



Online Marketing Communications on Companies' own websites are now regulated by the ASA

As of 1st March 2011, the ASA remit now includes online marketing communications. This includes UK advertisers' own marketing messages on their own websites and marketing communications in other online space under the advertiser's control (such as social networking sites like Facebook and Twitter).

All trading entities that have marketing communications online will be affected by this change, and as such are recommended to ensure that their websites and other online marketing communications comply with the CAP Codes.

In summary, the purpose of the Codes is to ensure that marketing communications are legal, decent, honest and truthful. In particular, marketing communications must not be misleading or cause harm or offence. There are general rules including those relating to children, privacy, sales promotion, distance selling and the environment; and specific advice on sectors such as medical, health and beauty products, financial products, food, alcohol and tobacco, gambling and lotteries, motoring, employment and business opportunities. Advertisers should note that there may be additional regulations applicable to them which are regulated by bodies other than the ASA, such as Financial Services, Consumer Credit and Debt Management which are regulated by the FSA and the OFT.

Anyone can make complaints about perceived breaches of the Codes via the ASA website, and the ASA can investigate or include additional issues of its own accord. Where competitors make a complaint, the ASA may suggest that the issue is resolved directly. Where a complaint is upheld, the initial sanction includes directions on how to resolve the breach and publication of the ASA decision. Where advertisers do not comply with ASA decisions, further sanctions include ad alerts to CAP members, withdrawal of trading privileges by CAP members, pre-vetting requirements, and, in relation to misleading or unfair advertising, referrals to the OFT for legal proceedings under the Consumer Protection from Unfair Trading Regulations 2008 or the Business Protection from Misleading Marketing Regulations 2008 (the provisions of which are incorporated into the CAP Codes).

There are a number of online tools to assist advertisers, including the Copy Advice website which has free online advice relating to specific advertising issues. Copy Advice also offers a paid-for Website Audit service to audit company websites for CAP Code compliance. Although the audit is not binding on the ASA or CAP, it is likely to give advertisers a better assessment of whether their websites comply with the Codes or not.

Useful Links

ASA Press Release: <http://www.cap.org.uk/CAPServices/Digital-remit-advice.aspx>

The Non-Broadcast CAP Code is: <http://www.copyadvice.org.uk/CAP-Code.aspx>

The Copy Advice website and Copy Advice Website Audit Services can be found at <http://www.copyadvice.org.uk/> and <http://www.copyadvice.org.uk/Ad-Advice/Website-audit.aspx>

For further information or advice please contact:



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