



SELF REGULATION IN ACTION

- Stockholm - 21/09/2009 -

**“Protection of young people  
against irresponsible  
commercial communication:  
the role of advertising self-  
regulatory organisations”.**



*I.Fazekas*

*ORT (Hungary)*

*EASA chairman*

## How does advertising SR work?

**PREVENTION**



Advice, training, awareness

**STAGE 1**

**Preparation of campaign**

**Proactive**



Look & apply the rules  
monitors

provide copy advice

**STAGE 2**

**Campaign is released**

**Reactive**



receive complaints

SRO reviews ad against rules  
Substantiation of claims  
Accept, modify or reject  
Publications of decision

## EASA – The European Alliance for advertising self-regulation

### Promoting responsible advertising through best practice in self-regulation

#### 32 SROs in 30 countries:

- 23 EU SROs - 25 European SROs
- 7 corresponding SRO members  
AUS, BR, CAN, IND, NZ, SA, CL

#### 16 industry organisations:

- Advertisers
- Agencies
- Media



### EASA Charter Commitment Summary 2009

This summary sheet offers a simplified overview of national self-regulatory bodies' implementation of the commitments set out in EASA's 2004 Self-Regulatory Charter. It should be read with the understanding that it does not fully reflect the particularities of existing effective SR systems in the EU, notably in Germany and Scandinavian countries.

For more detailed information on the commitments, please see the EASA publication: Advertising self-regulation in Europe - the Blue Book 5th edition (2007).

Self-regulatory feature	EU 27																												
	EU 15														EU 10										EU 2				
	A	B	DK	FIN	F	DW	WBZ	GR	IRL	I	L	NL	P	E	S	UK	CY	CZ	EE	HU	LV	LT	MT	PL	SK	SL	BG	RO	
Self-regulatory body	✓	✓	1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	→	✓	X	✓	X	✓	✓	✓	→	✓	
Code	✓	✓	✓	✓	✓	n/a	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	✓	✓	X	✓	✓	✓	✓	✓	
Copy advice	✓	✓	X	✓	✓	✓	✓	✓	✓	X	→	✓	✓	✓	X	✓	X	✓	X	✓	X	✓	X	✓	✓	✓	✓	X	→
Own initiative monitoring	→	X	X	X	✓	✓	X	✓	✓	X	X	✓	✓	X	→	✓	→	X	X	✓	X	X	X	✓	✓	✓	X	X	X
Free handling of consumer complaints	✓	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	→	✓	X	✓	X	✓	✓	✓	✓	→	✓
Online complaints facility	✓	✓	X	X	✓	→	✓	✓	✓	→	✓	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	→	X	✓	
Publication of decisions	✓	✓	X	✓	✓	n/a	✓	✓	✓	→	✓	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	✓	X	→	
Appeals procedure	✓	✓	X	✓	✓	n/a	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	X	✓	X	X	
Stakeholder involvement*	✓	✓	2	2	✓	→	n/a	✓	✓	✓	X	✓	✓	✓	2	✓	✓	✓	X	✓	X	✓	X	✓	✓	✓	✓	✓	
Promotional activity	✓	✓	X	✓	✓	✓	X	✓	✓	→	✓	✓	✓	✓	✓	✓	→	→	X	✓	X	✓	X	✓	✓	✓	✓	→	
Website	✓	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	✓	✓	→	✓
Remit includes DMCs	✓	→	X	X	→	X	X	→	✓	✓	X	✓	→	→	→	→	X	→	X	→	X	X	X	→	→	X	→	→	
*Stakeholder involvement:																													
a) Broad consultation in code drafting	→	✓	2	2	✓	→	n/a	✓	✓	→	X	✓	✓	✓	2	✓	✓	X	X	✓	X	✓	X	✓	✓	→	✓	✓	
b) Independent element in jury	✓	✓	X	✓	✓	X	n/a	✓	✓	✓	X	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	✓	X	✓	

Key:

- ✓ In place
- In development / Partially in place
- X Not in place
- 1 Aspects of advertising self-regulation are in place in Denmark for sectors but there is no general dedicated SRO
- 2 In Scandinavian countries the ICC Code (on which there is no broad consultation) is directly translated and applied
- n/a Not applicable - the SRO applies anti-competition law

DW Deutscher Werberrat - deals with matters of taste and decency  
WBZ Wettbewerbszentrale - applies unfair competition law

## Code consultation for general advertising codes

In all forms of advertising there is a **special duty of care with regard to the consideration of children and minors.**

SR rules at national level are drawn up based on the **feedback provided by consumer complaints, dedicated research and the input of lay experts** including those who belong to SR complaint committees/juries.

SROs do listen to youth and their representatives just as any other stakeholder participating in the consultations + conduct specific research/events on the suitability of the rules and compliance thereon with regard to children and minors.

Alcohol Codes at EU level are drafted by the sector organisation and serve as basis for the national codes of conduct.

Being a sensitive product, **the content of alcohol advertising is strictly not allowed to be attractive to minors.**



## Complaints jury and involvement of lay experts

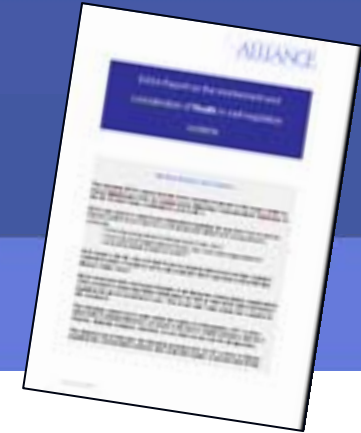
- Juries consist of 5 to 15 people
- Juries are chaired by an independent Chairman
- Juries are composed of a mix of independent lay experts and non-active industry experts in different proportions
- Possibility of Appeals

Juries include lay experts in 19 out of the 21 operational SROs in the EU27.

More than half have professional experience related to children (under 12), minors (under 18) and/or young adults (18-24).

In the **UK**: **Alison Goodman**: charity Terrence Higgins Trust, former Governor of a Primary School in London.  
**Neil Watts**: Secondary School Homeroom Teacher since 1988. **Diana Whitworth**: co-director of Grandparents Plus  
In **Ireland**: **Bairbre Redmond Jury Chairperson**, Vice-Principal, College of Human Sciences, UCD, **Garret Campbell**, Secondary School Teacher and part time lecturer in the School of Education and Lifelong Learning UCD  
in **France**: **Françoise Moggio**, child psychiatrist, **Jean-Michel Carlo**, Director of the communication school of IEP Paris....

## Report to the AHF- MCTF on youth



Our report showed that:

- SRO juries decision-making processes clearly **do take into account the available research, the views of consumers expressed via complaints and the views of dedicated lay experts** that can advise on such matters whether outside the SRO structure or in the existing jury.
- The lay experts who specifically advise in these matters are able to provide an all round view related to their experience of youth and child concerns from different social backgrounds, ethnic groups, genders and geographical location.
- The report Gave clarity on how juries interpret the “attractiveness” rule.

## European projects involving youth

The **2008 Alcohol Advertising Monitoring** conducted by EASA involved the **youth organisation “Generation Europe” as one of the independent reviewers.**

A member of Generation Europe’s secretariat as well as a national ambassador from Hungary participated in the 2008 alcohol monitoring workshop organised by EASA on 5 December 2008 where discussions on compliance examples took place.



*TV and print ads  
in 19 countries  
reviewed  
by the national SROS*

## Digital marketing communication and SR

- **Be consistent** and coherent in all media and markets
- Need to keep in mind **further requirements** for SR to function effectively
- **Educate...**

No need for new code  
=> Guidance to apply existing principles to new circumstances



Commitment: coverage of all media

## Digital Marketing Communications

*Comprehensive and effective codes of advertising practice [...] applicable to all forms of advertising*

➔ EASA has put together a Best Practice on Digital Marketing Communications and further clarifying material

**2009**    Adopted by 12 SROs,  
In progress of being adopted by 9 SROs



## What's in? What's out?

- ✓  Text ads
- ✓  Paid Search
- ✓  Online 'public' classified ads
- ✓  Display ads
- ✓  Advertiser-seeded or endorsed virals
- ✓  Online in-game ads
- ✓  MMS/SMS ads
- ✓  Video Outdoor
- ✓  DVD/CD-Rom



- ✓ Editorial content
- ✓ Corporate reports
- ✓ Pure User Generated Content
- ✓ Independent Review websites
- ✓ Techniques generally prohibited by law (spyware, malware)
- ✓ Doesn't yet cover issues related to privacy & data protection in DMCs as covered by statutory regulators



## Conclusions

- **SROs help prevent and stop irresponsible marketing communication.**
- Special duty of care regarding minors in the case of alcohol advertisement.
- Decision are taken independently and juries involve lay experts.
- **SR is being extended to digital marketing communications.**

For more information, go to [www.easa-alliance.org](http://www.easa-alliance.org)