



Advertising Standards Authority for Ireland

ANNUAL REPORT

41st Annual Report 2021



CONTENTS

1. CHAIR'S STATEMENT	04
2. HIGHLIGHTS SUMMARY	07
2.1 Complaints Resolution	09
2.2 Grounds of Complaint	09
2.3 Top Three Complaints	10
2.4 Copy Advice	10
3. OVERVIEW OF THE ASAI	11
3.1 ASAI Code	13
3.2 Scope of the Code	14
3.3 The ASAI's Remit, Services and Supports	15
4. STAKEHOLDER ENGAGEMENTS	19
4.1 Industry Awareness of the ASAI	20
4.2 Public Awareness of the ASAI	21
4.3 ASAI's Engagement Highlights in 2021	21
4.4 European Connections	28
5. CODE IMPLEMENTATION	33
5.1 2021 Complaints Resolution	34
5.2 Copy Advice	42
5.3 Complaints Infographic	43
6. THE STRUCTURE OF THE ASAI	44
6.1 The Structure of the ASAI	45
6.2 ASAI Board Members 2021	47
7. COMPLAINTS COMMITTEE	48
7.1 Chairperson's Statement	49
7.2 The Role of the Complaints Committee	51
7.3 Analysis of Adjudications	52
7.4 Members of the ASAI Complaints Committee 2021	54
8. REVIEW PANEL	55
8.1 Review Panel Members 2021	56

SECTION ONE

Chair's Statement

CHAIR'S STATEMENT



Suzanne McElligott, Interim Chair

ASAI celebrated its 40-year anniversary in 2021. From initial beginnings on Kildare Street, Dublin, the ASAI has developed and evolved to being recognised for its strong standards and expert knowledge on advertising regulation. Equally, ASAI is regarded as a key player alongside relevant State and private sector organisations operating in this space. Plans to mark the 4th decade milestone were hampered by the ongoing COVID pandemic, however I am pleased to highlight below significant developments throughout the year.

With the economic impact of the COVID pandemic resulting in a contraction of advertising spend in 2020, the industry experienced a recovery to pre-pandemic levels in 2021. ASAI has experienced a corresponding reduction in advertising complaint levels over the pandemic period, compared to the immediate prior years, even with the recovery in advertising activity. Fostering consumer confidence and trust in advertising offline and online continues as a core objective of ASAI. A robust complaints mechanism for consumers to challenge advertising content remains an imperative for the industry and for ASAI to facilitate and support.

Symptomatic of the ongoing exponential growth in digital marketing, ASAI has invested in empowering the influencer market through ASAI Code compliance, knowledge and support. This is particularly important given the ASAI survey findings that effectively half of survey participants conveyed that they were concerned by a lack of transparency in influencer marketing, which must be considered to be a high level of concern by any standards. However, considering the growth in this area, it is encouraging to find that, in real terms, related advertising complaints in 2021 did not experience any meaningful increase in comparison to prior years.

ASAI's flexibility has been pivotal in introducing new guidelines encompassing additional and important rules for High, Fat, Salt and Sugar products advertised, particularly where other voluntary Codes have not yet filled this field. While statutory codes in broadcast media, governed by the Broadcasting Authority of Ireland (BAI), have appropriate provisions in place, ASAI has successfully navigated the co-regulatory space through bringing greater protection to consumers with its new non-broadcast rules.

With the potential of the BAI being subsumed into the wide-remit of the Media Commission, and with its intended responsibilities under the Audiovisual Media Services Directive for platforms headquartered in Ireland, ASAI is well placed to provide co-regulatory support nationally and on a pan-European basis through its close association with the European Advertising Standards

Alliance. The Online Safety and Media Regulation Bill has been in development for some time. While ASAI recognises and supports that the new Media Commission will oversee the new regulatory framework for online platforms based in Ireland, the self-regulatory body believes that no one regulator could apply an effective complaints mechanism.

Over the past nine years, ASAI has been fortunate to have had Sean O'Meara as Chair, benefitting substantially from his remarkable leadership skills as well as his breadth of industry experience and knowledge. Following his stepping back from the post during the year, the mantle has been passed to me, acting as Interim Chair while ASAI completes a thorough process for a successor to lead the organisation. This coincides with ASAI embarking on a new exciting strategic direction which will involve continuing to navigate a complex and ever-evolving advertising ecosystem.

In the same year, we bade farewell to Professor Bairbre Redmond, our highly valued Chairperson of the Complaints Committee. I wish to renew our thanks here to Bairbre for her strong contributions and excellent steering of the Committee. I also wish to formally welcome Brian O'Gorman, Corporate Partner, Arthur Cox Solicitors, who brings an exemplary level of expertise to lead the Committee on their determinations of complaints and standards related to them.

Finally, I wish to thank Orla Twomey, Chief Executive Officer, and the whole ASAI team for their continuing dedication and execution of business imperatives that underpin the high standards of advertising self-regulation in Ireland, and which help to secure ASAI's valuable place in society.

SUZANNE McELLIGOTT
Interim Chair
Advertising Standards Authority for Ireland

SECTION TWO

Highlights Summary

HIGHLIGHTS SUMMARY

The ASAI received 1,450 complaints during 2021, down 12% on the previous year. As in previous years, misleading complaints (73%) were found to dominate breach areas of the Code.

The ASAI attended a meeting of the Joint Oireachtas Committee on Tourism, Culture, Arts, Sport and Media to discuss the Online Safety and Media Regulation Bill. The ASAI recognises and supports that the new media commission will oversee the new regulatory framework for online platforms based in Ireland. However, it also believes that no one regulator could apply an effective advertising complaints mechanism for consumers across the EU and that the existing network of members of the European Advertising Standards Alliance, including the ASAI, should have a role as part of the regulatory framework.

New rules were introduced in 2021 for the advertising of High Fat, Salt and Sugar (HFSS) products. These rules apply to non-broadcast media and include both restrictions on the amount of HFSS advertising and on the content.

The ASAI continued its engagement with influencer marketing and carried out research which showed that there were continuing concerns about transparency. The ASAI hosted a webinar called ‘#Influencer-Marketing in 2021 and beyond – retaining trust through transparency’ which was well attended by influencers and practitioners from the advertising space.

2.1 - COMPLAINTS RESOLUTION

In 2021, the ASAI received 1,450 written complaints concerning 959 advertisements. This represents a decrease of 12% when compared to the number of complaints received in 2020. The number of individual advertisements that attracted complaints decreased by 10.5% compared to the same figure for 2020 (959 compared to 1,072).

At 959, 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, social, newspapers, magazines, outdoor, brochures, leaflets and cinema.

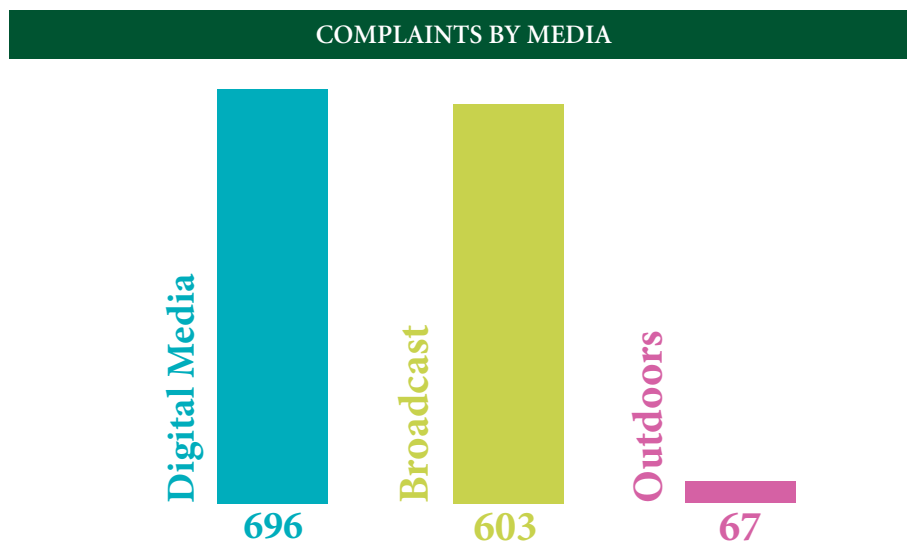
2.2 | GROUNDS OF COMPLAINT



Misleading Advertising	73%	■
General Rules	11%	■
Offence	8%	■
Other	8%	■



2.3 | TOP THREE COMPLAINTS



2.4 | COPY ADVICE

During 2021, 117 copy advice requests were submitted to the Executive. 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 41st Annual Report of the Advertising Standards Authority for Ireland (ASAI), for the year 2021.

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 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.

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.

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 12), 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 engages with 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.

2021 MEDIA COVERAGE

Throughout the year, the ASAI received over 114 pieces of media coverage ranging across diverse areas within the ASAI's remit. With a key focus on the digital space, the majority (80 pieces) of coverage was online followed by national print media (27 pieces) and broadcast (7).

SOCIAL MEDIA - A YEAR IN REVIEW

In 2021, the ASAI continued to grow its social media presence. Digital platforms such as Twitter and LinkedIn were leveraged as key information tools for connecting with stakeholders and communicating core messages. These platforms also provided an open forum opportunity for the public to engage with the ASAI, in addition to more traditional means such as corporate email.

In 2021, a range of digital communication and social strategies were implemented, including paid social media campaigns and increased use of video content. This resulted in a year of significant growth for the ASAI's social profiles. For example, followers on Twitter increased by almost 200, with engagement six times higher in Dec '21 than in Dec '20. Overall brand awareness improved significantly, with an increase of over 2,000 profile visits to Twitter in Dec '21 compared to Dec '20.

The same strategy was implemented across the LinkedIn profile, where there was a substantial growth in 'post impressions', 'search appearances' and, as a result, 'Brand Awareness'. LinkedIn offered the ASAI an opportunity to reach and communicate with a wider audience, which we leveraged thoroughly in 2021.

Time spent refining and refocusing our digital communications approach to reach and engage with the ASAI's target audience proved successful and is a tactic the ASAI will continue to develop and expand going forward.

TWITTER - 2020 VS 2021



	DEC 2020	DEC 2021
Monthly Impressions	7,700	48,300
Monthly Profile Visits	546	2,864
Monthly Followers Gained	0	21
Monthly Likes	38	83
Current Number of Followers	1,268	1,441

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 Department and State agencies, such as the Competition and Consumer Protection Commission. ASAI and the CCPC will be further deepening their engagement through more regular structured meetings to discuss areas of common interest and to share learnings.

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 2021

ASAI’S INFLUENCER RESEARCH AND EVENT

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 ASAI has strict guidelines around how influencer content should be flagged having introduced guidance on the ‘Recognisability of Marketing Communications’ – covering commercial content created on behalf of brands as well as commercial content created by influencers for their own products and services.

While the guidance concerned has been well promoted and embedded by ASAI, it was decided after a period to conduct research into the influencer industry

in Ireland and the associated impact on consumer behaviour and attitudes in the context of advertising. The survey results were based on the views of 1,224 participants across a broad demographic, interviewed online and representative of the adult population.

The survey findings included data showing that just over half (51%) of people in Ireland say they were concerned by a lack of transparency in influencer marketing. 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 ad, they were being paid by the brand to post positive content and that any mentions of a brand in a post means it was advertising (75%).

The research also found that while 76% have used social media for tips and inspiration, 57% found too much sponsored content ‘annoying’. Similarly, the majority of Irish adults (59%) found over edited photos ‘annoying’ as well as influencers who did not seem authentic or misrepresent real life (59%). Additional bugbears included content that took advantage of impressionable audiences (52%) and repetitive posts (49%). However, 42% believed influencers to be more responsible with advertising that they were three years prior to the research being conducted.

The research also provides 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, #sponsored or #brandambassador used to identify advertising content.

The research 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.

On 23rd February 2021, the ASAI hosted a webinar called ‘#InfluencerMarketing in 2021 and beyond – retaining trust through transparency’. Invitees included influencers and practitioners from the advertising space. Louise McSharry, influencer and radio broadcaster, moderated the discussion.

Orla Twomey, CEO of the ASAI, discussed the organisation’s ongoing work in the influencer marketing space and its updated Guidance Note on influencers; Darren Kennedy, TV Presenter and Entrepreneur, discussed his experience as an influencer in Ireland; Dael Wood, Dentsu, gave an overview of the ASAI influencer survey results; Scott Guthrie, UK based Influencer Marketing Advisor, discussed the evolution and future of influencer marketing in his marketplace; Hayley Browning, Corporate Communications Manager with The Competition and Consumer Protection Commission (CCPC) provided an overview on

consumer protection laws and misleading information.

The panel discussion was followed by a highly engaging question and answer session with webinar viewers.

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.

CHAIRPERSON, COMPLAINTS COMMITTEE

The Complaints Committee is a completely independent arm of the ASAI and is responsible for considering and adjudicating on complaints submitted by the public, by an organisation, by a Government Department or any other person or body. The Committee is made up of a range of experts from the advertising, media, education, consumer and marketing sectors.

Professor Bairbre Redmond, Chairperson of the Complaints Committee, stepped down in June 2021 after chairing the Committee for 17 years. Having previously served as a member of the Committee, she brought a wealth of invaluable experience and expertise to the role during her tenure.

The ASAI Board appointed Brian O’Gorman as the next Chairperson of its Complaints Committee. He holds the position of Corporate Partner at a leading law firm, having previously spent a number of years in London and Hong Kong with a range of law firms and a leading international investment bank.

NATIONAL STANDARDS AUTHORITY OF IRELAND (NSAI) AND NEW ITEM PROPOSAL ADVERTISING AND MARKETING AFFECTING CHILDREN

The International Organisation for Standardisation (ISO) proposed the development of a standard to provide guidance for advertisers and governments wishing to introduce voluntary or mandatory advertising codes and help improve existing voluntary or mandatory advertising codes. The ISO purported that an internationally agreed guidance and international collaboration between national advertising standards councils would help create good harmonization of existing gaps between countries. The ISO engaged a consultation process. The ASAI reached out to the local ISO member, the National Standards Authority of Ireland. The NSAI, as Ireland’s Official standards body, operating under legislative authority, aims, amongst other things, to inspire consumer confidence and create the infrastructure for products and services to be recognized and relied on, all over the world. Where a standard already exists, NSAI works with relevant parties at national or international level to create, develop and apply the appropriate standard.

The ASAI considered that the proposal should not proceed as its development would result in duplication and confusion. ASAI articulated its position that the ASAI is the Irish advertising self-regulatory organisation. The ASAI Code of Standards for Advertising and Marketing Communications (7th Edition) is based on the International Chamber of Commerce (ICC) advertising and marketing Codes. ASAI is a member of the ICC Commission on Marketing and Advertising.

The ICC's advertising and marketing codes are implemented, referenced and endorsed by a wide range of organisations such as companies, associations, governments and national organisations across the world. These Codes provide a framework for responsible advertising that is both globally consistent and reflects global consumer protection standards. The Codes provide protections for children as well as for consumers generally, as do the advertising self-regulatory codes in many countries, including Ireland.

ASAI's views in this matter were aligned with those of the European Advertising Standards Alliance (EASA), the International Council of Ad Self-regulation (ICAS) the ICC, and other advertising self-regulatory bodies.

The NSAI took on board the ASAI view and submitted a disapproval to the proposal to the ISO on the basis that there is already in place a well-established and accepted global framework which addresses advertising and marketing and children.

ONLINE SAFETY AND MEDIA REGULATION BILL, JOINT OIREACHTAS COMMITTEE JUNE 2021

The Online Safety and Media Regulation Bill has been in development for some time. While ASAI recognises and supports that the new media commission will oversee the new regulatory framework for online platforms based in Ireland, the self-regulatory body believe no one regulator could apply an effective complaints mechanism.

ASAI was invited to and attended a Joint Oireachtas Committee on Tourism, Culture, Arts, Sport and Media, on Wednesday 2nd June 2021, to discuss the Online Safety and Media Regulation Bill.

ASAI articulated the view that the scale of advertising across the European Union is such that no single advertising regulator could operate an effective complaints' handling mechanism. An additional complexity is that advertising in individual countries will be in the language of that country. EU citizens currently can have their complaints addressed by their local advertising self-regulatory body, in their own language.

ASAI, as the recognised advertising regulator with 40 years' experience, covers advertising that appears on radio, linear and non-linear broadcast, digital (web, social, mobile, in-game ads, influencer marketing (user-generated commercial content), vlogs and blogs, etc.) as well as print, outdoor, direct mail, SMS and cinema.

The ASAI continues to work closely with the European Advertising Standards Alliance (EASA) to develop and maintain high advertising standards across Europe and are engaged with the network's support of the implementation of the Audiovisual Media Services Directive and the continuing involvement of its complaints handling for individual EU citizens (the ASAI has handled over 38,000 complaints in the domestic market alone). The ASAI has immense expertise and, as a contemporary regulator, has in-depth knowledge of relevant aspects and application of the AVMSD and the currently revised AVMSD.

In addition to this, since 2006, ASAI has proactively monitored 29,000 ads to date, and it will also be working with the EASA to develop tools for widescale monitoring of advertising content in the online space.

ASAI's sectoral remit is very broad, covering most of the areas mentioned in the AVMSD, protection of minors, recognisability, human dignity, discriminatory content, health and safety, environmental concerns, control of alcohol advertising. These are all addressed by the 18 sections of the ASAI Code, and more.

While ASAI welcomed that the Bill provides latitude for the Media Commission to enter into cooperation agreements with other bodies as it sees fit and, in furtherance of this collaborative approach, ASAI made a number of suggestions to the Committee:

- The AVMSD explicitly encourages the use of self-regulation, an area in which the ASAI is a subject matter expert. ASAI considered that the Bill should provide that the Committee not only provide assistance in setting up standards but also may cooperate with or give assistance to an existing self-regulatory system who apply standards in respect of audiovisual or audio content or related electronic media.
- The Commission should be required to take account of established non-statutory mechanisms as part of the regulatory framework.
- That legislation should provide for the Commission to direct funds to systems that it supports.

ASAI will engage with key stakeholders and closely monitor the progression and developments of the Bill through to enactment, planned for 2022.

FOOD CODE - NEW RULES RELATING TO ADVERTISING OF HIGH FAT, SALT AND SUGAR

Throughout the various previous editions of the ASAI Code, the Code has consistently and extensively sought to appropriately protect children in relation to advertising and on 30th June 2021, the ASAI unveiled new rules relating to the advertising of High Fat, Salt and Sugar (HFSS) products which were being incorporated into the Food and Non-Alcoholic Beverages Section of the ASAI Code.

The new rules restrict marketing communications for HFSS foods and beverages from being directed or targeted at children under the age of 15 through the selection of media or the context in which they appear. The rules are in response to changing media habits among young people, as well as wider concerns in society about public health challenges for this age group. Thresholds for non-broadcast media will reduce the overall exposure to HFSS product marketing communications.

In summary, the new rules state that:

- No medium can be used to advertise HFSS products if more than 50% of its audience is under 15 years of age
- There are also thresholds on the amount of advertising for HFSS products that can be published by each media format. For example, no more than 33% of available outdoor space can carry HFSS product marketing communications, whilst for cinema, digital and print media, no more than 25% of the available space can carry HFSS product marketing communications
- Marketing communications targeted at children for HFSS products cannot include a promotional offer or a competition. There are also restrictions on the use of licensed characters
- Locations primarily used by children will be prohibited to run any form of marketing communication for HFSS foods. Examples of such settings include registered crèches, pre-schools, nurseries, family and child clinics, paediatric services, schools, dedicated school transport, playgrounds and youth centres.

The above rules will be in addition to existing rules such as marketing communications should not denigrate a healthy lifestyle, not encourage unhealthy eating or drinking habits, not encourage consumption to take

advantage of a promotional offer.

The new restrictions came into effect on 1st December 2021 and ASAI will be working with media and advertisers to ensure the successful rollout of the rules. To facilitate this, ASAI has taken a very practical and staged approach to their implementation. They will be proactively monitoring this area and, for the first six months after the effective date, will add any complaints that may be received into our monitoring structure, using them as a form of intelligence gathering.

To support the industry, the ASAI has developed a detailed presentation on the rules which is available on www.asai.ie.

JOINT COMMITTEE ON PUBLIC PETITIONS: PETITION TO BAN ON ALL FOSSIL FUEL AND HYBRID VEHICLES ADVERTISING ON ALL IRISH MEDIA.

The Joint Committee on Public Petitions reached out to ASAI seeking views of the Advertising Standards Authority for Ireland (ASAI) on a public petition which stated:

“I wish to make a petition for the complete ban on fossil fuel and hybrid vehicle advertising and depictions on all traditional tv, radio and movies media broadcasts and online advertising online publications on the grounds of health and safety and the promotion of environmental damage similar to the ban on cigarette advertising”

The remit of the Joint Committee on Public Petitions is to examine Public Petitions on matters of general public concern or interest in relation to their legislative powers or an issue of public policy. The Committee invited a response from ASAI in relation to the petitioner’s concerns.

The ASAI Code contains a wide range of rules, with the rules for Misleading Advertising and Environmental Claims being particularly relevant to the response to the petition. It is noteworthy that ASAI has received very few complaints concerning environmental claims and specifically in relation to motor vehicles. Since 2018, ASAI has resolved 6,265 complaints about 4,243 advertisements. Of these, only 6% related to the Motoring Category, while issues related to the environmental section of the ASAI Code were raised in relation to 24 advertisements in the period. While environmental issues are of considerable concern for society, and therefore an area of key interest for the ASAI, to date the evidence does not show that the advertising is of significant concern.

The ASAI’s general approach to advertising regulation does not encompass imposing outright bans across product categories. Instead, it provides rules that ensure that advertising for products and services are generally reflective of broad consumer sentiment. On this basis, the ASAI would not support a ban of advertising in this area. Accordingly, ASAI submitted to the Committee that its position was that the status of the advertising in this area should remain.

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 27 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, being 332 (2019), 337 (2020) and 200 (2021) 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 2021, ASAI's Chief Executive continued in her role 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 this 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.



The most recent 'in person' ICAS AGM, Paris 2019

EASA AND ICAS ENGAGEMENT DURING THE ONGOING COVID-19 PANDEMIC

The EASA membership would normally meet twice each year in Europe and the ICAS membership would meet annually. 'In person' meetings were not possible during in either 2020 or 2021 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 areas as diverse as the environment and responsible advertising, influencer marketing, diversity and inclusion, awareness raising and developments in digital advertising.



The [European Interactive Digital Advertising Alliance \(EDAA\)](#)

is responsible for administering the European Self-Regulatory Programme on Data Driven Advertising. EDAA delivers meaningful self-regulatory solutions towards enhancing consumer trust

in data-driven advertising, with over 120 participating companies. This includes the use of an interactive icon (referred to as the ‘AdChoices Icon’) by businesses involved in data-driven advertising across Europe. Through use of the Icon, consumers can obtain more information on why any particularly online ad was delivered to them. 2021 saw over 180 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 better manage their online advertising experience.

In early 2021, the EDAA published its [European Advertising Consumer Research Report 2021](#), which explores 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, showing great results in Ireland in particular.

Another pillar of EDAA’s work is education, as it continues to push useful educational resources aimed at students from 11 to 16 years old, into different European markets (the resource, developed in collaboration with MediaSmart UK, has already achieved significant traction in the UK). With a series of classroom activities (including a short animation, games, quizzes, teacher presentations and guidance notes) the resource aims at increasing media literacy among young people, and in particular at explaining how digital advertising works and how to best manage their online ad experience. You can find out more about this [here](#). EDAA has been collaborating with WebWise Ireland to promote the materials in Ireland.

During EDAA’s annual summit on 15 November 2021, MEP [Eva Maydell](#) and [Guido Scorza](#), Member of the Italian DPA shared supporting messages toward the EDAA and advertising Self-Regulation, calling on the industry, through its

joint work in the EDAA, to work closely with regulators in the development of the programme to match the expectations of consumers and regulators in a fast-changing environment. They each signaled the important role that self-regulation should continue to play with respect to both the GDPR and the upcoming DSA (Digital Services Act).

In this context, the EDAA has been monitoring closely the recent developments on the Digital Services Act, which will govern the responsibilities of digital platforms and is setting out new rules for the ecosystem. A [Fact Sheet](#) was drafted by the EDAA to go through the main concepts and to flag how and where the EDAA is [ideally positioned](#) to help companies meet the advertising transparency requirements of this landmark piece of legislation, which is currently in trilogue negotiations between the European Parliament, Commission and Council.

In view of the implementation of the DSA and of innovation in the market to phase out third party cookie technology, the EDAA is working on programme developments, adding new functionalities to the AdChoices Icon, in order to persevere in its mission to increase trust with consumers and to support companies in the framework of their self-regulatory commitments, to ensure a long-term and sustainable ecosystem built on openness and responsibility.

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

SECTION FIVE

Code Implementation

5.1 | 2021 COMPLAINTS RESOLUTION

In 2021, the ASAI received 1,450 written complaints concerning 959 advertisements. This represents a decrease of 12% when compared to the number of complaints received in 2020. The number of individual advertisements that attracted complaints decreased by 10.5% compared to the same figure for 2020 (959 compared to 1,072).

At 959, 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, social, newspapers, magazines, outdoor, brochures, leaflets and cinema.

	2021		2020		2019	
	Complaints	Ads	Complaints	Ads	Complaints	Ads
Carried forward from previous period*	522	383	487	416	504	420
Received during period	1,450	959	1,648	1,072	1,886	1,382
Resolved in Period	1,422	929	1,614	1,104	1,903	1,386
Brought forward to next period	550	413	521	384	487	416

*Complaints closed in the previous period can be reopened if additional information comes to hand that requires additional assessment.

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 BY THE ASAI

	<u>2021</u>		<u>2020</u>		<u>2019</u>	
	<i>Complaints</i>	<i>Advertisements</i>	<i>Complaints</i>	<i>Advertisements</i>	<i>Complaints</i>	<i>Advertisements</i>
<u>Additional information requested but not provided</u>	126	121	251	236	337	329
<hr/>						
<u>Out of Remit</u>						
Media/matter out of remit	184	91	148	117	272	147
Cross-border complaint	66	66	35	35	43	42
	250	157	183	152	315	189
<hr/>						
<u>Preliminary Assessment of Advertisement</u>						
Complaint withdrawn	14	14	14	14	23	23
More appropriate for another Body	16	16	9	7	17	17
No basis under Code	357	275	444	365	438	381
No evidence of offence	64	45	46	36	68	55
Previously adjudicated	77	18	108	22	79	30
	528	368	621	444	625	506
<hr/>						
<u>Investigation by Secretariat</u>						
Formal - Referred to Complaints Committee	162	81	191	75	248	123
Informal - Resolution by Secretariat	356	292	368	302	378	334
	517	373	559	377	626	457
<hr/>						
TOTAL	1,422	1,005	1,614	1,209	1,903	1,481

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, a complaint submitted to the Complaints Committee was not upheld, while other 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 2021, as in previous years, the main area of complaint related to advertising being misleading: 73% 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 11% of complaints with those relating to offence at 9%.

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 73% **General 11%**
Offence 9% **Other 8%**



COMPLAINTS BY SECTOR

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

SECTOR	2021	2020	2019
TRAVEL / HOLIDAYS	207	131	170
LEISURE	151	142	172
HOUSEHOLD	145	110	104
HEALTH / BEAUTY	123	308	230
TELECOMMUNICATIONS	112	201	139
NON-COMMERCIAL*	101	63	170
FOOD & BEVERAGES	90	105	137
CLOTHING / FOOTWEAR	78	76	102
FINANCIAL	67	49	107
MOTORING	62	83	161
ALCOHOL	28	41	31
BUSINESS	23	23	26
PROPERTY	21	30	27
PUBLISHING	19	24	44
COMPUTERS	17	13	15
EDUCATION	12	7	48
TV/AUDIO/VIDEO	8	4	8
AGRICULTURE	6	4	3
EMPLOYMENT / BUSINESS OPPORTUNITIES	4	13	6
MISCELLANEOUS	148	187	203
	1,422	1,614	1,903

*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 2021:

- 21 complaints were carried forward
- 30 complaints were received
- 32 complaints were resolved and
- 19 complaints were brought forward to 2022

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

	2021	2020	2019
Digital Media	696	871	976
Broadcast	603	631	552
Brochures/Leaflets	36	38	63
Outdoor	67	36	226
Print	44	34	80
Direct Marketing	27	23	61
Cinema	1	4	4
Other	30	44	59
	1,504	1,681	2,021
Broadcast	603	631	552
Radio	136	113	178
Television	467	518	374

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 2021, 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 46% in 2021.

MEDIA TOP 4



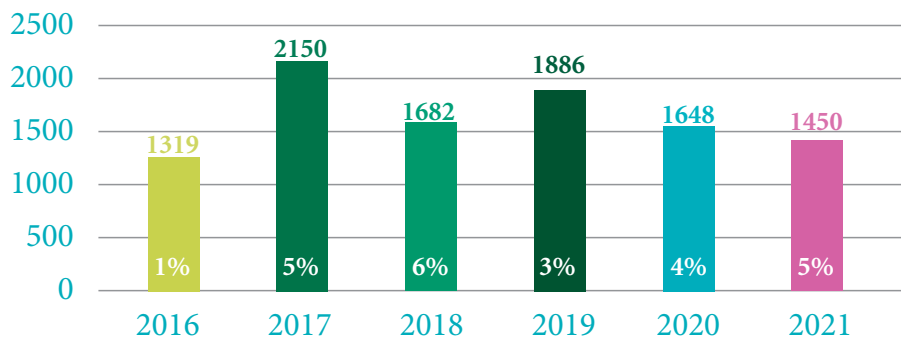
Digital Media 46% **Broadcast 40%**
Outdoor 5% **Print 3%**



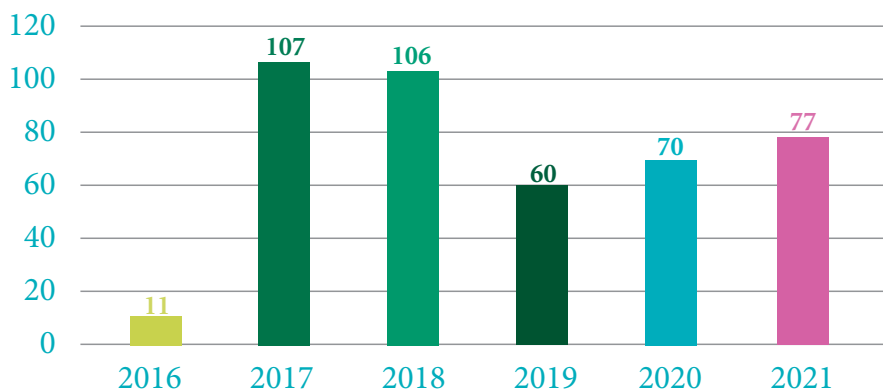
INFLUENCER MARKETING

Included in Digital media are complaints about influencer marketing. As noted earlier in this report, the ASAI has been engaging with those involved in influencer marketing (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

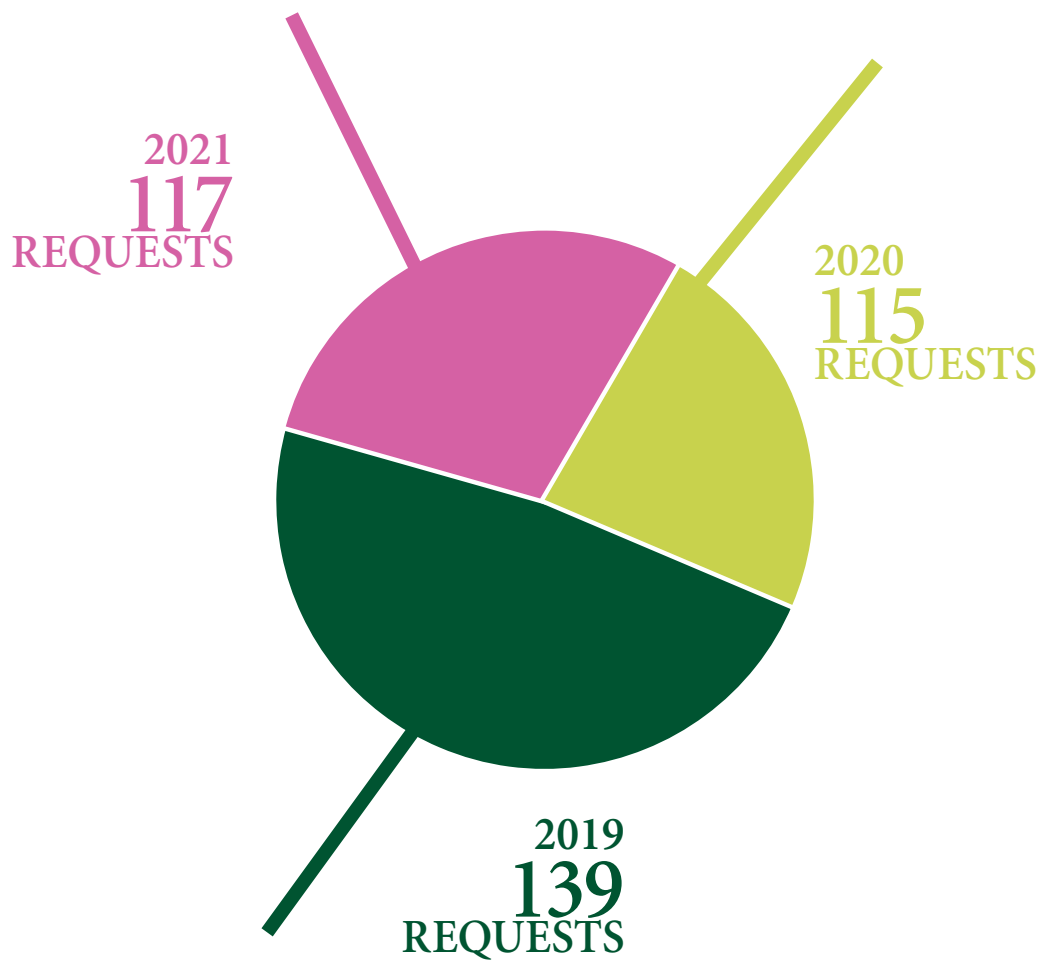


COMPLAINTS ABOUT INFLUENCER MARKETING



5.2 | COPY ADVICE

During 2021, 117 copy advice requests were submitted to the Executive. 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.





1,422
FORMAL COMPLAINTS
RESOLVED
IN 2021

68
ADVERTISEMENTS
FOUND TO BE
IN BREACH
OF THE ASAI CODE

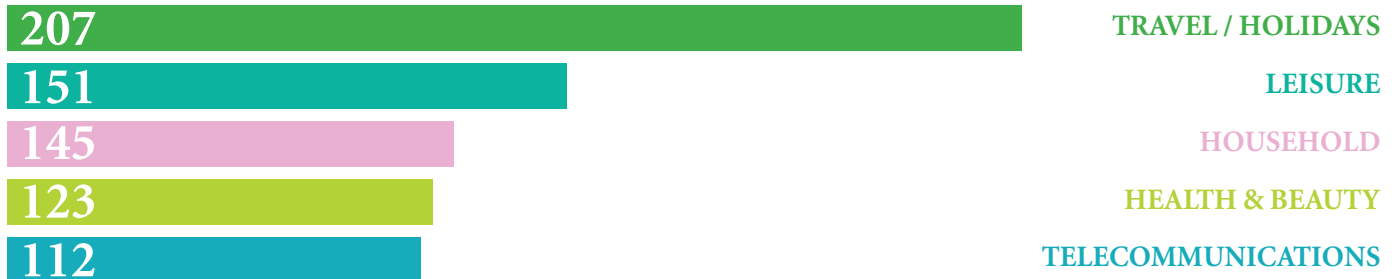
73%

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

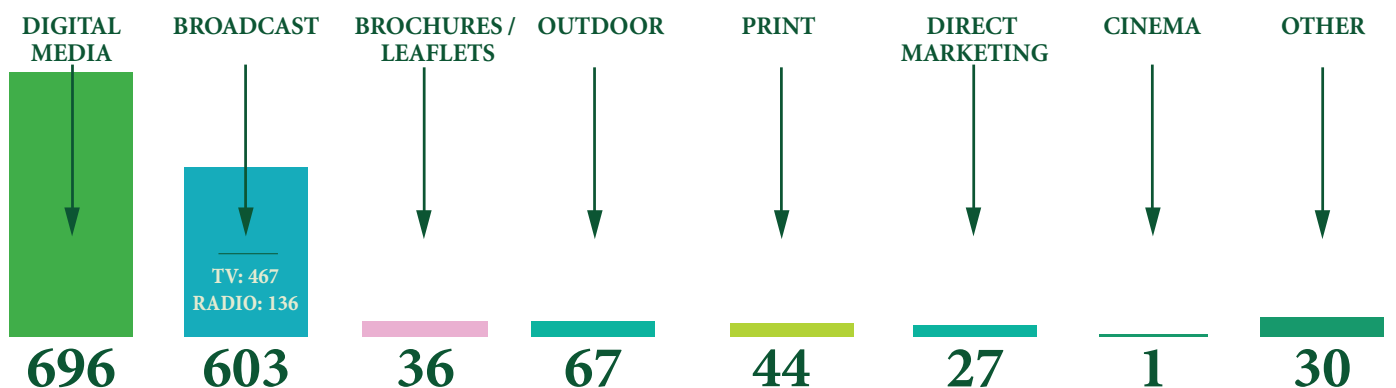
9%

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 2021 are given on page 47.

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 eleven 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 Mr Brian O’Gorman, Partner, Arthur Cox LLP.

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 56).

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 2021

INTERIM CHAIR: Suzanne McElligott (*from December 2021*)

CHAIRMAN: Sean O'Meara (*to December 2021*)

ADVERTISER MEMBERS

CONSTANCE BALSAMO
Head of Alcohol Policy
And Public Affairs
Diageo Ireland

BARRY DOOLEY
Chief Executive,
AAI

EON DOYLE
Director of Marketing
and Innovation,
Glanbia Consumer
Foods

ELIZABETH SHEEHAN
Sustainability &
Marketing Consultant

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

BOB HUGHES
Executive Director
Local Ireland
Joined April 2021

COLIN LEAHY
Managing Director,
Global

ANN MARIE LENIHAN
Chief Executive,
Newsbrands Ireland

SUZANNE MCELIGOTT
Chief Executive,
IAB Ireland

JOHNNY O'HANLON
Director,
Local Ireland
Resigned April 2021

ANTONY WHITALL
Commercial Head –
TV Operations,
RTE

SCOTT WILLIAMS
Group Content Director,
Wireless Group

SECTION SEVEN

Complaints Committee

7.1 | CHAIRPERSON'S STATEMENT



Brian O’Gorman, Chairperson, Complaints Committee

I have great pleasure in presenting my first report as the independent Chairperson of the Complaints Committee. 2021 was another eventful year. The by now well established remote and paperless ways of working continued to be embraced by both the ASAI Executive and the Complaints Committee members, resulting in no impact on the Committee’s ability to continue its work in adjudicating on complaints.

The Committee formally considered 162 complaints in relation to 81 advertisements during 2021. In addition, over 72 complaints dealt with by the Executive were reviewed by the Committee. The actual number of advertisements assessed by the ASAI in 2021 was 959. The number of cases considered by the Committee represented a small increase on the number of cases considered in 2020. 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 any 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 bring 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 a diverse and wide-ranging depth of expertise across the Committee. These skills are complemented by the considerable experience provided by the industry members of the Committee. The strength and breadth of experience that members individually and collectively bring has 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.

I would like to pay tribute to my predecessor, Professor Bairbre Redmond, who stepped down from the role as Chair in June 2021. Bairbre led the Complaints Committee with great professionalism, integrity and balance, and was immeasurably helpful in settling me into this role, for which I am grateful.

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

BRIAN O’GORMAN

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 54.

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 nine times during 2021. 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 81 advertisements considered by the Committee, complaints in relation to 68 were upheld and 13 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.

RESOLUTION OF COMPLAINTS BY COMPLAINTS COMMITTEE

	<u>2021</u>		<u>2020</u>		<u>2019</u>	
	<i>Complaints</i>	<i>Ads</i>	<i>Complaints</i>	<i>Ads</i>	<i>Complaints</i>	<i>Ads</i>
SUBMITTED TO THE COMMITTEE	162	81	191	75	248	126
Upheld/In Breach	134	68	173	63	204	106
Not Upheld/Not in Breach	28	13	17	11	44	20
Statement	0	0	1	1	0	0

INVESTIGATED ADVERTISEMENTS AND OUTCOME BY SECTOR

SECTOR	INVESTIGATED	IN BREACH	NOT IN BREACH
MOTORING	11	7	4
CLOTHING / FOOTWEAR	9	9	
FOOD & BEVERAGES	4	3	1
COMPUTERS	3	3	
PROPERTY	2	1	1
BUSINESS	1	1	
PUBLISHING	1	1	
TOTAL	81	68	13

7.4 | MEMBERS OF THE ASAI COMPLAINTS COMMITTEE 2021

CHAIRPERSON: Prof. Bairbre Redmond, Mr Brian O’Gorman
Resigned June 2021 *Appointed May 2021*

NON-INDUSTRY MEMBERS

CELENE CRAIG
Chief Executive
Broadcasting Authority of Ireland
Joined April 2021

LISA GARAVIN
Social Worker

LES KENNEDY
Retired Civil Servant

CLARE MULCAHY
Commission for Aviation Regulation

MR. TOM MORGAN
Senior Investigator,
Office of the Ombudsman
Resigned April 2021

MICHAEL O’KEEFE
Chief Executive,
Broadcasting Authority of Ireland
Resigned April 2021

FERGUS O’TOOLE
Deputy Director
Competition and Consumer
Protection Commission

PROF. DERMOT WALLS
Associate Professor,
DCU

INDUSTRY MEMBERS

LISA BUCKLEY
Director of Communications
and Programmes
Newsbrands Ireland

DEREK DOYLE
Executive Production Director
Boys & Girls
Joined October 2021

DECLAN FAHY
Sales & Business Manager,
HoloToyz

FINBARR HAYES
Account Director,
Javelin Group
Resigned August 2021

PAULA KELLY
Head of Account Management
TBWA/The Disruption Company
Joined June 2021

DENISE MANNING
Adclearance
RTE

EDEL MCCABE
Director, Publicis Dublin
Resigned April 2021

KATE SCOTT
Group Marketing Manager,
Monaghan Mushrooms
Resigned August 2021

SECTION EIGHT

Review Panel

REVIEW PANEL

The ASAI Review Panel comprises of 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 2021, similarly to 2020, there were no requests for review.

The 2021 Membership of the Review panel consisted of is:

8.1 | REVIEW PANEL MEMBERS 2021

PAT WHELAN
Chairman

MARY McLOUGHLIN
Ordinary Member
Consumer background

TERRY LEONARD
Ordinary Member
Advertising industry
background

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