



Have complaints been made against your company to regulatory and/or professional bodies that oversee advertising practices?

Rationale for question

The basic principle of advertising is that it should be legal, decent, honest and truthful. All advertising should be designed with due attention to social responsibility and it should conform to acceptable standards of business practice and fair competition.

Advertising is tightly regulated both by government legislation and by self-regulation within the advertising industry. Standards cover numerous aspects of advertising, such as placement, timing and content. Since the scope of advertising standards differs between countries, businesses should seek out local regulatory authorities or professional bodies for specific policies. (The organisations in the 'Resources' section may provide further guidance.)

Some companies have been criticised for deliberately targeting vulnerable consumers in advertisements in an attempt to mislead them. However, it is unreasonable to expect a ban on advertisements targeting vulnerable consumers since they may be underserved and have a need to access specific products and services.

'Vulnerable consumers' are identified by the [UK Office of Fair Trading](#) by two characteristics:

First, some may have greater difficulty than others in obtaining or assimilating the information needed to make decisions about which goods and services, if any, to buy. Second, they may be exposed to a greater loss of welfare than other consumers as a result of buying inappropriate goods or services, or of failing to buy something when it would be in their interests to do so. Both forms of vulnerability may be experienced by the same individual.

There is no exhaustive list of 'vulnerable groups' because there may be circumstances in which most consumers may also be considered vulnerable due to factors such as such as age, low-income background, etc.

Companies that target vulnerable consumers through advertisements must take extra precautions to ensure that they have taken the consumers' particular needs into consideration and do not abuse any limitations, such as restricted marketplace knowledge. The UK Office of Fair Trading and other government and consumer advocacy groups offer guidance on how to advertise responsibly to vulnerable consumers and what constitutes a misleading advertisement. (Please see 'Resources'.)

Defining terms

'Advertising' encompasses every piece of brand, product or service communication. It also includes aspects of selling such as Direct Mail, door drops, the Internet, branding in a store, branded clothing, sponsorship, commercial text messages and telephone sales.

A 'regulatory body' is an organisation appointed by government to ensure compliance with standards for a particular industry or occupation.

A 'professional body' is an organisation composed of people in a particular occupation who seek to protect both the public interest and interest of members by maintaining oversight of the legitimate practice of the occupation.

Primary and Secondary answer requirements

ANSWERING YES

Companies must:

1. state any advertising codes that apply to their industry;
2. provide the nature and/or content of the complaint;
3. indicate the nature of the investigation, if one was conducted, including the body that carried out the investigation; and
4. mention the result of the investigation and any recommendations made.

In cases where the company was found liable, it must also:

5. describe the steps taken to rectify the situation; and
6. mention the steps taken to prevent future occurrences.

Companies may:

1. describe their general advertising practices, such as media used for advertising, and how they deal with vulnerable consumers.

ANSWERING NO

Companies may:

1. mention their target audience in advertisements and explain how they deal with vulnerable consumers, if applicable;
2. state any advertising codes that apply specifically to their industry; and
3. discuss their general advertising practices, such as media used for advertising.

DON'T KNOW is not a permissible answer to this question.

NOT APPLICABLE is not a permissible answer to this question.

NO ANSWER YET is only permissible under extraordinary circumstances and then for only a limited period.