

# A-Z of regulation for car advertising

The Society of Motor Manufacturers and Traders

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# This morning

- Advertising self-regulation
- The advertising codes
- The motoring rules
- Motoring ads that have fallen foul of the rules
- Environmental claims
- Enforcing ASA decisions
- Where to get help and advice



# The ASA and CAP



Independently administers rules laid out in the advertising codes

**ASA Broadcast**  
Regulates TV and radio ads under contract from Ofcom

**ASA Non-broadcast**  
Over 40 years of operation; independent from Ofcom



Two separate industry bodies that write and enforce the advertising codes



**Writes and enforces the TV and Radio Advertising Standards Codes**



**Writes and enforces the CAP Non-Broadcast Advertising Standards Code**



# Self Regulation

Advertising Agencies

Media owners

Write the Codes  
Take action against offenders  
Pay for the ASA

Advertisers



# The ASA's remit

## We cover

- Print and press ads
- Posters
- Direct mail
- Television and radio ads
- Competitions, special offers
- E-mail and text messages
- Banners and pop-ups
- Teleshopping
- Cinema commercials
- Promotions

## We don't cover

- Packaging
- Shop windows
- Websites
- Telephone calls
- Flyposting
- Private Classified ads
- Statutory / public notes
- Press releases
- Political ads (election campaigns)



# Complaints

- Approximately 26,500 received in 2008
- 51% non-broadcast, 49% broadcast
- In 2008, approx. 600 complaints received about motoring ads
- No minimum number of complaints required
- Complainant's identity is not revealed unless they have a competitive or other interest



# Sanctions

- Adverse publicity
- Media refusal
- Withdrawal of trading privileges
- Disqualification from industry awards
- Industry pressure
- Poster pre-vetting
- Referral to Office of Fair Trading / Ofcom

# Motoring ads



# Key principles

- No advertisement may mislead directly or by implication, exaggeration, ambiguity or omission
- Advertisers must hold evidence to support all claims
- Advertisements should be presented in such a way that it is clear they are commercial communications.
- Advertisements must not cause harm or serious or widespread offence.

# Speed

## In summary...

- Speed or acceleration claims should not be the predominant message of an ad. General information about a vehicle's performance – acceleration, braking power etc – may be given.
- Speed should not be portrayed in a way that might encourage irresponsible driving, law breaking or condone irresponsible driving.
- Care should be taken where a moving image may give the impression of excessive speed.

# Television ads

Television commercials for motor vehicles must not:

- refer to speeds over 70mph.
- encourage or condone fast or irresponsible driving.
- demonstrate power, acceleration, handling characteristics etc except in a clear context of safety (but must not imply excitement or competitiveness).
- Guidance notes do not apply to public service advertising about road safety.

# Power and speed

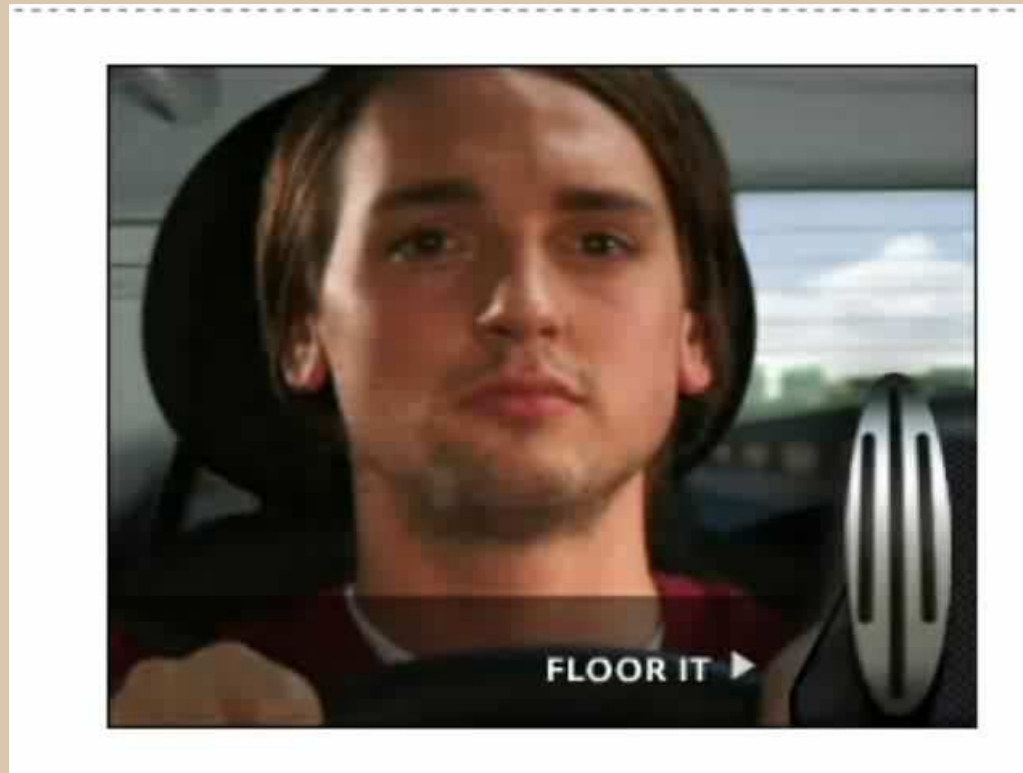
- Must not suggest fast driving is exhilarating nor portray driving as if it were a competitive sport.
- No suggestion that driving safely or cautiously is staid or boring.
- No suggestion that a vehicle is preferred because of its power or speed.

## Poster, 2008



Complaint that the ad encouraged speeding and suggested that the car was environmentally friendly

## Internet, 2007



# Social Responsibility





## **In summary...**

- Marketing communications for motor vehicles should avoid portraying or referring to practices that encourage or condone anti-social behaviour.
- Vehicles should not be depicted in dangerous or unwise situations in a way that might encourage or condone irresponsible driving.

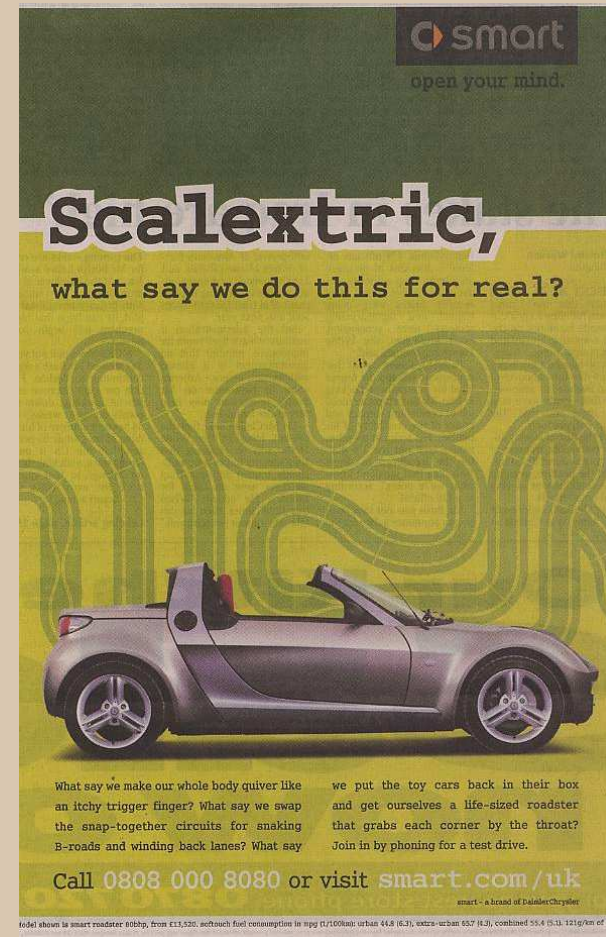
## Press, 2005

Complaint that the ad showed an illegal practice and encouraged dangerous driving



# National Press, 2004

Complaints that  
elements of the ad  
were irresponsible  
and encouraged  
dangerous driving.



The advertisement features a silver Smart car (Scalextric model) positioned in the lower half. The background is a vibrant green with a pattern of white, winding lines resembling a scalextric track. At the top, the Smart logo is displayed with the slogan "open your mind." Below the car, there is a block of text in a typewriter-style font.

smart  
open your mind.

## Scalextric,

what say we do this for real?

What say we make our whole body quiver like an itchy trigger finger? What say we swap the snap-together circuits for sneaking B-roads and winding back lanes? What say we put the toy cars back in their box and get ourselves a life-sized roadster that grabs each corner by the throat? Join in by phoning for a test drive.

Call 0808 000 8080 or visit [smart.com/uk](http://smart.com/uk)

smart - a brand of DaimlerChrysler

664e shows the smart roadster 800hp, from £13,325; actual fuel consumption in mpg (l/100ml): urban 44.8 (6.3); extra-urban 60.7 (4.6); combined 55.4 (5.1). 121g/km of CO<sub>2</sub>

## TV, 2007



# Environmental claims


# Environmental rules

- The basis of any claim should be explained clearly and qualified where necessary
- Claims such as ‘environmentally friendly’ or ‘wholly biodegradable’ should not be used without qualification or evidence
- Where there is a significant division of scientific opinion this should be reflected in the ad
- The use of extravagant language should be avoided as should bogus and confusing scientific terms.

# National Press, 2007

Complaints challenged  
“on a par with most  
economical small cars”

**THE NEW MITSUBISHI OUTLANDER**  
**IT'S RUDE TO GUZZLE**




**7 SEAT CONFIGURATION**   **INNOVATIVE BELT TENSIONER**   **SATELLITE NAVIGATION**   **INFORMATION AT A GLANCE DASHBOARD**

The new Mitsubishi Outlander defies convention in more ways than one. Contrary to popular belief, this is one Sports Utility Vehicle that doesn't ride roughshod over the environment. The 7-seat Outlander has the lowest emissions in its class, and fuel consumption of over 40mpg. That's on a par with the most economical small cars. This is thanks to its compact size and the fact that it spends the majority of its time in 2 wheel drive, but has the ability to switch to 4 wheel drive when required. Its emissions may be low, whilst the specification is as high as they come. Features include a convenient split tailgate, a magnificent 9 speaker Rockford audio system and seats that come and go, literally, at the touch of a button. Enjoy - with a clear conscience.

To find out more visit [www.mitsubishi-cars.co.uk](http://www.mitsubishi-cars.co.uk) or call 0845 330 2002

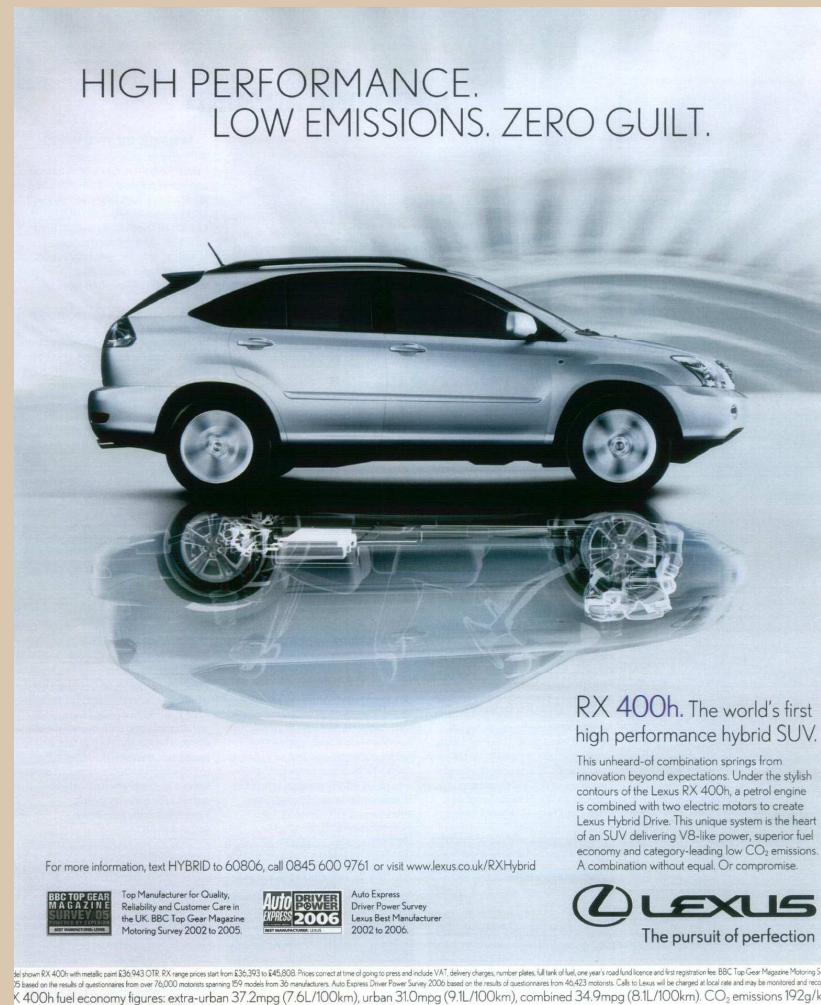
Mitsubishi Outlander Elegance Manual fuel consumption in mpg (l/100km): Urban 32.1 (8.8), Extra Urban 47.9 (5.9), Combined 40.9 (6.9). CO2 emissions 193 g/km.





# Magazine, 2007

Complaints that "Zero Guilt" misleadingly implied the car caused little or no harm to the environment



HIGH PERFORMANCE.  
LOW EMISSIONS. ZERO GUILT.

RX 400h. The world's first high performance hybrid SUV.

This unheard-of combination springs from innovation beyond expectations. Under the stylish contours of the Lexus RX 400h, a petrol engine is combined with two electric motors to create Lexus Hybrid Drive. This unique system is the heart of an SUV delivering V8-like power, superior fuel economy and category-leading low CO<sub>2</sub> emissions. A combination without equal. Or compromise.

For more information, text HYBRID to 60806, call 0845 600 9761 or visit [www.lexus.co.uk/RXHybrid](http://www.lexus.co.uk/RXHybrid)

**BBC TOP GEAR MAGAZINE** Top Manufacturer for Quality, Reliability and Customer Care in the UK. BBC Top Gear Magazine Motoring Survey 2002 to 2005.

**AUTO DRIVER POWER SURVEY 2006** Auto Express Driver Power Survey Lexus Best Manufacturer 2002 to 2006.

**LEXUS**  
The pursuit of perfection

Not shown RX 400h with metallic paint £36,943 OTR. RX range prices start from £36,393 to £45,808. Prices correct at time of going to press and include VAT, delivery charges, number plates, full tank of fuel, one year's road fund licence and first registration fee. BBC Top Gear Magazine Motoring Survey '05 based on the results of questionnaires from over 76,000 motorists spanning 159 models from 30 manufacturers. Auto Express Driver Power Survey 2006 based on the results of questionnaires from 40,423 motorists. Calls to Lexus will be charged at local rate and may be monitored and recorded. K 400h fuel economy figures: extra-urban 37.2mpg (7.6L/100km), urban 31.0mpg (9.1L/100km), combined 34.9mpg (8.1L/100km). CO<sub>2</sub> emissions 192g/km.





# Brochure, 2008

Complaint that fuel consumption rates were unachievable in on-road conditions

VIEW FROM THE REAR/REAR VIEW - THE LEAD SPECIFICATION OF FOUR DOORS

ENGINE	2.5T	3.2 Geartronic	T6 AWD Geartronic	2.4D	D5
Configuration	Transverse 20 valve	Transverse 24 valve	Transverse 24 valve	Transverse 20 valve	Transverse 20 valve
Cylinders	5	6	6	5	5
Engine capacity, cc	2521	3192	2953	2400	2400
Bore x stroke, mm	83 x 93.2	84 x 96	82 x 93.2	81 x 93.1	81 x 93.1
Max. output ECE, PS kW rpm	200 147 4800	238 175 6200	285 210 5600	163 120 4000	165 136 4000
Max. torque ECE, Nm rpm	330 1500-4500	320 3200	400 1500-4800	340 1750-2750	400 2000-2750
Octane rating	95 RON unleaded <sup>1</sup>	95 RON unleaded <sup>1</sup>	95 RON unleaded <sup>1</sup>	Turbo Diesel	Turbo Diesel
Fuel system	Multipoint fuel injection	Port fuel injection	Port fuel injection	Common rail direct injection	Common rail direct injection
Compression ratio	9.0:1	10.8:1	9.3:1	17.3:1	17.3:1

PERFORMANCE	2.5T		3.2 Geartronic	T6 AWD Geartronic	2.4D		D5	
	Manual	Gt			Manual	Gt	Manual	Gt
Top speed (mph)	130	130	146	152	130	127	140	134
Acceleration 0-60 mph (sec)	7.6	8.0	7.8	6.7	9.4	10.0	8.4	8.5
0-62 mph (0-100 km/h) (sec)	8.1	8.5	8.4	7.2	9.9	10.5	8.9	9.4
Drag co-efficient	0.31		0.31	0.31	0.31		0.31	

FUEL CONSUMPTION <sup>2,3</sup>	2.5T		3.2 Geartronic	T6 AWD Geartronic	2.4D		D5	
	Manual	Gt			Manual	Gt	Manual	Gt
Urban mpg (l/100 km)	21.6 (13.1)	20.2 (14.0)	18.3 (15.4)	16.9 (16.7)	34.0 (8.3)	28.8 (9.8)	34.0 (8.3)	28.8 (9.8)
Extra Urban mpg (l/100 km)	39.8 (7.1)	38.2 (7.4)	36.7 (7.7)	34.9 (8.1)	51.4 (5.5)	47.1 (6.0)	51.4 (5.5)	47.1 (6.0)
Combined mpg (l/100 km)	30.4 (9.3)	27.7 (10.2)	26.9 (10.5)	25.0 (11.3)	43.5 (6.5)	38.2 (7.4)	43.5 (6.5)	38.2 (7.4)
CO <sub>2</sub> g/km	222	249	251	270	172	195	172	195
VED (Vehicle Excise Duty) Band	F	G	G	G	E	F	E	F



# Help and advice

# Copy Advice

- Fast (within 24 hours); Free; Confidential
- And our users rate us:

*97% Customer Satisfaction;*

*98% would recommend Copy Advice to someone else;*

*97% score for the knowledge and professionalism of the staff*

- Help to avoid future problems with the ASA  
(We'll support your case to the ASA)

***“No advice is better informed about how  
The ASA (Council) will interpret the Code”***



# Advice:am

CAP runs regular training events to help keep you up-to-date with the advertising Codes and how the ASA interprets them.

18 Mar 2009: in-depth seminar on Motoring advertising

See: <http://www.cap.org.uk/cap/Events/> for further details and how to book (nearer the time)



# Questions?

