

Annual Report 2023



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Chair's Statement



Advertising growth in Ireland has continued, bringing with it the associated need to highlight the importance of responsible advertising standards and then ensuring the codes are widely appreciated. We continue to focus on new entrants to the market, such as social media influencers and the increased digital advertising placement.

Previously, where advertising was mostly placed in non-digital mediums, a number of gates in the transactional journey ensured several opportunities prevailed to verify the standards of planned advertising content. Direct advertising online increases the level of responsibility for brands and platforms to ensure that commercial content adheres to our Code standards. Indeed, trusted advertising from consumer and societal viewpoint is a shared challenge to all in the advertising supply chain.

The breadth and volume of advertising content in Ireland reinforces the need for advertising co-regulation. The establishment of Coimisiún na Meán and the initiation of the Gambling Regulatory Authority of Ireland in 2023 were welcome additions to an already complex regulatory landscape. Our annual report this year covers how our relationships with these two organisations, similar to our long-standing engagement with the Competition and Consumer Protection Commission, will add to sustaining a robust regulatory infrastructure across the advertising industry for widespread benefit.

As the advertising regulator, acting to foster trust in advertising for all, our sustained success and progress can only be made with the industry's support, including appropriate funding. Likewise, regulatory and funding support from digital pure play platforms are needed in equal measure.

The organisation continues to take strong strides and make a significant difference through implementation of its strategy. Alongside this, the Board has continued its work to take account of best practice standards and to have an appropriately robust Board in place. Proposed changes form resolutions for consideration at the AGM for the financial year end 31 December 2023 and to be held in 2024. I would like to thank the ASA Board members for their continued support in this regard.

My thanks and appreciation also to the Complaints Committee and Review Panel for their contributions to upholding the standards in advertising for the benefit of all.

Finally, I want to thank Orla Twomey, Chief Executive, Michael Lee, Deputy Chief Executive, and the whole ASA team for their ongoing dedication and drive in pursuing the organisational agenda.



**Miriam Hughes, Chair,
Advertising Standards Authority.**

Chief Executive's Statement



For ASA, this year has seen the arrival of new statutory organisations as important partners to ASA in the co-regulatory landscape together with the development of new key ASA guidance.

Building on decades of a strong working relationship with the Broadcasting Authority of Ireland, it being subsumed into Coimisiún na Meán, effectively allowed us to seamlessly move our partnership agenda forward with the new broadcast and online media regulator. Our shared interests in standards for advertising content, both offline and online, and particularly around influencer marketing, presented opportunities for firming up our engagement and working relationship. We will work next year on tying down areas of shared interest and work through having a Memorandum of Understanding in place and undertaking projects that benefit both our organisations.

After lending our expertise to the State-led Mobile Phone and Broadband Taskforce over several years, we worked on new ASA guidelines around the term ‘unlimited’ in marketing communications. Draft guidelines were shared for our usual consultation process with stakeholders with the aim of going live early in 2024. This is further reflective of the benefits of collaborative work with State entities. The consideration of new guidance was simplified having been in a collaborative journey with Taskforce partners, and with the side-by-side input from State Departments and Agencies.

Through an ongoing partnership with the Competition and Consumer Protection Commission, an important and clear set of comprehensive Influencer Marketing guidelines were developed and launched towards the latter end of the year. Promotion of the guidelines will continue into 2024. With a strong consumer interest in this area, and on foot of our new guidelines, a significant 20% (279) of all advertising complaints received (1,402) in 2023 related to influencer marketing. With this surge of complaints, and likely trend into the following year, analysis work on these complaints will continue into 2024.

2023 experienced another strong year of ad complaints received (1,402), up 18% on the previous year (1,134), with social media advertising complaints being a significant contributing factor. With the potential for ongoing increased complaint levels, we will be streamlining our complaints management operations to enable us to distribute our resources across all our services so that we can continue to ensure high standards in advertising.



**Orla Twomey, Chief Executive,
Advertising Standards Authority.**

Our New Look



Say Hello to Our New Look

Fostering Trust in Advertising for All

We've changed how we look with a new name and new branding.

The Advertising Standards Authority have been setting standards in Ireland for over 40 years and our new branding aligns with the organisations wider strategy to enhance its approach to fostering trust in advertising for all.

In addition to our new name and branding, we are excited to introduce our new website. This accessible information resource for the public and the advertising industry marks another significant step toward achieving our strategic objectives.

Visit adstandards.ie to see more.



Advertising Standards Authority's Remit



Advertising Standards Authority's Remit

Policy

We work throughout the year on policy matters, primarily focusing on the interpretation and application of the Code in response to emerging trends in marketing communications and advertising content.

Our policy positions are based on the standards outlined in the Code, which aims to ensure that all marketing communications are legal, decent, honest, and truthful. In our regulatory tasks, we engage with a diverse range of stakeholders, including representative bodies, government departments, and state agencies.

Given the growth in digital, online, and social media marketing, we are increasingly committed to strengthening our relationships with global providers in these areas.

Advisory Corporate Services

We actively participate in external projects, offering our expertise both proactively and upon request. Additionally, we periodically contribute to the development and review of specific advertising standards across various sectors.

Complaints Investigation and Adjudication

We accept complaints from anyone who considers that a marketing communication may be in breach of the Code. All complaints are investigated for free.

We initially assess complaints against the provisions of the Code and, where an investigation is warranted, we invite comments from the advertisers. If we find a potential breach, it may be sent to the Independent Complaints Committee for a decision.

We are 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 ASA'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 ASA's independent Complaints Committee.

Copy Advice

We offer a valuable service to review ads before they are published to ensure they follow the rules of the Code. This service is available for free to everyone involved in advertising - advertisers, their agencies, and the media.

The advice is non-binding on both the requester and on the ASA; while the requester does not have to accept the advice of the ASA, neither does the Independent Complaints Committee, should the marketing communication subsequently come before them for adjudication. However, using this service makes it less likely that marketing communications will breach the rules of the Code.

Monitoring

We conduct monitoring exercises on individual marketing communications to ensure compliance with the Code requirements. These exercises can target specific media types or a combination of traditional and digital media and may focus on particular industries or areas of economic activity. Initially, the process is informal, with the advertiser or promoter asked to provide comments within a set timeframe. If there is no response, the issue may escalate to a formal investigation. Additionally, our Monitoring Service oversees adherence to the adjudications made by the Complaints Committee.

Awareness, Knowledge Enhancement and Empowerment

We strive to ensure that there is a high level of awareness of the role of, and importance of, standards in advertising. We engage with advertisers, agencies and media on the provisions of the Code and how they are applied, with a view to enhancing knowledge and empowering effective use of the Code.

Stakeholder Engagement



Stakeholder Engagement

Coimisiún Na Meán

Coimisiún Na Meán was established on 15 March 2023, following the enactment of the Online Safety and Media Regulation Act on 28 December 2022. The Broadcasting Authority of Ireland (BAI) with whom we had a long history of positive working relations, was subsumed into this new and expanded statutory regulator.

Building on this strong relationship, we had regular engagement with Coimisiún Na Meán throughout 2023. To ensure that the new Commissioners understood the role and purpose of ASA, we briefed them about the interaction between advertising self-regulation codes and the Audiovisual Media Services Directive, influencer marketing, EASA and the advertising self-regulatory network, Code content, ASA governance and our strategic direction.

ASA and Coimisiún Na Meán explored areas of common interest where we could cooperate, beyond complaints handling, and agreed that we would progress developing a Memorandum of Understanding which will set out how our two organisations will cooperate in this regulatory space seeking to ensure best outcomes for consumers, industry and society.

ASA and the European Advertising Standards Alliance (EASA) also continued to progress discussions with Coimisiún Na Meán about potential solutions to the challenges posed by the regulatory landscape. The BAI had previously entered into a Statement of Common Intent with EASA and in July 2023, Coimisiún Na Meán and EASA renewed the Statement of Common Intent. The Statement of Common Intent represents a realistic pathway for continuing, developing and harnessing the shared understandings between Coimisiún Na Meán and EASA on the issues at hand.

Gambling Regulator

The Gambling Regulation Bill 2022 was continuing to be considered by the Dáil and Seanad in 2023. Once enacted, a new regulator, the Gambling Regulatory Authority of Ireland (GRAI), will be established. In anticipation of this, a Chief Executive Designate has been appointed who is responsible for putting in place the appropriate structures for the commencement of operations.

ASA's Advertising Code has detailed rules in relation to gambling advertising and while the new legislation also has advertising provisions, the GRAI met with ASA to discuss the legislation, the remit of the GRAI when established and the existing remit of ASA. We will continue to engage with the GRAI and to develop an engagement framework on how a relationship between the two organisations would develop.

Influencer Marketing

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. Research carried out in 2022 by both the ASA and the Competition and Consumer Protection Commission (CCPC) demonstrated that there was confusion about the labels used by influencers to indicate commercial content.

We worked with the CCPC in 2023 on new guidance on Influencer Advertising and Marketing. The Guidance was launched in October 2023, and addressed paid promotion, items ‘gifted’ by brands or PR agencies, and the advertising of own-brand products and services.



Image: Kevin O'Brien, Member of Commission, CCPC and Orla Twomey, Chief Executive, ASA

We carried out a social media awareness campaign on the new Guidance. As this was a change from previous guidance, our approach was to educate and inform the market about the new requirements. We explained our approach to consumers who complained about influencer content immediately following the launch and, in all cases, where a formal complaint had been received, sent both the influencer and the brand the Guidance.

Recognising the significant interest by the public in this space, we introduced a Social Media Influencer Content Complaints Reporting form. Alongside our inform and educate approach, we conducted a reach out programme to engage with Influencers where multiple ad content notifications were received by us.

From the introduction of the report form on 17th November 2023, 903 notifications were received to year end about content by some 300 social media influencers.

The table below sets complainants categories for material considered to be non-compliant with the Guidance.

Reason	Number of notifications
Incorrect label/hashtag	142
Label/hashtag not visible or not at the start of their content	171
Missing label/hashtag	590
Total	903

Apart from ourselves, there are many players involved in influencer marketing standards of various kinds, such as Coimisiún na Meán, the Competition and Consumer Protection Commission, social media platforms and the brands themselves (advertisers) using influencers to market their products and services. As a further example of cohesive initiatives, and reflective of the scale concerned, the European Commission, in collaboration with academic experts, developed the Influencer Legal Hub. The hub is a collection of materials including video trainings, written legal briefs, overviews of important European laws and cases decided by the Court of Justice of the European Union.

Influencer Marketing will continue to be one of significant focus for us as it is important that consumers can trust the nature of the advertising content that they see.

Mobile Broadband Taskforce

The Mobile Phone and Broadband Taskforce ('the Taskforce') was established in 2016 by Government and State Agencies to identify immediate solutions to broadband/mobile phone coverage deficits and to investigate how better services could be provided to consumers prior to full build and rollout of the network planned under the National Broadband Plan State intervention (NBP).

We were invited to participate and contribute outputs for the Taskforce as part of its programme of work.

We carried out a data analysis of complaints received about telecommunication advertising over a two-year period, 2021-2022 to examine the main areas of telecommunications advertising that generate consumer complaints, and provide guidance and / or directions to the sector to address any failings. Our analysis showed that concerns continued to be expressed about the use of the description 'unlimited' in circumstances where a Fair Use Policy imposed a threshold above which consumers would be charged for use. Draft guidance on the use of 'unlimited' and similar was prepared and a targeted consultation was commenced in Quarter 4 2023, following which new guidance issued in 2024, [available here](#).

Strategy



Five Strategic Priorities

These will drive the delivery of the strategy in pursuit of purpose and ambition.

1 Research, Advocacy & Thought Leadership

Objective:
To grow and develop ASA's positioning and reputation as an authoritative voice of influence in relation to advertising standards.

2 Proactive Stakeholder Engagement

Objective:
To proactively cultivate and enhance relationships with key stakeholders to enhance the reputation of ASA as a critical participant in the co-regulated ecosystem.

3 Compelling Service Proposition

Objective:
To deliver attractive, relevant and valued services for stakeholders.

4 Brand Awareness & Esteem

Objective:
To position the ASA Brand to create impact and stand out in the contemporary advertising regulation landscape.

5 Fit-for-Purpose Organisation

Objective:
To create a fit-for-purpose organisation, appropriately resourced and structured to deliver the strategy.

Strategic direction statement

ASA exists to foster trust in advertising for all.

Our ambition is to be renowned as the trust leader in advertising standards. We achieve this by being visible, vocal and active on all matters relating to standards for and in advertising.

ASA's skills in stakeholder engagement, deep subject matter expertise and breadth of commercial understanding enables it to create a coalition of relevant stakeholders that collaborate effectively to establish marcoms standards that serve the common good.

ASA is the pre-eminent body recognised as skilfully navigating the traditional, digital and evolving media world and driving standards.

Our Vision

Our Vision is to build a culture that supports public confidence in, and industry respect for, high standards in advertising in Ireland.

Our Mission

There are three aspects to our mission:

- PROTECT** 
We protect consumers and the public by setting and enforcing advertising standards, monitoring advertising, and taking action to remove advertising that is harmful, offensive or misleading.
- ENCOURAGE** 
We encourage care and compliance in the advertising industry through a combination of empowerment, enforcement and education.
- COLLABORATE** 
We collaborate with government and key stake-holders to ensure that everyone can have confidence in self-regulation.

Our Values



Code Implementation



Complaints

In 2023, we received 1,402 written complaints concerning 1,134 advertisements. This represents an increase of 18% when compared to the number of complaints received in 2022. The number of individual advertisements that attracted complaints increased by 26% compared to the figures for 2022 (1,134 compared to 899). The increase was primarily driven by an increase in complaints about social media influencer advertising, from 7% in 2022 to 20% in 2023 of all complaints, with 34% of such complaints being received after the launch of the Joint Guidance on Influencer Marketing with the CCPC.

At 1,134, 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.

	2023		2022		2021	
	Complaints	Advertisements	Complaints	Advertisements	Complaints	Advertisements
Carried forward from previous period	530	431	557	418	525	386
Received during period	1,402	1,134	1,189	899	1,454	962
Resolved in Period	1,317	1,056	1,216	886	1,422	930
Brought forward to next period	615	509	530	431	557	418

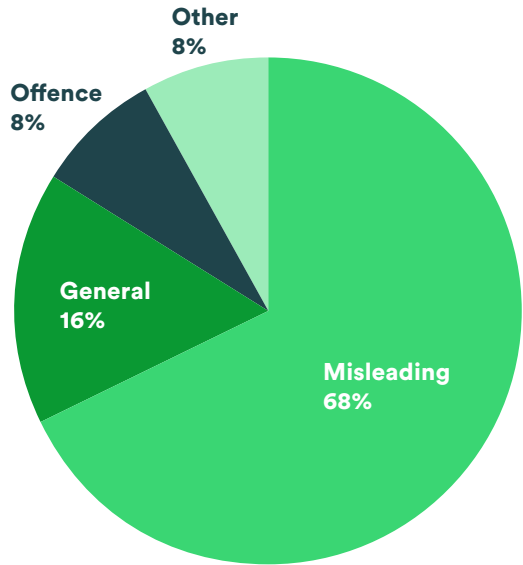
To learn how we deal with complaints, [click here](#).

2023 Complaints Resolution

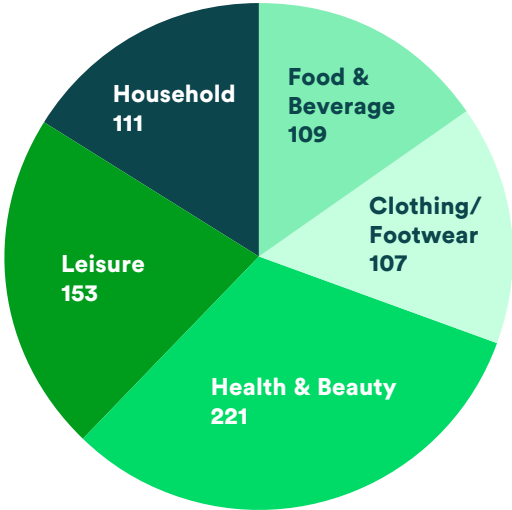
	2023		2022		2021	
	Complaints	Advertisements	Complaints	Advertisements	Complaints	Advertisements
Additional Information not provided	167	165	133	128	126	122
Out of Remit	118	110	150	126	251	143
No basis for investigation	424	348	329	250	528	368
Investigated - Informal Resolution	491	436	431	360	355	291
Investigated - Referred to Complaints Committee	117	69	173	74	162	81
	1,317	1,128	1,216	938	1,422	1,005

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

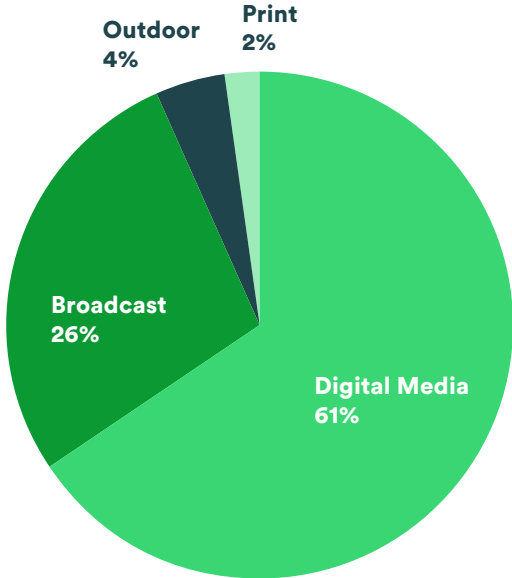
Grounds of Complaint



Complaints by Sector Top 5



Complaints by Media Top 4*



*Other 7%

Influencer Marketing

Year	Total Complaints Received	No. of Influencer Related Complaints	%
2021	1445	77	5%
2022	1216	88	7%
2023	1402	279	20%

Competitive Complaints

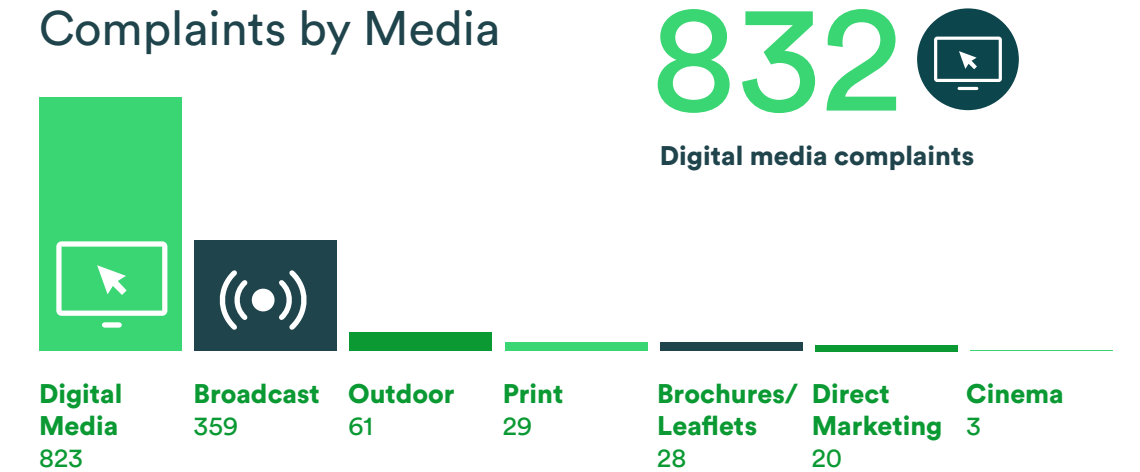
	Resolved 2023	Number in breach
Complaints	33	2
Ads	32	2

Copy Advice

	Copy Advice Requests
2023	94
2022	88
2021	117

For more information and analysis please [click here](#).

Complaints



Complaints Committee



Chairperson's Statement

I have great pleasure in presenting my third report as the independent Chairperson of the Complaints Committee.

The Committee formally considered 117 complaints in relation to 70 advertisements during 2023. In addition, a further 69 advertisements dealt with by the Executive were reviewed by the Committee. The actual number of advertisements assessed by the ASA in 2023 was 1,056, an increase on the number of advertisements assessed in 2022. Each case is assessed on its own merits, and the number of advertisements sent to the Committee by the ASA 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.

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



**Brian O'Gorman,
Chairperson, Complaints Committee.**

The Role of the Complaints Committee

The ASA's independent Complaints Committee is responsible for:

- Reviewing and ruling on complaints submitted by the public, ASA members, government departments, or any other parties, based on the ASA Code.
- Initiating corrective actions when necessary and issuing appropriate directives.
- Informing the ASA Board when corrective actions or directives are not followed or are ignored.

The Complaints Committee varies in size from 11 to 15 members, including an independent Chair. It includes individuals from the advertising industry as well as those with no industry connection to ensure objective complaint investigations and operated with special regard for the interests of consumers. Each member acts independently and evaluates cases on their own merits according to the ASA Code.

While the ASA Executive may resolve cases informally when a formal review isn't warranted, the Complaints Committee can still request to review any of these cases for formal adjudication.

In 2023, the Complaints Committee met formally seven times. Their rulings are regularly published in the media and posted on the ASA website.

Analysis of Adjudications

Of the 70 advertisements considered by the Committee, complaints in relation to 59 were upheld and 9 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 the two remaining advertisements, 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.

Complaints Committee Resolution

	2023		2022		2021	
	Complaints	Advertisements	Complaints	Advertisements	Complaints	Advertisements
Submitted to the Committee	117	70	173	74	162	81
Upheld/ In Breach	82	59	107	59	134	68
Not Upheld/ Not in Breach	32	9	64	13	28	13
Statement	3	2	2	2	0	0

Investigated advertisements and Outcome by Sector

Media	Investigated	In Breach	Not In Breach
Food & Beverages	10	8	2
Motoring	9	8	1
Household	8	6	2
Miscellaneous	8	6	2
Health & Beauty	6	6	0
Leisure	6	5	1
Telecommunications	5	4	1
Clothing/Footwear	4	4	0
Alcohol	3	3	0
Travel/Holidays	3	3	0
Business	2	1	1
Financial	2	2	0
Agriculture	1	1	0
Education	1	1	0
Property	1	1	0
Tv/Audio/Video	1	0	1
Computers	0	0	0
Employment/Business Opportunities	0	0	0
Non-Commercial	0	0	0
Publishing	0	0	0
Total	70	59	11

Review panel

The Advertising Standards Authority's Review Panel consists of a Chair and two ordinary members. The Chair is independent of both the advertising industry and the ASA. One ordinary member has a background in the advertising industry, while the other represents consumer interests.

If an advertiser or complainant disagrees with a decision made by the Complaints Committee, they can request a review. The Review Panel will consider their request based 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. The Committee will make the final decision on whether an advertisement breaches the Code. In 2023, the Advertising Standards Authority received no requests for review.

