



## MEMORANDUM

TO: Hon. Clare Curran  
Minister of Broadcasting, Communications and Digital Media

FROM: Hilary Souter, Chief Executive, ASA

DATE: 31 October 2017

SUBJECT: Briefing on current issues from the Advertising Standards Authority

---

### **Overview – “Every ad a responsible ad”**

The Advertising Standards Authority (ASA) is the industry organisation responsible for the self-regulation of advertising content and placement across all media in New Zealand. The ASA is a tripartite organisation and its members represent advertisers, agencies and media organisations. It is funded by its members and an advertiser levy on media placement costs. It receives no tax-payer funding.

Through the ASA, advertising self-regulation offers a quick, uncomplicated, accessible way of setting standards and dealing with complaints about advertising. It adapts quickly to reflect changing societal views and works to ensure the community, industry and government have confidence in, and respect for, advertising self-regulation.

Advertisements are required to meet tests of truthfulness and acceptability within society. Principles and guidelines are set out in the ASA Codes of Practice and are used by the industry in developing advertising campaigns. There are specialist codes for advertising alcohol, therapeutic products and services, gambling, financial products and services and advertising to children and young people.

Complaints about advertisements are heard by independent complaints boards to determine whether the boundaries laid down in the codes have been breached. The ASA funds two Complaints Boards. Both Boards have a majority of public members and are chaired by public members. The Advertising Standards Complaints Board (ASCB) has five public members and four industry members and the Advertising Standards Complaints Appeal Board (ASCAB) has two public members and one

industry member. As the Boards fulfil a public interest function, decisions are subject to judicial review.

The ASA is committed to following world best practice in relation to advertising self-regulation and is a member of the International Council for Advertising Self-regulation and is a supporter and participant in the APEC endorsed Action Agenda on Advertising Standards and Practice Development to promote alignment of advertising standards across the region.

### Relationships with Government

The ASA has a reporting relationship to the Minister of Broadcasting via its relationship with commercial broadcasters under the auspices of a 1992 Cabinet Minute following a review of the Broadcasting Standards Authority.

The ASA Chief Executive has working relationships with Government and Crown agencies including the Ministry for Culture and Heritage, the Broadcasting Standards Authority, the Department of Internal Affairs, the Commerce Commission, Medsafe, the Ministry of Health, Food Standards Australia New Zealand, the Ministry of Primary Industries, the Ministry for Business, Innovation and Employment and the Health Promotion Agency on issues of mutual interest.

The ASA also consults with Ministers about appointments of public members to the Complaints Boards.

### Statistics

<b>2016</b>		<b>2015</b>	
Total Enquiries	<b>1100</b>	Total Enquiries	<b>1260</b>
Made up of:			
Total Complaints	<b>586</b>	Total Complaints	<b>707</b>
Total Triaged	<b>110</b>	Total Triaged	<b>185</b>
Total Ad Advice	<b>273</b>	Total Ad Advice	<b>216</b>
Total General Enquiries	<b>131</b>	Total General Enquiries	<b>152</b>
Advertisements	434	Advertisements	514

The Complaints Board meets fortnightly and our average time to deal with a complaint from initial ruling to release of decision is 13 working days.

<b>Key issues 2016</b>	<b>No. of Complaints</b>
Children's Issues	11
Misleading	235
Social Responsibility	108
Taste and Decency	80

Most complaints raise issues about misleading advertising, followed by social responsibility, which may include matters relating to placement. In 2016 eleven complaints were specifically about children's issues.

<b>Most complaints by medium</b>	
Television	175
Interactive Marketing	118
Out of Home	30
Print	29
Radio	24

Television is the most complained about medium but has a low number of complaints upheld, in part due to the screening process that takes place prior to broadcast.

<b>Interactive Marketing Breakdown</b>	
Advertiser Websites	88
Social Media	20
Display	5
Paid Search	4
In-game	1

Complaints in digital media are driven by advertiser websites, although social media complaints have increased in recent years.

### **Governance**

The ASA has an independent Chair, Hon. Heather Roy and a five-member Governance Board responsible for its strategic direction and sustainable funding.

The ASA has three full-time staff and two part-time staff and is based in Wellington.