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Compliance



Principle

The overarching principles of this Code are that advertisements should not mislead or cause serious or widespread offence or harm, especially to children or the vulnerable. Broadcasters are responsible for ensuring that the advertisements they transmit comply with both the spirit and the letter of the Code. All compliance matters (copy clearance, content, scheduling and the like) are the ultimate responsibility of each broadcaster. The ASA may decline to investigate where there is a dispute which, in its view, would be better resolved by another regulator or through the Courts.

Background

Broadcasters should use the ASA or CAP website, www.asa.org.uk and www.cap.org.uk, to inform themselves of recent ASA adjudications, the latest text of the Code and BCAP guidance on the Code.

Broadcasters must ensure that all advertisements are cleared before broadcast, are scheduled suitably and in accordance with BCAP's rules on scheduling of advertisements (Section 32: Scheduling). BCAP strongly advises broadcasters to follow relevant Clearcast or RACC scheduling warnings, although compliance with them is not necessarily a guarantee of compliance with the BCAP Code.

Broadcasters must ensure that previously approved copy is not re-run for subsequent campaigns without periodic checks to ensure that all claims are still accurate. For radio, copy originally cleared by the RACC that is over six months old will need to be re-submitted for consideration by the RACC and assigned a new clearance number. Broadcasters or their respective clearance body must independently assess evidence submitted in support of an advertisement and any advice they have commissioned. Substantiation of factual claims made by advertisers and other supporting evidence must be held by the broadcaster or the relevant clearance body.

Radio

“Special category” radio advertisements, whether broadcast locally, regionally or nationally, must be centrally cleared by the RACC. The code includes rules throughout that makes clear those categories of radio advertisement that must be centrally cleared. Broadcasters or their sales houses must hold a record of centrally cleared advertisements. For more information, go to www.racc.co.uk or telephone 020 3206 7808. The special categories are:

- Consumer credit, investment and complex financial products and services
- Gambling products and services
- Alcohol products
- Medical and health and beauty products and treatments
- Food, nutrition and food supplements
- Slimming products, treatments and establishments
- Adult shops, stripograms, escort agencies and premium-rate sexual entertainment services
- Dating and introduction services
- Commercial services offering individual personal and consumer advice
- Environmental claims

- Matters of public controversy including matters of a political or industrial nature
- Religious organisations
- Charitable causes
- Films, DVDs, video, computer and console games that have an 18+ certificate or rating.

Advertisements that do not fall into the special category list and are broadcast only by one station or in one locality must be cleared for broadcast by the relevant staff at the station concerned. Advertisers should contact the relevant station for information or guidance. To provide consistent standards for the benefit of consumers and the radio industry, national radio advertisements should be centrally cleared by the RACC. National radio advertisements are those sold and broadcast nationally across the network.

Rules

- 1.1** Advertisements must reflect the spirit, not merely the letter, of the Code.
- 1.2** Advertisements must be prepared with a sense of responsibility to the audience and to society.
- 1.3** Advertisements must comply with the law and broadcasters must make that a condition of acceptance.
- 1.3.1** Advertisements must not state or imply that a product can legally be sold if it cannot.