



Advertising Practice

Professional Guidance Series
PGS3

Introduction

Advertisements for ecological and environmental services and products should, as in any business, accord with the appropriate advertising codes. The 12th edition of The UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) came into force on 1 September 2010. Formulated by the Committee of Advertising Practice, they are part of the self-regulatory system that involves the advertisers, the media and the advertising business itself.

Although the Code does not have the force of law, transgression results in a number of sanctions being employed by the Advertising Standards Authority (ASA). In the final instance the ASA can refer a persistent offender to the Office of Fair Trading.

Copies of the full Code and its operation may be obtained free of charge from the CAP website (www.asa.org.uk) or as a hard copy from publishers The Stationery Office.

In Ireland, advertisers are regulated by the Advertising Standards Authority for Ireland (ASAI), with the 6th edition of the Code of Standards for Advertising, Promotional and Direct Marketing in Ireland effective from 1 January 2007. The ASAI Code is available to download from their website (www.asai.ie).

The following extracts and notes are based on the UK CAP Code and are intended to indicate the scope of the Code and the aspects most likely to affect CIEEM members. They are not comprehensive and members should consult the full Code to clarify their own obligations. The ASAI Code in Ireland is similar to the UK CAP Code and therefore the following should also apply to advertising practice in the Republic of Ireland.

Where is the Code Applicable?

The Code applies to:

- Advertisements in newspapers, magazines, brochures, leaflets, circulars, mailings, e-mails, text transmissions (including SMS and MMS), fax transmissions, catalogues, follow-up literature and other electronic or printed material
- Posters and other promotional media in public places, including moving images
- Cinema, video, DVD and Blu-ray advertisements
- Advertisements in non-broadcast electronic media, including but not limited to: online advertisements in paid-for space, paid-for search listings and advertisements distributed through web widgets and online sales promotions and prize promotions
- Advertisements from companies on their own websites and on non-paid-for space online under the advertiser's control (including advertisements on social networking websites)
- Marketing databases containing consumers' personal information
- Sales promotions in non-broadcast media
- Advertorials (an advertisement feature, announcement or promotion, the content of which is controlled by the marketer, not the publisher, that is disseminated in exchange for a payment or other reciprocal arrangement)

The Code does not apply to:

- Broadcast advertisements (UK only - the BCAP Code sets out the rules that govern broadcast advertisements on any television channel or radio station licensed by Ofcom. In Ireland broadcast advertisements are covered along with other forms of advertisement in the ACAI Code)
- Marketing communications in foreign media
- Classified private advertisements, including those appearing online
- Private correspondence, including correspondence between organisations and their customers about existing relationships or past purchases
- Live oral communications, including telephone calls and announcements or direct approaches from street marketers

Principles

The first and most well-known principle of the Code is that advertisements should be legal, decent, honest and truthful. But there are others, notably:

- All advertisements must reflect the spirit, not merely the letter, of the Code

- All advertisements should be prepared with a sense of responsibility to consumers and to society
- All advertisements should respect the principles of fair competition generally accepted in business
- Primary responsibility for observing the Code falls on advertisers. Others involved in preparing and publishing advertisements such as agencies, publishers and other service suppliers also accept an obligation to abide by the Code.

Of the other areas covered by the Code, the following have particular relevance for CIEEM members.

Legality

Advertisers are responsible for ensuring that marketing communications are legal and should not incite anyone to break the law.

Recognition of Marketing Communications

Advertisers are responsible for ensuring that advertisements are clearly distinguishable as such and marketing communications must not falsely claim or imply that the advertiser is acting as a consumer.

Misleading Advertising

No advertisement should mislead or be likely to do so by omitting or hiding relevant information or presenting it in an unclear, ambiguous or inaccurate manner.

Advertisers must hold documentary evidence to substantiate claims made in an advertisement that consumers are likely to regard as objective.

Any advertisements that make comparisons must be clear and fair, comparing products that meet the same need or intended for the same purpose. All comparisons must be objective and verifiable. Advertisers should not make unfair use of the goodwill attached to the trade mark or name brand of any other business or competitor.

Where advertisements use testimonials or endorsement, the advertiser must hold documentary evidence along with contact details for the person or organisation that gives it. Permission must be given for a testimonial or endorsement to be featured and they must relate to the product being advertised.

Harm and Offence

No advertisement should cause serious or widespread offence, although the fact that a particular product is offensive to some people is not sufficient grounds for objecting to an advertisement for it.

Marketing communications must not cause fear or distress without good reason and should not use shocking claims or images merely to attract attention.

Privacy

Advertisers are urged to obtain written permission in advance if they portray or refer to individuals or their identifiable possessions in any advertisement.

Database Practice

Advertisers must comply with all relevant data protection legislation. Where personal data is held on a database for marketing purposes (and collected with permission), the advertiser must allow consumers to ask not to receive any communications and communications sent by email must contain the advertisers full name and an address to which recipients can opt-out of further emails.

The rules concerning Database Practice are quite detailed and any member involved in this area would be unwise to proceed without consulting them.

Environmental Claims

The rules on Environmental Claims are of obvious interest both for members' own advertising and in considering that of others. The CAP Code section on Environmental Claims is quoted here in full:

- a. The basis of environmental claims must be clear. Unqualified claims could mislead if they omit significant information.
- b. The meaning of all terms used in advertisements must be clear to consumers.
- c. Absolute claims must be supported by a high level of substantiation. Comparative claims such as "greener" or "friendlier" can be justified, for example, if the advertised product provides a total environmental benefit over that of the advertisers's previous product or competitor products and the basis of the comparison is clear.
- d. Advertisers must base environmental claims on the full life cycle of the advertised product, unless the marketing communication states otherwise, and must make clear the limits of the life cycle. If a general claim cannot be justified, a more limited claim about specific aspects of a product might be justifiable. Advertisers must ensure claims that are based on only part of the advertised product's life cycle do not mislead consumers about the product's total environmental impact.
- e. Advertisers must not suggest that their claims are universally accepted if a significant division of informed or scientific opinion exists.
- f. If a product has never had a demonstrably adverse effect on the environment, advertisements must not imply that the formulation has changed to improve the product in the way claimed. Advertisers may, however, claim that a product has always been designed in a way that omits an ingredient or process known to harm the environment.
- g. Advertisements must not mislead consumers about the environmental benefit that a product offers; for example, by highlighting the absence of an environmentally damaging ingredient if that ingredient is not usually found in competing products or by highlighting an environmental benefit that results from a legal obligation if competing products are subject to that legal obligation.

Employment and Business Opportunities

Advertisements must make a clear distinction between offers of employment and business opportunities and must relate to genuine vacancies. Any advertisements for business opportunities must not overstate or state unrepresentative earnings.

Advertisements for training courses must not give a misleading impression about potential employment that may follow on from the course and must make clear course costs.

Advice and Complaints

In the UK, the Committee for Advertising Practice offers a free, fast and confidential Copy Advice for advertisers and can be contacted by telephone (020 7492 2100) or email (advice@cap.org.uk) and have a dedicated website (<https://www.asa.org.uk/advice-and-resources.html>) with an online advice database along with help notes, checklists and case studies for advertisers.

Complaints are investigated free of charge and be made to the Advertising Standards Authority via their website (www.asa.org.uk) with a copy of the advertisement in question and where and when it was seen.

In Ireland, complaints are also investigated free of charge and should be made to the Advertising Standards Authority for Ireland.

Acknowledgements

This guidance note was drafted by Dr David Shirley with assistance from other members of the Professional Standards Committee.



Raising the profile of professional ecological and environmental management and promoting the highest standards of practice for the benefit of nature and society.



43 Southgate Street
Winchester, Hampshire SO23 9EH

t: 01962 868626
e: enquiries@cieem.net
www.cieem.net