the Online Safety & Media Regulation Bill in 2020, the ASAI continued to advance its agenda on the relevant impact and implementation of the AVMSD at local level. The organisation engaged with key stakeholders, particularly with the Broadcasting Authority of Ireland.

The ASAI's ongoing strategy in relation to its outreach across Public and Private sectors continued throughout the year. Engagement reflected the equal importance of stakeholders in both traditional and digital media.

2.1 - COMPLAINTS RESOLUTION

In 2020, the ASAI received 1,648 written complaints concerning 1,072 advertisements. This represents a decrease of 12.6% when compared to the number of complaints received in 2019. The number of individual advertisements that attracted complaints increased by just over 22% compared to the same figure for 2019 (1,072 compared to 1,382). One driver in the decrease in the number of complaints is likely to be the overall drop in advertising activity at times during 2020 due to the ongoing Covid-19 pandemic. Another factor, however, and a significant one, is that the ASAI revised the layout of the complaint form at the beginning of 2020 to inform complainants of material that was not within our remit. This resulted in Out of Remit Complaints dropping from 17% of the total complaints in 2019 to 11% in 2020.

At 1,072, the number of advertisements that received complaints is a very small proportion of the thousands of advertisements that were published during the year in all Irish media – TV, radio, online, newspapers, magazines, outdoor, brochures, leaflets and cinema.

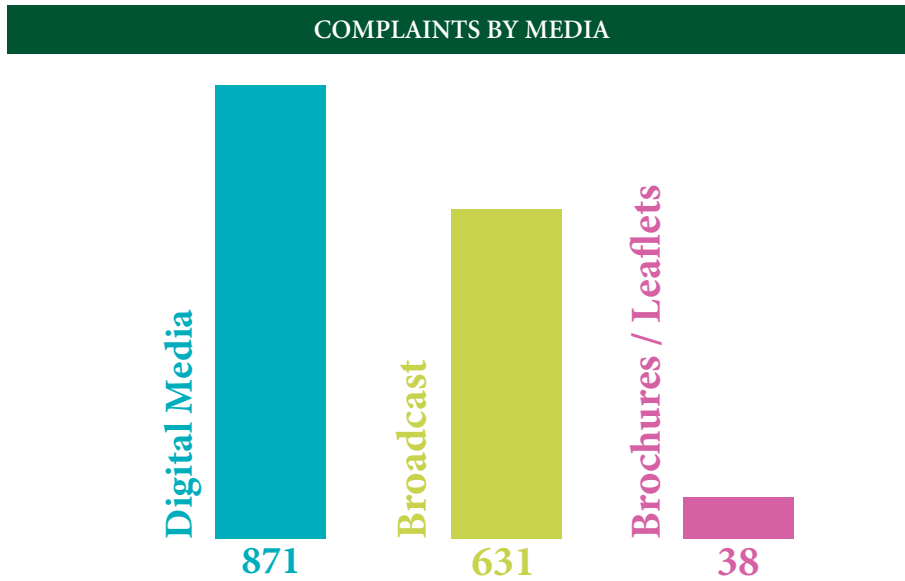
2.2 | GROUNDS OF COMPLAINT



Misleading Advertising	68%	■
General Rules	14%	■
Offence	12%	■
Other	6%	■



2.3 | TOP THREE COMPLAINTS



2.4 | COPY ADVICE

During 2020, 115 copy advice requests were submitted to the Executive. The number of requests, although lower than those received in 2019 (139), is similar to that received in 2018 and has generally been increasing each year. The ASAI has continued to promote the service to industry throughout the year as it is seen as an essential service that the ASAI can offer. A dedicated email address, copyadvice@asai.ie, was introduced for this service.



SECTION THREE

Overview of the ASAI

AN OVERVIEW OF THE ASAI

This is the 40th Annual Report of the Advertising Standards Authority for Ireland (ASAI) for the year 2020.

The ASAI is the independent self-regulatory body set up and financed by the advertising industry (advertisers, advertising agencies and media) and is committed to promoting the highest standards of advertising and sales promotion, in the public interest. The ASAI Code is supported by all major advertisers and agencies and all major media, including broadcast, outdoor, digital and the print media.

The ASAI, since its foundation in 1981, has built up an extensive body of expertise in the regulation of commercial advertising in all Irish media. The ASAI recognises the importance of continually ensuring that the remit of Code applies to all commercial marketing communications, including those in developing media. At its most basic, the Code's remit follows where marketing communications go.

In line with the continuous evolution of the form of marketing communications and the mediums in which they are placed, we have continuously and significantly expanded the jurisdiction of the ASAI. Apart from traditional media (cinema, out-of-home, print, radio and television) which have always been in scope, over the years editions of the Code have been extended to include email marketing, and marketing communications on advertisers' own websites, and paid-for and non-paid for advertising on third-party sites. The Code remit therefore includes marketing communications on third party non-paid-for space online, such as advertisers' own posts (and those of their brand ambassadors) on their social media platforms.

The 7th and current edition of the Code encompasses Online Behavioural Advertising (OBA). These rules provide for a high level of consumer transparency and choice regarding OBA.

Reflective of the ASAI's key and central role as the regulator for the advertising industry, we pride ourselves on our strong relationships with many key stakeholders. We engage with a multiplicity of cross-sectoral stakeholders, representative of the depth and breadth of the Code. Key areas currently include matters concerning children, food and non-alcoholic beverages, and health and beauty.

A significant part of the ASAI's work in upholding advertising standards is the resolution of complaints from consumers, competitors and interested parties. Such complaints also help to keep the ASAI informed of the current concerns

and societal shifts and trends regarding advertising.

In carrying out its function of enforcing the highest standards in advertising, the ASAI also carries out scheduled and structured monitoring. ASAI proactively supports advertisers and the advertising industry in publishing Code-compliant copy. We provide expert service through free, confidential and non-binding copy advice on the compliance of proposed advertising. This dedicated service is provided at copyadvice@asai.ie

ASAI proactively promotes its services, particularly to the industry and consumers, through prominent media channels. Such initiatives underpin a key objective in outreach activities in the pursuance of all marketing communications being legal, decent, honest and truthful.

3.1 | ASAI CODE

CODE OF STANDARDS FOR ADVERTISING AND MARKETING COMMUNICATIONS

The ASAI Code is based on the principles established by the International Chamber of Commerce (ICC), which promotes that all advertising and promotions must be legal, decent, honest and truthful and must be undertaken with a sense of social responsibility. On an ongoing basis, the work of implementing the provisions of self-regulatory codes is being enhanced and supported by the development of Best Practice Guidelines, in all areas of complaints examination, by the European Advertising Standards Alliance (see Section 4.4 European Connections for further information).

The ASAI Code's primary objective is to regulate commercial marketing communications in the interest of consumers ensuring that, so far as possible, all marketing communications are prepared with a sense of responsibility both to consumers and to society.

Knowledge of the Code amongst industry practitioners is a key element in maintaining the compliance levels with the Code.

In order to assist in the interpretation of the Code, the ASAI has developed Guidance Notes on:

- Alcohol Advertising
- Food and Non-Alcoholic Beverages Advertising
- Recognisability in Advertising
- Guidance Note on Non-Alcoholic Product Variants
- ASAI Guidance Note (Part 1) Mobile phone and broadband

These Guidance Notes are published on the ASAI website.

The FSAI Guidance Note on the Use of Food Marketing Terms, which supports Section 8 of the ASAI Code, is also published on the ASAI Website. This guidance was published by the FSAI following extensive food industry engagement and ASAI collaborated with the FSAI in its introduction.

The collaboration with the FSAI is consistent with the ASAI's approach to work with other regulatory bodies to achieve the best outcomes for the public and the advertising industry, ensuring that marketing communications do not mislead or offend, for the benefit of all.

3.2 | SCOPE OF THE CODE

It has always been the intention of the Code to follow where advertising goes. In recognition of continuously emerging innovations in the presentation of marketing communications, each Code review endeavours to set Code rules that are future proofed where possible. This ensures that all marketing communications, regardless of the platform, including industry innovation incorporating new technologies and digital marketing developments, are bound to comply with the standards set by the Code.

The Code summary extract below is indicative of the breath of media channels covered by the Code, designed in the interests of consumers in particular to promote high advertising standards being served in the broadest of contexts.

“The Code applies to marketing communications including the following:

Newspapers, magazines; posters in public places, digital screens; brochures, leaflets, emails texts.

Broadcast on television, radio, cinemas, DVD, Blu-ray.

Online advertisements in paid-for space (including banner or pop up advertisements and online video advertisements);

Paid-for search listings; preferential listings on price comparison sites; viral advertisements; in-game advertisements; commercial classified advertisements; advergames that feature in-display advertisements; advertisements distributed through web widgets and online sales promotions and prize promotions.
Promotional marketing and sales promotions.

Advertorials.

Advertisers' own websites, that are directly connected with the supply or transfer of goods, services, facilities, opportunities, prizes and gifts or which consist of direct solicitations for donations.”

DIGITAL ADVERTISING

The standards that apply in traditional media apply to marketing communications carried in digital media. The remit of the ASAI is very broad in this area and the ASAI continues to report that, with the exception of a small number of individual advertisers, all others are fully compliant when accepting the adjudications of the Complaints Committee or, indeed, advice from the ASAI Executive in relation to their digital marketing communications, including those on social media platforms. In the past number of years, influencers have come to the fore in fronting campaigns on behalf of advertisers and have, themselves, become digital publishers. While advertisers are ultimately responsible for their marketing communications, influencers acting as agents must comply with the Code rules also. Consequently, content that influencers publish which meet the criteria for determining what is marketing communication, is subject to the Code.

3.3 | THE ASAI'S REMIT, SERVICES AND SUPPORTS

POLICY

The ASAI works throughout the year on policy matters, most typically concerning interpretation and application of the Code towards emerging marketing communications and advertising content trends. Policy positions are grounded in standards, set out in the Code, underpinned by the aim that all marketing communications should be legal, decent, honest and truthful.

We engage with a broad spectrum of stakeholders, most particularly representative bodies, Government Departments and State Agencies, in the conduct of our regulatory tasks. These agencies include the Broadcasting Authority of Ireland (BAI), the Competition and Consumer Protection Commission (CCPC), the Commission for Communications Regulation (ComReg), the Food Safety Authority of Ireland (FSAI) and the Health Products Regulatory Authority (HPRA).

Allied to the ongoing exponential growth in digital marketing, online marketing and social media marketing, the ASAI increasingly seeks to deepen its strong relationships with global providers in this space.

ADVISORY CORPORATE SERVICES

The ASAI, whether proactively offering its expertise or on being approached, participates on external projects. The ASAI periodically contributes to developing and reviewing specific advertising standards in various sectors.

COMPLAINTS INVESTIGATION AND ADJUDICATION

The ASAI accepts complaints from any person or body who considers that a marketing communication may be in breach of the Code. All complaints are investigated free of charge.

COMPLAINTS PROCESS:

Individual Complainants, Competitive Complainants and Interested Parties

The identity of individual complainants remains confidential. Anonymous complaints are not pursued, and all complaints must be in writing through the online complaints form or by post (although a flexible approach is adopted for those who have specific challenges, for example literacy or for those with disabilities).

In the case of competitive complaints, the complainant must agree to their identity being disclosed in order for the ASAI to investigate the complaint. Competitive complaints are investigated where the interests of consumers are involved, however the ASAI is not an arbitration service for disputes between commercially interested parties.

Interested party complainants are deemed to have a particular interest in the complaint, such as an advocacy group, as distinct from competitive complainants or those acting as a consumer.

The ASAI Executive initially assesses complaints against the provisions of the Code and, where an investigation is warranted, will invite comments from the advertisers. Where a potential breach of the Code is identified or where a precedent case is involved, the matter may be referred to the Independent Complaints Committee for adjudication.

As noted in the Overview (page 11), ASAI is supported by all major media owners, including broadcast, outdoor, digital and the print media in Ireland. The media plays a pivotal role in contributing to upholding the highest standards in advertising. A principle of the ASAI's function is to have advertising removed or amended which may be in breach of the Code. An integral part of the successful implementation of this framework lies in the media agreeing to decline publication of advertising which has been found in breach of the Code by the ASAI's independent Complaints Committee.

COPY ADVICE

ASAI provides a valuable pre-publication copy advice service on proposed marketing communications' compliance with the Code. This service is available to all those involved with advertising – advertisers, their agencies and the media.

Copy advice is free and given on a confidential basis. The advice is non-binding on both the requester and on the ASAI; while the requester does not have to accept the advice of the ASAI Executive, neither does the Independent Complaints Committee, should the marketing communication subsequently come before them for adjudication. However, where the service has been utilised, marketing communications are less likely to contravene the Code in any substantial way.

MONITORING

The ASAI conducts monitoring exercises of individual marketing communications to assess compliance with the Code requirements. Such exercises can be conducted on specific media or a mix thereof and incorporates both traditional and digital media. They can also be focused on a particular industry or area of economic activity. Initially, this is carried out on an informal basis with the advertiser/promoter being asked for comments within a specific period.

Failure to respond to the Compliance Monitor's request for information may result in the matter being escalated to a formal investigation.

The ASAI Monitoring Service also monitors compliance with the adjudications of the Complaints Committee.

COMPLIANCE

Where a complaint is formally adjudicated upon by the Complaints Committee, the Executive takes appropriate steps to ensure that advertising found in breach of the Code is amended or withdrawn.

The Executive continues to experience an exceptionally high compliance level with adjudications, testament to the recognition of ASAI in championing the highest standards in advertising content.

AWARENESS, KNOWLEDGE ENHANCEMENT AND EMPOWERMENT

The ASAI strives to ensure that there is a high level of awareness of the role of and importance of standards in advertising.

The ASAI Executive is available to present to advertisers, agencies and media on the provisions of the ASAI Code and how they are applied with a view to

enhancing practitioner knowledge and empowering them in effective use of the Code.

MEDIA COVERAGE

Throughout the year, the ASAI received 100+ pieces of media coverage ranging across diverse areas within the ASAI's remit. In line with the extensive use of the internet and smartphones, the majority (70 pieces) of coverage was online, followed directly by national media (30 pieces), broadcast (15) and trade (15).

The ASAI has also continued to grow its social media presence. Digital platforms are leveraged by the ASAI as another information tool for connecting with key stakeholders. These platforms also provide an open forum for the public to engage with the organisation, in addition to more traditional means such as corporate email. The ASAI's communications strategies in these areas will continue to develop over time.



SECTION FOUR

Stakeholder Engagement

STAKEHOLDER ENGAGEMENTS

The Code has been developed primarily in the interests of consumers and society as a whole. As a consequence, ASAI has a long history of inclusiveness and collaboration through engagement with, and having due regard for, stakeholder interests. Full revisions of the Code are therefore subject to broad consultation, including public interest groups.

Interim reviews and revisions of industry/sectoral Code sections or section changes that may impact on one sector are the subject of consultation confined to key stakeholders.

Policy matters are considered by the ASAI with appropriate interest parties. ASAI's engagements are broad ranging, taking account of the gamut of sectors specifically covered by the Code. ASAI regularly engages with Government Departments and State agencies, such as the Competition and Consumer Protection Commission.

The exponential growth in digital advertising has led the ASAI to engage further with the associated platform providers. The equitable application of and support for the Code across all media, offline and online, is an imperative for the ASAI.

Broad consumer awareness of the Code and its application – primarily through complaints and adjudication precedents – has always been a priority for the ASAI. The continuing effectiveness of the Code facilitates the prevalence of high standards in advertising.

4.1 | INDUSTRY AWARENESS OF THE ASAI

The ASAI's effectiveness as a regulatory body depends on the practical and active support of advertisers, agencies and the media. The ASAI recognises the importance of ensuring that all of those employed in the relevant agencies and the media are aware of the ASAI and the Code.

The ASAI therefore continues to actively seek opportunities to present on the Code to key stakeholders, particularly those involved in the advertising industry, ensuring the widest awareness of the Code and its provisions.

4.2 | PUBLIC AWARENESS OF THE ASAI

The ASAI Code stipulates that it should be implemented primarily in the interests of consumers. Indeed, one of the primary functions of the ASAI – the examination of complaints – depends on the public being aware not only of the ASAI’s presence but also of its role. Consequently, public awareness of the ASAI is vital to its successful operation. In considering the role self-regulation might play in the future regulation of advertising, a high level of public awareness is also considered by the EU Commission to be of great importance.

The ASAI wishes to continuously increase levels of awareness of the organisation and, in particular, of the services it offers. This is done partly through the publication of the adjudications of the independent Complaints Committee, which are regularly carried in the media, in trade publications and on the ASAI website.

The ASAI frequently posts on Twitter and is increasing its profile on LinkedIn, with both platforms offering an opportunity to reach out and communicate with a wider audience.

4.3 | ASAI’S ENGAGEMENT HIGHLIGHTS IN 2020

UNSUBSTANTIATED OR MISLEADING CLAIMS ABOUT COVID-19

In the context of the first national lockdown in mid-March 2020 due to the Coronavirus (COVID-19) pandemic, ASAI reminded advertisers that any claims being made for products and services referring to Covid-19 should be adequately substantiated. The reminder was issued in early April after receiving complaints about a number of advertisements for products and services relating to Covid-19 on the grounds that they were misleading. While the number of complaints was not significant at that time, the ASAI considered that it was vital to remind all advertisers of the need to advertise responsibly and to avoid claims that undermine public health advice or exploit people’s anxieties. Further complaints were received throughout the year but represented a minor percentage across all complaint categories.

ASAI WELCOMED GOOGLE TO THE EASA NETWORK

ASAI welcomed Google as the first corporate member of the European Advertising Standards Alliance (EASA), and a partner of the advertising self-regulatory (SR) network. This new partnership with a well-established

and recognised advertising self-regulatory network demonstrates Google's commitment to responsible advertising.

In marking the significance of this development, ASAI noted that Google was the first digital pure play company to join the Alliance alongside 13 other industry associations representing the various stakeholders in the advertising ecosystem, which are all committed to ensuring responsible advertising and 28 advertising self-regulatory organisations (SROs), including the ASAI, which administer and enforce national advertising self-regulatory codes.

This network of independent consumer-facing SROs upholds high ethical standards in advertising by providing advice, monitoring compliance and handling complaints. This longstanding self-regulatory network promotes trust in advertising and helps to ensure that ads are legal, decent, honest and truthful.

Becoming a corporate member of EASA was equally welcomed by Google:

“Google is both delighted and honoured to become the first corporate member of EASA. We firmly believe that maintaining consumer trust in the ads they see online is vital for the future of our industry, as well as to keep the web open and affordable for everyone. EASA and its network of European ad regulators play an absolutely vital role in this effort. We look forward to supporting EASA to maintain high standards of safe, responsible digital advertising for European consumers, whilst its members continue to evolve to keep pace with our rapidly changing digital advertising ecosystem.”

Matt Brittin, President, EMEA Business and Operations at Google

In welcoming Google to the EASA network, ASAI said that the partnership will strengthen Google's collaboration with EASA's self-regulatory organisations, through which national advertising industries commit to protect consumers from misleading or otherwise inappropriate advertisements. Additionally, the partnership will help ensure EASA's network is stronger in rapidly changing times, including by tackling irresponsible advertising through the use of technology.

AUDIO VISUAL MEDIA SERVICES DIRECTIVE (AVMSD)

As recounted in previous Annual Reports, to take cognisance of the audiovisual media landscape which has changed significantly in recent years, the new AVMSD introduces a number of key changes to the original Directive (2010). While the existing Directive applied to TV broadcast and on-demand, the current AVMSD regulates 'video-sharing platform services' (VSPS).

The AVMSD retains the 'country of origin'¹ principle, and with many leading VSPs headquartered in Ireland, the Irish Government is at the forefront of

1: The AVMSD's rules are based on country of origin and therefore any video-sharing platform based in Ireland will fall under the Irish regulator's remit for all their content (that is covered by the directive) for the European Union

overseeing governance. The ASAI's existing remit in the online space includes marketing communications covered by the Directive for example that appearing on video-sharing platforms and on-demand services. With the new directive outlining a number of areas where self and co-regulation could be developed/ deepened, the ASAI is continuing to play an important role in discussing the frameworks to support advertising-related post-transposition arrangements.

The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media finalised the General Scheme of the Online Safety & Media Regulation Bill in 2020. The General Scheme sets out how the current responsibilities of the BAI, the provisions of the AVMSD and concerns/issues on harmful content online will be brought together into one organisation (the Media Commission).

The ASAI has continued its engagement with the Broadcasting Authority of Ireland on the implementation of the AVMSD at local level. Strategically, the ASAI considers that it can significantly contribute to a co-regulatory framework with the BAI.

The European Advertising Standards Alliance (EASA) is very active in this space and the ASAI has been working in close liaison with them on a consistent approach for advertising self-regulatory organisations (SROs) across the EASA member countries. In light of the impact of the AVMSD on the regulation of commercial advertising on VSPs, the ASAI continues to explore how the self-regulatory network at European level, under the EASA umbrella, could form an important integral part of the regulatory mix in relation to VSPs. With the EASA, ASAI presents the Self-Regulatory network in Europe and its coverage, which already showcases best practices regarding compliance monitoring and complaints handling and management, as an already existing solution for the resolution of consumer complaints about advertising and marketing communications.

The ASAI has also continued engagement with online platforms headquartered in Ireland on the transposition. The ASAI will again continue this important work into next year.

INFLUENCERS, BLOGGERS AND #DISCLOSURE

The advertising eco-system is a dynamic one, with new media and new participants continually evolving and engaging in the industry. Advertisers are co-creating content with individuals – people who have their own blogs, their own digital presence and their own social media followings.

Where the advertisers have direction over the content and where they provide compensation (either by payment or in kind), that content is, for the purposes of the Code, a marketing communication. It must therefore comply with all the

Code rules, including the rules for recognisability, principally that consumers should know when they are being advertised to.

Aware that influencers, not being part of the traditional advertising eco-system, may not have an in-depth knowledge of the Code, the ASAI has continued its ongoing focus on providing information and guidance in this area. The ASAI Guidance Note on Recognisability in Marketing Communications, which was launched in 2016, has since been promoted continually through our social media activity and has been shared and discussed with the Irish Bloggers Facebook Community. There has also been widespread media coverage of the Guidance Note.

The ASAI continues its engagement with influencers, advertisers, advertising agencies, blogger agencies and blogger management companies, to further embed the ASAI Guidance Note on Recognisability in Marketing Communications and the Code requirements generally, to ensure the highest possible standards of advertising in Ireland, regardless of the medium involved.

ASAI RESEARCH ON INFLUENCERS

The ASAI has periodically conducted research in different areas related to its service offerings. With the increase in influencer marketing becoming a more significant trend in the advertising ecosystem, the ASAI undertook research into consumer sentiment in this area. The research looked at the influencer industry in Ireland and revealed the impact on consumer behaviour and attitudes. The survey results were based on the views of 1,224 participants across a broad demographic, interviewed online and representative of the adult population.

Just over half (51%) of people in Ireland say they are concerned by a lack of transparency in influencer marketing. With transparency being a significant aspect of the ASAI's brief in seeking to maintain the highest standards in advertising, this statistic demonstrates the level of consumer concern in a growth marketing area. The concept of transparency is one that the ASAI continues to strongly promote amongst advertisers, and particularly in the growth area of influencer marketing.

The research found 57% of social media users find too much sponsored content annoying. Similarly, the majority of Irish adults (59%) find over edited photos 'annoying' as well as influencers who do not seem authentic or misrepresent real life (59%). Additional bugbears include influencers that misrepresent real life (59%), content that takes advantage of impressionable audiences (52%) and repetitive posts (49%). Perhaps surprising to some, 42% believe influencers to be more responsible with advertising that they were three years ago.

Nearly 3 in 4 people (73%) were familiar with the practice of influencer marketing, with a majority (80%) believing that when an influencer posts an advertisement, they were being paid by the brand to post positive content and that any mentions of a brand in a post means it is advertising (75%).

The research also provided insight into the efficacy of online advertising, with two thirds (66%) of social media users able to spontaneously recall hashtags or phrases such as #ad or #sp used to identify advertising content. The ASAI has previously introduced guidance on the ‘Recognisability of Marketing Communications’ – covering posts that have been sponsored and gifted – with strict guidelines around how influencer content should be flagged.

Commenting on the research at the time of its publication, the ASAI’s Chief Executive said:

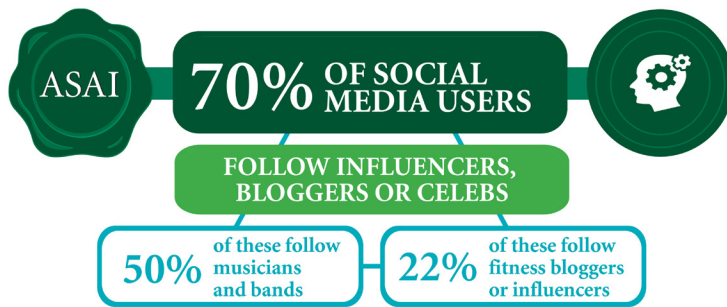
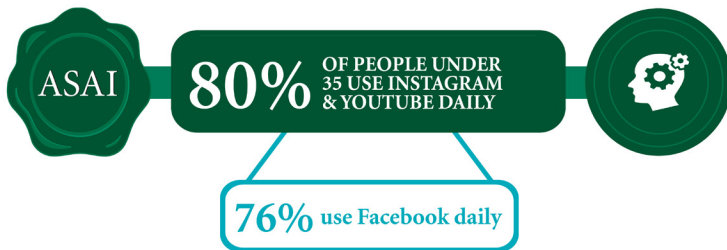
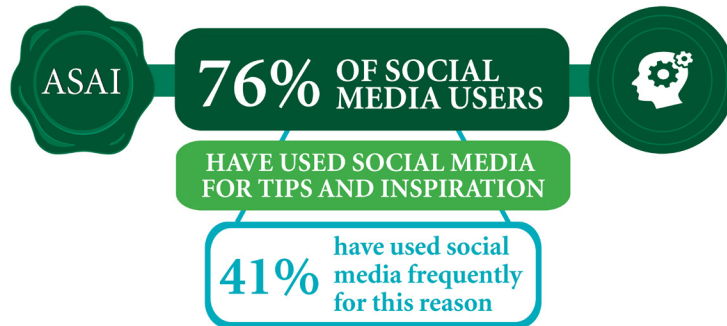
“Over the last number of years influencers have cemented their place in the digital advertising space and this is set to increase further this year and beyond. However, with power lies great responsibility as consumers are demanding more from the influencers they follow and trust. The report findings prove that if influencer marketing is to sustain and deliver desired ROI, trust and transparency needs to be established every step of the way, from influencer selection right through to campaign delivery.

“Although there has been vast improvement in recent years, influencers and brands alike will need to step up and build more authentic campaigns that resonate with the consumer as doing so will provide a more meaningful experience for all involved.”

RESEARCH METHODOLOGY:

The research was carried out by Amárach Research. Fieldwork took place from 21st – 23rd October 2020 with a sample of 1,224 participants.

SOME MORE FINDINGS FROM THE ASAI RESEARCH ON INFLUENCERS



4.4 | EUROPEAN AND INTERNATIONAL CONNECTIONS



Set up in 1992 by the ASAI and 15 other European advertising self-regulatory organisations, the European Advertising Standards Alliance (EASA) promotes responsible advertising through best practice in self-regulation, for the benefit of consumers and business. There are now 28 advertising self-regulatory organisations, 13 industry associations and 1 digital pure play company in membership of EASA, which is the unified voice for advertising self-regulation in Europe. Industry associations active in Europe form part of the membership.

EASA's lobbying work on policy at EU level is vital to the development and continuation of advertising self-regulation and, where appropriate, contributing to legislative and policy developments in these critical areas. It further supports the development of the system of advertising self-regulation through the drafting of best practice guidelines for all aspects of the work of advertising self-regulators.

Under the Cross Border Complaints system operated by the EASA, a complaint received by the ASAI, or other national advertising self-regulatory body, concerning an advertisement published in another member country is referred to the appropriate national regulatory body for consideration under their code. This ensures that a consumer can have redress in the case of misleading or offensive advertising originating anywhere in Europe.

The numbers of cross-border complaints across Europe are low, 337 (2020), 332 (2019), 193 (2018) over the past three years. However, it is a valuable resource for members of the public in any European country to have their complaints dealt with, regardless of where the advertising appeared.

ASAI plays an active role in the EASA with its Chief Executive a member of both the Board of Directors and its Executive Committee. The Executive Committee is responsible for the EASA's day-to-day management and policy decisions during the periods between meetings of the Board.

In 2020, ASAI's Chief Executive was appointed as the self-regulation organisation (SRO) Vice-Chair of the EASA. She is carrying out her role

as SRO Vice Chair in conjunction with her existing role at the ASAI. In her new additional role, the ASAI's CEO is working with her fellow Officers in promoting and supporting advertising self-regulation in Europe, with a focus on advertising technological and digital developments, particularly in the areas of minors' protection, sustainability, diversity and inclusion, transparency and privacy.



In 2016, the EASA's existing network of international Self-regulatory Organisations was developed into an International Council for Ad Self-Regulation (ICAS) – an international platform to promote effective advertising self-regulation worldwide.

The aim of the ICAS is to unite global Self-Regulatory Organisations (SROs) and international industry associations to form a powerful Council that will facilitate the establishment of new SROs in emerging markets, help empower them, and provide a platform to discuss and work on solutions regarding the global challenges faced by the advertising industry.

There are now 32 members in ICAS, including SROs from Europe, Asia Pacific, North America, South America and South Africa, along with the World Federation of Advertisers and other industry bodies. The ASAI is delighted to also support and be part of the initiative.



EASA AND ICAS ENGAGEMENT DURING THE COVID-19 PANDEMIC

The EASA membership would normally meet twice each year in Europe and the ICAS membership would meet annually, with the 2020 meeting due to have been held in the USA. ‘In person’ meetings were not possible during 2020 so both organisations developed a series of individual and joint webinars to support and inform the advertising self-regulatory networks at European and Global level.

The webinars covered a range of topics from two editions of the Webinar on Financial Models (one of which was moderated by ASAI’s Chief Executive) to webinars on EU policy issues and also the use of tech in advertising self-regulation and diversity in advertising.

FURTHER INSIGHTS ON AREAS COVERED IN THE WEBINARS ARE INCLUDED BELOW:

- Ensuring Responsible Advertising in COVID-19 Times
- Cross Border Complaints Workshop
- AVMSD Transposition
- EASA & ICAS Webinar: Financial Models for funding Self-Regulatory Organisations I and II
- Influencer Marketing and Pressure for Enhanced Disclosure
- Policy Workshop: European Digital Services Act Updates and Next Steps
- Google’s HFSS Policy Update
- European Green Deal: Impact for Advertising Self-Regulation
- Online EASA Self-Regulation Organisation’s Committee meeting I and II
- Google-ICAS Webinar: Promoting global trust in digital advertising
- EASA & ICAS: Diversity and Inclusion in the Advertising Industry and the Self-Regulatory Network
- ICAS Webinar: Self-Regulation Organisation in Focus: The USA Self-Regulatory Model
- Technology for Good: employing Artificial Intelligence, machine learning and other automated tools for innovative SR solutions

In addition to the formal webinars, six informal video calls were arranged which allowed members of the EASA and ICAS to discuss and share information,



or to ask advice from their peers. These video calls increased the level of support and deepened the relationship between the members who would normally only meet once or twice a year.

The European Interactive Digital Advertising Alliance (EDAA)

is responsible for the administration and granting of licences for the use of an interactive icon to businesses involved in data-driven advertising across Europe operating in the delivery of Online Behavioural Advertising (OBA). The EDAA's principal purpose is to provide the 'AdChoices Icon'. Through use of the icon, consumers can obtain information on data collection and how it can be controlled.

EDAA was founded in 2012 by a broad coalition of Brussels-based pan-European associations in the digital advertising space. EDAA and its governing associations - representing the entire online advertising ecosystem - continue to provide meaningful self-regulatory solutions towards enhancing consumer trust in data-driven advertising.

Through its 140 participating companies in the EDAA Programme, 2020 saw over 150 billion AdChoices Icons delivered to European consumers, linking to www.youronlinechoices.eu, a Consumer Choice Platform available in 33 markets and 27 languages, and seen millions of times annually. Here, consumers can obtain information on data collection and how it can be controlled, find out about their online ad choices, how online advertising is used to support the sites and services they use and how they can manage their online ad preferences.

EDAA has also conducted a multi-market consumer research, recently publishing its [European Advertising Consumer Research Report 2021](#), to explore consumer attitudes and perceptions towards online advertising and how these change when presented with the tools enabled by the European Self-Regulatory Programme. The research showed substantial gains in consumer awareness, engagement and favourability towards the AdChoices Icon and YourOnlineChoices.eu across all European markets, and demonstrates how the Programme continues to meaningfully build trust with consumers.

Most notably for Ireland, awareness of the AdChoices Icon accompanied by AdMarker has shown great results. In fact, in 2020 Ireland was leading the field out of all ten surveyed markets, with one in two Irish respondents having recognized the Icon when accompanied by AdMarker. This represents a solid hike (12 percentage points) from 2016 in terms of awareness.

Not only is awareness of the AdChoices Icon high in Ireland, results regarding understanding of what it does are equally encouraging. Most respondents on the Irish market correctly identified the role of the Icon, yet another improvement from 2016 when the correct answer had not been the top choice.

As with all other markets, in Ireland too the AdChoices Icon and the information and options it presents users with through the [YourOnlineChoices](#) platform has a marked positive impact on the trust of end users towards websites, brands, and overall transparency in digital advertising. Data-driven advertising (or OBA) also sees a boost to favourability in the presence of the AdChoices Icon. 48% of respondents in Ireland attest to this, up from 26% respondents in the market who stated that they are strongly in favour or somewhat in favour of OBA practices.

Launching a brand new initiative, in 2020 the EDAA also brought new educational material about data-driven advertising to schools and teachers across the UK in partnership with MediaSmart, to complement media literacy efforts. The EDAA will be looking to a broader European roll out of this exciting new programme in 2021 with local support and partners. You can find out more about this [here](#).

EDAA is also in advanced stages of reshaping how self-regulatory mechanisms will continue to play a critical and positive role in supporting consumers and companies to navigate their digital rights and responsibilities in today's self-regulatory landscape.

Find out more on EDAA's activities [here](#).

SECTION FIVE

Code Implementation

5.1 | 2020 COMPLAINTS UNDER THE CODE

In 2020, the ASAI received 1,648 written complaints concerning 1,072 advertisements. This represents a decrease of 12.6% when compared to the number of complaints received in 2019. The number of individual advertisements that attracted complaints increased by just over 22% compared to the same figure for 2019 (1,072 compared to 1,382). One driver in the decrease in the number of complaints is likely to be the overall drop in advertising activity generally during 2020 due to the ongoing Covid-19 pandemic. Another factor, however, and a significant one, is that the ASAI revised the layout of the complaint form at the beginning of 2020 to inform complainants of material that was not within our remit. This resulted in Out of Remit Complaints dropping from 17% of the total complaints in 2019 to 11% in 2020.

At 1,072, the number of advertisements that received complaints is a very small proportion of the thousands of advertisements that were published during the year in all Irish media – TV, radio, online, newspapers, magazines, outdoor, brochures, leaflets and cinema.

	2020		2019		2018	
	Complaints	Ads	Complaints	Ads	Complaints	Ads
Carried forward from previous period	487	416	504	420	569	349
Received during period	1,648	1,072	1,886	1,382	1,682	1,185
Resolved in Period	1,614	1,104	1,903	1,386	1,747	1,114
Brought forward to next period	521	384	487	416	504	420

HOW COMPLAINTS ARE DEALT WITH

After an initial evaluation, and investigation where appropriate, complaints are either dealt with informally by the ASAI Executive or submitted to the Independent Complaints Committee for formal adjudication. The decision on how the complaint will be processed depends on whether or not the marketing communications in question are likely to be in breach of the provisions of the Code. Most complaints are suitable for dealing with informally, using well-established and recognised procedures. The Complaints Committee reviews a sample of complaints dealt with informally by the Executive at each Committee meeting. Further details on the complaints dealt with by the independent Complaints Committee are set out in the section of this report on the Complaints Committee.

When a significant number of complaints is received about one advertisement on the same grounds, for example, that the advertising is misleading or offensive, the ASAI Executive will assess whether further complaints on the same basis can inform the decision-making process. If it considers that further complaints on the same basis are not necessary, an information notice to that effect is posted on the ASAI website. The ASAI is aware of the need to balance the understandable desire of consumers to have their individual complaint heard with the need for the effective use of available resources.

RESOLUTION OF COMPLAINTS

	2020		2019		2018	
	Complaints	Advertisements	Complaints	Advertisements	Complaints	Advertisements
<u>Additional information requested but not provided</u>	251	236	337	329	242	233
<hr/>						
<u>Out of Remit</u>						
Media/matter out of remit	148	117	272	147	220	129
Cross-border complaint	35	35	43	42	26	26
	183	152	315	189	246	155
<hr/>						
<u>Preliminary Assessment of Advertisement</u>						
Complaint withdrawn	14	14	23	23	20	20
More appropriate for another Body	9	7	17	17	40	22
No basis under Code	444	365	438	381	338	286
No evidence of offence	46	36	68	55	61	42
Previously adjudicated	108	22	79	30	42	29
	621	444	625	506	501	399
<hr/>						
<u>Investigation by Secretariat</u>						
Formal - Referred to Complaints Committee	191	75	248	123	343	83
Informal - Resolution by Secretariat	368	302	378	334	415	356
	559	377	626	457	758	439
<hr/>						
TOTAL	1,614	1,209	1,903	1,481	1,747	1,226

One of the features of the ASAI system is that an advertisement can be the subject of different categories of complaint.

For example, in the case of one advertisement, six complaints were submitted to the Complaints Committee but were not upheld, while a further six complaints about the same advertisement were received after the Committee adjudicated on the advertisement and the complainants were advised that the Committee had found that the advertisement was not in breach of the Code. In this case, the advertisement was recorded in 'Preliminary assessment of advertisement – Previously adjudicated' and 'Formal – referred to the Complaints Committee'.

GROUNDS OF COMPLAINT

In 2020, as in previous years, the main area of complaint related to advertising being misleading. 68% of the Code sections raised were those with a provision relating to misleading advertising.

The general rules of the Code which relate to areas such as responsibility, portrayal of persons in advertising, recognisability of advertising, depictions of unsafe practices and anti-social behaviour, gave rise to 14% of complaints with those relating to offence at 12%.

However, there is a wide range of other issues covered by the Code provisions that were raised by members of the public, including concerns about promotional marketing practices, food and non-alcoholic beverages, health & beauty, e-cigarettes, children, alcohol advertising, slimming, gambling, environmental claims, financial services and products, online behavioural advertising, distance selling and employment advertising.

Misleading Advertising 68% **General 14%**
Other 6% **Offence 12%**



COMPLAINTS BY SECTOR

The sectoral areas attracting complaints are set out in this table.

SECTOR	2020	2019	2018
HEALTH & BEAUTY	308	230	166
TELECOMMUNICATIONS	201	139	193
LEISURE	142	172	222
TRAVEL/HOLIDAYS	131	170	102
HOUSEHOLD	110	104	100
FOOD & BEVERAGES	105	137	289
MOTORING	83	161	100
CLOTHING/FOOTWEAR	76	102	80
NON-COMMERCIAL*	63	170	158
FINANCIAL	49	107	75
ALCOHOL	41	31	26
PROPERTY	30	27	17
PUBLISHING	24	44	12
BUSINESS	23	26	37
COMPUTERS	13	15	18
EMPLOYMENT/ BUSINESS OPPORTUNITIES	13	6	9
EDUCATION	7	48	11
AGRICULTURE	4	3	9
TV/AUDIO/VIDEO	4	8	20
MISCELLANEOUS	187	203	103
	1,614	1,903	1,747

*Examples of 'Non-Commercial' includes advertising for not-for-profit bodies that does not have a commercial element (such as charity advertising with no fundraising element) or advertising by other organisations advocating on policy issues.

INTRA-INDUSTRY COMPLAINTS

Advertisements must not only be legal, decent, honest and truthful, but must also respect the principles of fair competition generally accepted in business. Section 4.34 of the ASAI Code states that: “Marketing communications should not unfairly attack, discredit or denigrate other businesses or their products, trademarks, trade names or other distinguishing marks.”

While comparisons are allowed (for example, between an advertiser’s goods or services and those of competitors) they must be fair and the consumer must not be misled.

Generally, competitor complaints are made under the Code rules relating to substantiation, truthfulness, prices, comparisons and denigration.

In 2020:

- 21* complaints were carried forward
- 33 complaints were received
- 31 complaints were resolved and
- 23 complaints were brought forward to 2021

*Three complaints which had previously closed were subsequently reopened.

The Complaints Committee formally adjudicated upon seven complaints relating to seven different advertisements, six of which were found to have breached the Code rules.

MEDIA COMPLAINTS BY MEDIA

	2020	2019	2018
Digital Media	871	976	948
Broadcast	631	552	516
Brochures/Leaflets	38	63	58
Outdoor	36	226	350
Print	34	80	91
Direct Marketing	23	61	49
Cinema	4	4	12
Other	44	59	95
	1681	2021	2119
Broadcast	631	552	516
Radio	113	178	159
Television	518	374	357

MEDIA TOP 4



Digital Media 52% Broadcast 38%

Outdoors 2% Brochure / Leaflets 2%

The number of media mentioned in relation to complaints is greater than the number of complaints in the year. This is because complainants often mention multiple media when they describe where they saw or heard the marketing communication concerned. ASAI captures all the media they mention.

In 2020, following the trend evident in earlier years, digital media gave rise to the largest block of complaints. As a proportion of all complaints, it has been increasing steadily; in 2010, it represented 22% of total complaints compared to 52% in 2020. A feature however of 2020 was the Covid-19 pandemic which impacted negatively on the volume of commercial advertising published and we can particularly see the effect of this through the number of complaints received about advertising carried on Outdoor platforms as well as in Print, Brochures/Leaflets and Direct Marketing.

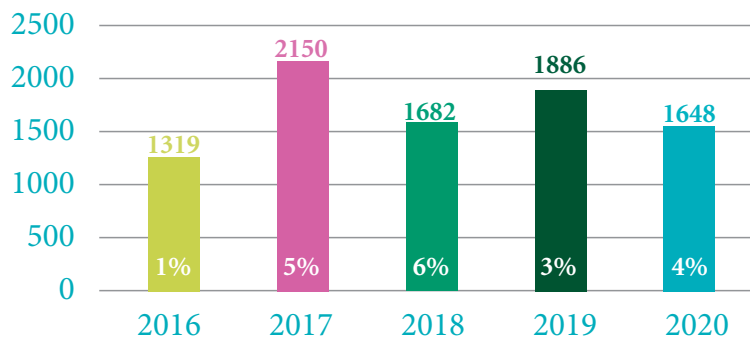


INFLUENCER MARKETING

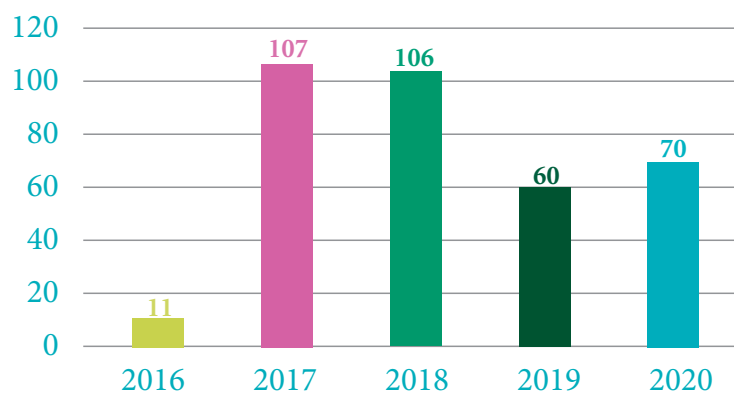
Included in Digital media are complaints about influencer marketing. As noted earlier in this report, the ASAI has been engaging with influencers, advertisers, advertising agencies, blogger agencies and blogger management companies to ensure the highest possible standards of advertising in Ireland, regardless of the medium involved.

The following charts show the number of complaints received about influencer marketing since 2016 and what percentage they are of the total number of complaints received in each year. While growing from a very low base (it was actually zero in 2015), the number of complaints received are low when compared to the total number of complaints received each year.

TOTAL COMPLAINTS AND PERCENTAGE OF INFLUENCER MARKETING COMPLAINTS

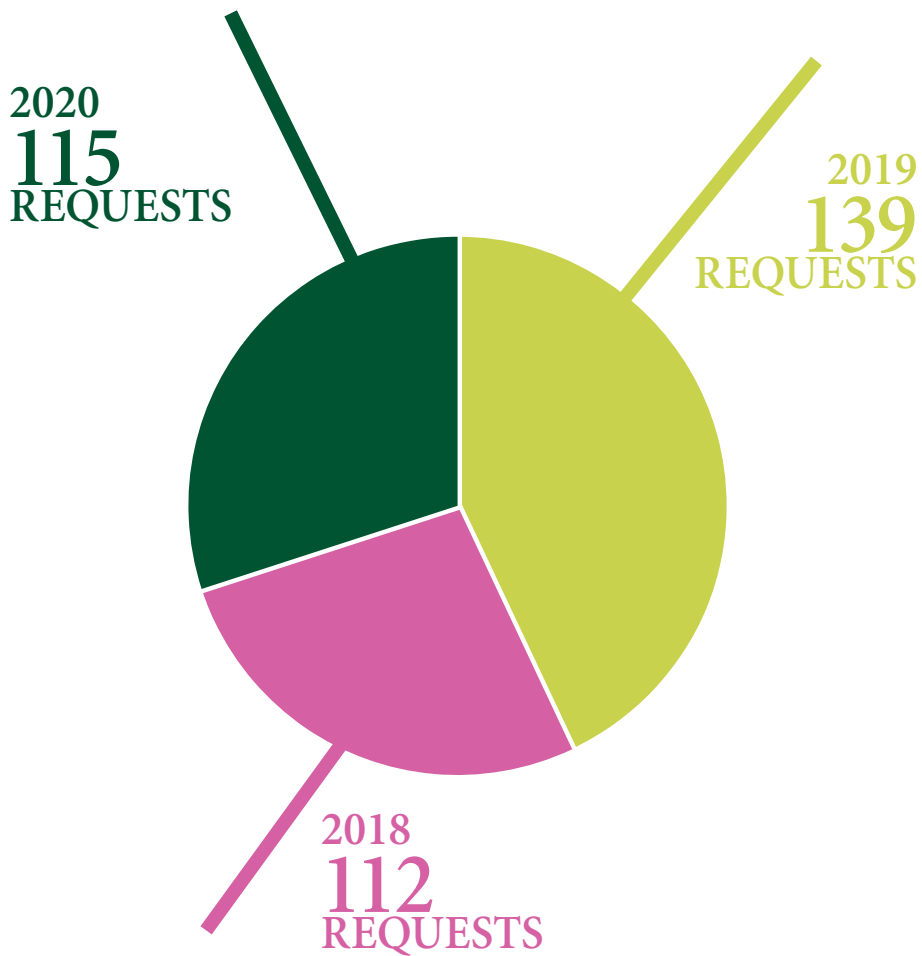


COMPLAINTS ABOUT INFLUENCER MARKETING



5.2 | COPY ADVICE

During 2020, 115 copy advice requests were submitted to the Executive. The number of requests, although lower than those received in 2019 (139) is similar to that received in 2018 (112) and has generally been increasing each year. The ASAI has continued to promote the service to industry throughout the year as it is seen as an essential service that the ASAI can offer. A dedicated email address, copyadvice@asai.ie, was introduced for this service.





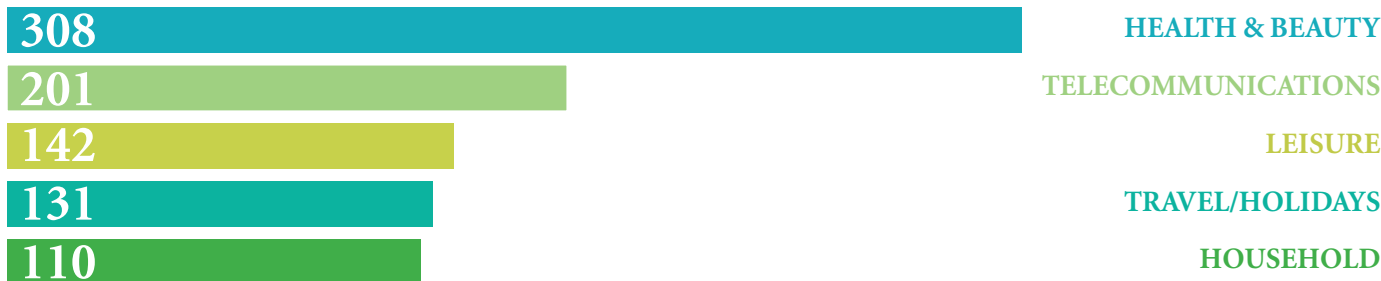
1,614
FORMAL COMPLAINTS
RESOLVED
IN 2020

63
ADVERTISEMENTS
FOUND TO BE
IN BREACH
OF THE ASAI CODE

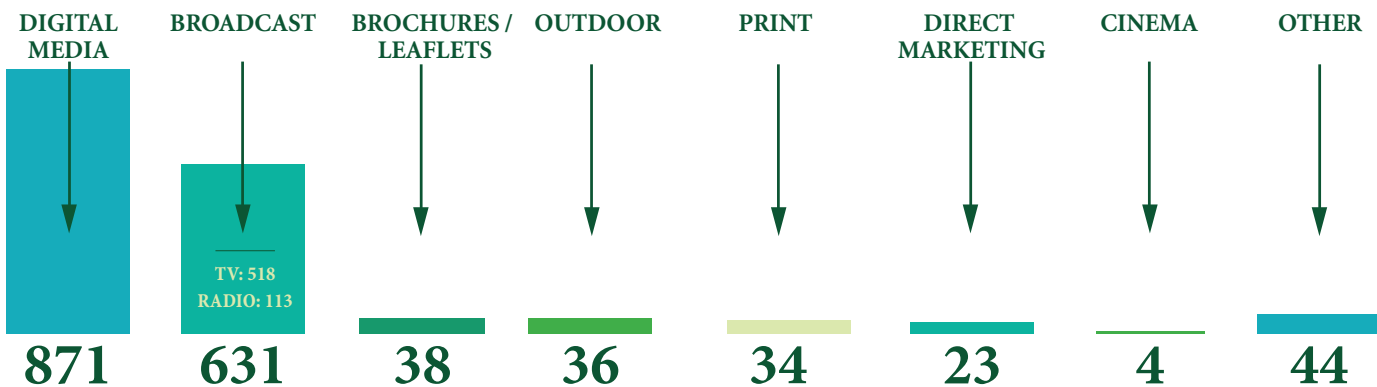
68% OF ALL COMPLAINTS made on the basis that an advertisement was **MISLEADING**

12% OF ALL COMPLAINTS made on the basis that an advertisement was **OFFENSIVE**

TOP 5 SECTORS of advertising which raised concerns for the public



COMPLAINTS BY MEDIA



SECTION SIX

Structure of the ASAI

6.1 | THE STRUCTURE OF THE ASAI



The work of the ASAI is centred on the ASAI Code.

There are four constituent parts: the Board of Directors, the independent Complaints Committee, the independent Review Panel and the Executive. Each has clearly defined responsibilities and duties.

The Board, as well as being responsible for the governance and finances of the ASAI, own the Code of Standards on behalf of the industry; they are responsible for ensuring that it is up-to-date and relevant. They do not have any role, however, in deciding on whether a breach of the Code has occurred. That is the role of the independent Complaints Committee who assess compliance with the Code and adjudicate on complaints submitted to it by the Executive of the ASAI.

Details of Board Members 2020 are given on page 45.

The Complaints Committee comprises a blend of persons with and without a background in the industry. The structure of the Committee ensures that the majority of members are not employed in, nor have a background in, the advertising industry. These non-industry members have an interest and expertise in relevant areas such as consumer protection, child and adolescent welfare, the sciences, and community issues. The Committee at present comprises an independent Chairperson and twelve members. The composition of the Complaints Committee and the participation of the independent members ensures the objectivity of the complaint investigation procedure and provides assurance that the system is operated with special regard to the interests of consumers. The members of the Complaints Committee, each acting in an individual capacity, consider each case on its merits taking account of the characteristics of the likely audience, the media by means of which the marketing communication is communicated, the location and context of

the marketing communication, the nature of the advertised product, and the nature, content and form of any associated material made available or action recommended to consumers.

The current Complaints Committee includes academics, social workers, public servants and representatives from the advertising industry. The majority of Committee members are independent of the advertising industry. The Committee is chaired by Professor Bairbre Redmond, Provost of Universitas 21.

The adjudications are enforced through the co-operation of the media members of the ASAI whom we regard as the ‘gatekeepers’ for the Code. Media members should not carry advertisements that are in breach of the ASAI Code. Details of the adjudications are regularly carried in the media and on our website (www.asai.ie).

The Review Panel can, on request by one of the parties to a complaint, review a decision of the Complaints Committee where they consider whether the application for review meets specific criteria (further information is available on page 54).

The Executive and the staff of the ASAI service the Board, the Complaints Committee and the Review panel. They are responsible for implementing the Board strategy, defining and shaping Policy within the remit and spirit of the Code and managing operations. Operations include the vital role of assessing complaints to determine whether a case for investigation exists and, where it does, seek comments from the advertisers and, where appropriate, bring cases to the Complaints Committee for formal adjudication.

The Executive also provides copy advice on proposed advertising and carries out the ASAI’s monitoring programme to ensure compliance with the Code.

6.2 | ASAI BOARD MEMBERS 2020

CHAIRMAN: Sean O'Meara

ADVERTISER MEMBERS

BARRY DOOLEY
Chief Executive,
AAI

EWIN DOYLE
Director of Marketing
and Innovation,
Glanbia Consumer
Foods

DEREK LIDDY
Head of Online,
Horseware Ireland
Joined April 2020
Resigned December 2020

AIDAN POWER
Director of Customer
Brand & Marketing,
KBC Bank
Resigned April 2020

AGENCY MEMBERS

KYLA O'KELLY
Director,
Javelin Advertising

KATE O'LEARY
Managing Partner,
Mindshare Ireland

CHARLEY STONEY
Chief Executive,
IAPI

DAVE WINTERLICH
Chief Strategy Officer,
Dentsu Aegis

MEDIA MEMBERS

COLIN LEAHY
Managing Director,
Exterion Media

ANN MARIE LENIHAN
Chief Executive,
Newsbrands Ireland

SUZANNE MCELIGOTT
Chief Executive,
IAB Ireland

JOHNNY O'HANLON
Director,
Local Ireland

ANTONY WHITALL
Commercial Head –
TV Operations,
RTE

SCOTT WILLIAMS
Group Content Director,
Wireless Group

SECTION SEVEN

Complaints Committee

7.1 | CHAIRPERSON'S STATEMENT



Bairbre Redmond, Chairperson, Complaints Committee

I have great pleasure in presenting my report as the independent Chairperson of the Complaints Committee. 2020 was, by any measure, an extraordinary year when remote and paperless working became the norm for many of us. I am very pleased to report that the new ways of working were embraced by both the ASAI Executive and the Complaints committee members ensuring the Committee could continue its work in adjudicating on complaints about advertising.

The Committee formally considered 75 advertisements during 2020. In addition, over 50 complaints dealt with by the Executive were reviewed by the Committee. The actual number of advertisements assessed by the ASAI in 2020 was 1,104.

The number of advertisements submitted to the Committee in 2020 for adjudication was lower than that in the previous year. However, each case is assessed on its own merits, and the number of advertisements sent to the Committee by the Executive is determined by the requirement for adjudication rather than achieving a particular target.

I want to pay particular thanks to the members of the Complaints Committee who not only carry out their work in a considered and objective manner, but also for bringing a range of important professional skills to the adjudication process. The majority of the Committee is comprised of non-industry members and, as Chair, I am fortunate to be able to draw on expertise in areas such as child and adolescent health, microbiology, consumer affairs, and national and international policy making. These skills are complemented by the considerable experience provided by the industry

members. The strength and breadth of experience that members individually and collectively bring have contributed to the hallmarks of the consistent sound decision making of the Committee over the year. The Committee members all give their time voluntarily in order to uphold high standards in Irish advertising.

While I had intended for 2019 to mark my final complete year of being associated with the Complaints Committee, I was happy to support the ASAI's request that I remain in place in 2020 and will be stepping down in 2021. I have highly valued my association with the ASAI and found the engagement and work very fulfilling over the years. I will miss this interaction greatly and wish my successor every success in this important role that, in particular, seeks to protect the interests of consumers.

Finally, as always, I would also like to thank the Executive and the Board of the ASAI for their work and support in the last year.

BAIRBRE REDMOND

Chairperson, Complaints Committee

7.2 | THE ROLE OF THE COMPLAINTS COMMITTEE

The role of the independent Complaints Committee is:

- (a) To consider and adjudicate on complaints submitted by the public, by a member of the ASAI, by a government department or by any other person, or body of persons, in the light of the ASAI Code.
- (b) To initiate corrective action where necessary and to issue appropriate directives.
- (c) To notify the Board of the ASAI when the corrective action or directive is not complied with or is ignored.

The Complaints Committee may vary in size from 11 to 15 members, including the independent Chairperson. It comprises people with a background in advertising and others with no connection with the industry. The composition of the Complaints Committee is designed to ensure the objectivity of the complaints investigation procedure and to provide assurances that the system is operated with special regard for the interests of consumers. The members of the Committee act in an individual capacity and consider each case put before them on its particular merits in the light of the requirements of the ASAI Code.

Members of the Complaints Committee are set out on page 52

While the Executive of the ASAI may resolve cases informally when the circumstances do not justify or require referral to the Complaints Committee, the Committee retains the right to review any of these cases and to request that they be put before them for adjudication.

The Complaints Committee met formally eight times during 2020. The Committee's adjudications are published regularly in the media and are posted on the ASAI website.

7.3 | ANALYSIS OF ADJUDICATIONS BY THE COMPLAINTS COMMITTEE

Of the 75 advertisements considered by the Committee, complaints in relation to 63 were upheld and 11 were found not to be in breach of the provisions of the Code. As in previous years, the principal reason advertisements were found to be in breach of the Code was because they were considered to be misleading. In the case of one advertisement, the Committee decided that it was more appropriate to make a statement providing advice/guidance or indeed warnings for advertisers in relation to future campaigns.

RESOLUTION OF COMPLAINTS BY COMPLAINTS COMMITTEE

	<u>2020</u>		<u>2019</u>		<u>2018</u>	
	<i>Complaints</i>	<i>Ads</i>	<i>Complaints</i>	<i>Ads</i>	<i>Complaints</i>	<i>Ads</i>
SUBMITTED TO THE COMMITTEE	191	75	248	126	343	83
Upheld/In Breach	173	63	204	106	312	72
Not Upheld/Not in Breach	17	11	44	20	31	11
Statement	1	1	0	0	0	0

INVESTIGATED ADVERTISEMENTS AND OUTCOME BY SECTOR

SECTOR	INVESTIGATED	IN BREACH	NOT IN BREACH	STATEMENT
HEALTH & BEAUTY	17	15	2	
LEISURE	11	8	3	
TELECOMMUNICATIONS	9	7	2	
HOUSEHOLD	8	7	1	
FOOD & BEVERAGES	7	6	1	
CLOTHING/FOOTWEAR	5	5		
MOTORING	5	2	2	1
ALCOHOL	3	3		
AGRICULTURE	1	1		
COMPUTERS	1	1		
EDUCATION	1	1		
EMPLOYMENT/ BUSINESS OPPORTUNITIES	1	1		
FINANCIAL	1	1		
MISCELLANEOUS	5	5		
TOTAL	75	63	11	1

7.4 | MEMBERS OF THE ASAI COMPLAINTS COMMITTEE 2020

CHAIRPERSON: Prof. Bairbre Redmond

NON-INDUSTRY MEMBERS

Ms. LISA GARAVIN
Social Worker

Mr. LES KENNEDY
Retired Civil Servant

Mr. TOM MORGAN
Senior Investigator,
Office of the Ombudsman

Ms CLARE MULCAHY
Senior Consumer Protection Manager,
Competition and Consumer
Protection Commission

Mr. MICHAEL O'KEEFE
Chief Executive,
Broadcasting Authority of Ireland

Prof. DERMOT WALLS
Associate Professor,
DCU

INDUSTRY MEMBERS

Ms. LISA BUCKLEY
Communications & Marketing
Manager,
Newsbrands Ireland

Mr. DECLAN FAHY
Sales & Business Manager,
HoloToyz

Mr. FINBARR HAYES
Account Director,
Javelin Group

Ms. DENISE MANNING
Adclearance
RTE

Ms. EDEL McCABE
Director,
Publicis Dublin

Ms. KATE SCOTT
Group Marketing Manager,
Monaghan Mushrooms

SECTION EIGHT

Review
Panel

REVIEW PANEL

The ASAI Review Panel comprises a Chairman and two ordinary members. The Chairman of the panel is independent of the advertising industry and the ASAI. One ordinary member has a background in the advertising industry and the second ordinary member has a consumer background.

Parties to a complaint may seek a review of a decision of the Complaints Committee. The Review Panel will consider whether the application for review meets specific criteria on one of the following three grounds:

- New, fresh or additional relevant evidence has become available, which could have a significant bearing on the Decision concerned (in such cases, an explanation as to why such evidence was not previously available and/or provided, will be required).
- The Decision concerned was clearly and manifestly in error having regard to the provisions of the Code, was wholly irrational, or clearly made against the weight of the evidence before the Complaints Committee at the time of the making of the Decision.
- There was a substantial flaw in the process by which the Decision was reached.

The Review Panel can refer the case back to the Complaints Committee for reconsideration by the Committee. The Committee have the final decision as to whether an advertisement is in breach of the Code or not.

The grounds on which a review can be requested and the procedures involved are fully set out in Appendix IV of the Code.

In 2020, there were no requests for review, compared to two requests regarding one case received in 2019.

8.1 | REVIEW PANEL MEMBERS 2020

PAT WHELAN
Chairman

MARY McLOUGHLIN
Ordinary Member
Consumer background

TERRY LEONARD
Ordinary Member
Advertising industry
background

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