

EU Platform for Action on Diet, Physical Activity and Health



TV Advertising Compliance Monitoring

October 2006





Brussels, October 2006

Note by the independent reviewer

At the request of the World Federation of Advertisers (WFA), the European Advertising Standards Alliance (EASA) conducted a compliance monitoring exercise of food and non-alcoholic beverage television advertising during a three month period. 14 national Self-Regulatory Organisations (SROs) analysed a total of 3330 advertisements broadcast on television from January to March 2006. The SROs monitored the ads for compliance with existing national codes and the International Chamber of Commerce (ICC) *Framework for Responsible Food and Non-Alcoholic Beverage Communications*.

Such an exercise has proved to be very opportune as it not only a) highlights the important role of the SRO in providing copy advice and pre-clearance services in respect of the ICC and national food codes put in place by industry, but also b) provides an EASA response to the increasing concerns voiced by the European authorities – in relation to both consumer protection and the need to take into account self-regulatory practices.

During this monitoring exercise, particular attention was paid to the issue of 'claims'. SROs flagged all advertisements containing any claim that would require substantiation as well as the use of superlatives in the description of food products. Other issues, such as safety, portrayal of gender, violence, or activities that may be seen to incite or encourage a viewer's behaviour were also highlighted by the SROs.

I took on the role of independent reviewer of this monitoring exercise having been, during my professional career, responsible for both consumer protection and advertising self-regulation, and as a current member of the European Economic and Social Committee. I certify that, at each stage of the project, I had full access to all the information necessary for the development of the overall results report according to the defined methodology.

I thank the EASA team, and in particular Laure Alexandre, under the responsibility of the Director General of EASA, Dr Oliver Gray, for having shown competence and dynamism throughout the monitoring period as well as during the phase of analysis and report drafting.

Lucien BOUIS



Objectives

The World Federation of Advertisers' (WFA) purpose in conducting this project to monitor the compliance of food and beverage advertising across the EU is threefold:

1. To strengthen self-regulatory standards in food and beverage marketing communications across the EU.
2. To provide training and foster a better understanding of the new codes within the Self-Regulatory Organisations.
3. To measure advertiser compliance against the reinforced codes of conduct.

Commitments

In 2005, WFA made commitments to the EU Platform for Diet, Physical Activity and Health to:

1. Implement adoption of the International Chamber of Commerce (ICC) *Framework on Responsible Food and Beverage Communications* by national Self-Regulatory Organisations (SROs) across the EU 25;
2. Conduct a pan-European (14 member states) monitoring exercise to measure the national compliance rates of television advertisements for food and beverages vis-à-vis the ICC *Framework for Responsible Food and Beverage Communications* and national self-regulatory code provisions on food and beverage advertising.

The ICC *Framework* acts as a baseline level of code coverage for national SROs. Some national codes go further than this minimum requirement, taking into account specific national sensitivities.

What is a Self-Regulatory Organisation (SRO)?

1. An SRO monitors, polices and enforces the codes of conduct that advertisers must adhere to.
2. SROs respond to consumer or competitor complaints regarding marketing communications.
3. SROs proactively monitor marketing communications across a variety of sectors for compliance with codes of conduct.

Parameters

WFA conducted a compliance monitoring exercise of food and non-alcoholic beverage television advertising during a three month period.

14 national SROs analysed a total of 3330 advertisements broadcast on television from January to March 2006. The SROs monitored the advertisements for compliance with national self-regulatory codes and the ICC *Framework for Responsible Food and Beverage Communications*. Advertisers were not informed of the time period or the markets to be monitored.

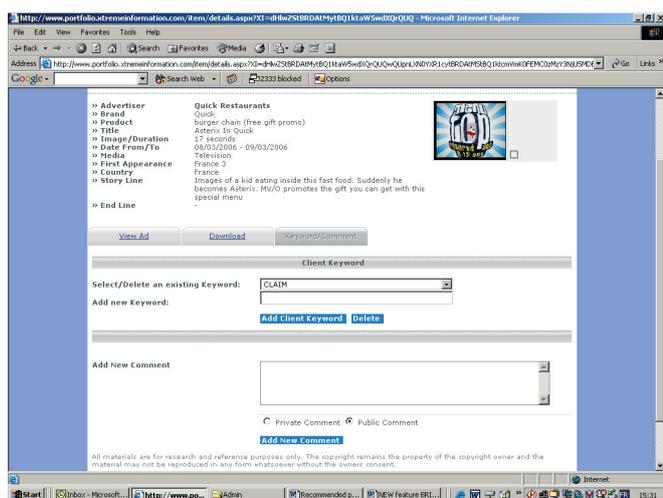
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SROs from the following countries participated in the project:

- | | | |
|-------------------|-----------------|--------------|
| 1. Belgium | 6. Greece | 11. Portugal |
| 2. Czech Republic | 7. Hungary | 12. Spain |
| 3. Finland | 8. Ireland | 13. Sweden |
| 4. France | 9. Italy | 14. UK |
| 5. Germany | 10. Netherlands | |

The 3330 advertisements were collated by independent suppliers, Xtreme Information¹, and were made accessible to SROs via an online database. SROs viewed the ads and completed the monitoring exercise on-line using a portal.



1 > Television	Brand/Product: Nestle, Sveltesse low fat yoghurt/dessert Title: Women In street Looking For Cakes Description: Images of these two women looking at chocolate cake, strawberry tart, but thinking of how fat they are and then they got back home and eat the low fat yogurt End Line: It suits you well to feel good.	First Appearance: 22/03/2005 Duration: 030 seconds Version: Pack Shot Change Country: France Channel: TF1
2 > Television	Brand/Product: Nestle, Sveltesse low fat yoghurt/dessert Title: Women In street Looking For Cakes Description: Images of these two women looking at chocolate cake, strawberry tart, but thinking of how fat they are and then they got back home and eat this low fat yogurt End Line: It suits you well to feel good.	First Appearance: 21/03/2005 Duration: 030 seconds Version: - Country: France Channel: TF1
1 > Television	Brand/Product: Nestle, Nesquik cereal Title: Kids Camp In The Forest Description: Teenagers trial Nesquik cereal from kids and animated rabbit asleep in a camping tent. The kids terrify the teenagers with a cunning shadow play, and make them not sleep. End Line: And you, do you have yours?	First Appearance: 16/02/2005 Duration: 030 seconds Version: End Version Country: Belgium Channel: Club RTL (French)

1. www.xtremeinformation.com



SROs were asked to indicate:

1. Whether the ads were in breach of either the *ICC Framework* or existing national codes;
2. Whether copy advice¹ was sought;
3. Whether any issue, other than food, was involved in the ad (e.g. safety, portrayal of gender etc.);
4. Whether a claim² that was unverifiable without further evidence was made in the advertisement;
5. Whether a complaint was received by the SRO and what the outcome of that complaint was.

Independent Reviewer

The terms of reference for the EU Platform for Action on Diet, Physical Activity and Health call for monitoring to be “transparent, accountable and participative”. An Independent Reviewer was therefore appointed.

Independent Reviewer profile:

- Consumer protection (COFACE – Confederation of Family Organisations in the European Union).
- Advertising self-regulation (Bureau de Vérification de la Publicité – French SRO).
- Member of the European Economic and Social Committee.

Role:

- Oversaw all elements of the monitoring.
- Verified SRO responses at random and proactively sought justifications.
- Ensured a degree of consistency of interpretation.
- Supervised statistical consolidation of results.

Results

In 2005, WFA conducted a pilot exercise to establish parameters for this project. The same time period and markets were used. Compliance figures from 2005 have therefore been included in this report to offer comparative benchmarking with those from 2006.

In 2006, after initial investigation, out of the 3330 advertisements monitored by the SROs, 146 of the UK ads were identified as sponsorship credits. These were therefore not considered as advertising as they fell outside the remit of this exercise, and have been removed from the basis of calculation.

Out of the 3184 remaining ads that were reviewed, 656 were classified as claims requiring further investigation. This means further substantiation would be required from the advertiser in order for the SROs to fully assess the ads for compliance. However, if an advertisement included a claim that had previously been substantiated, it could be adjudicated upon.

¹ Copy advice is an optional service offered by SROs to advertisers and agencies that pre-vets the compliance of proposed advertising campaigns.

² Ads were classified as ‘claims’ when further evidence would be required from the advertiser in order for the SROs to adequately assess the compliance of these ads. As further investigation would also involve additional SRO resources beyond the parameters of this project (independent scientific experts, jury, etc.), these ads have been separated from the compliance rate calculations.

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The compliance statistics within this report are therefore calculated on the basis of the 2528 ads which were finally assessed by the SROs.

Compliance

2006

	number of ads	%
In Compliance	2432	96.2
In Breach	96	3.8
Total	2528	100

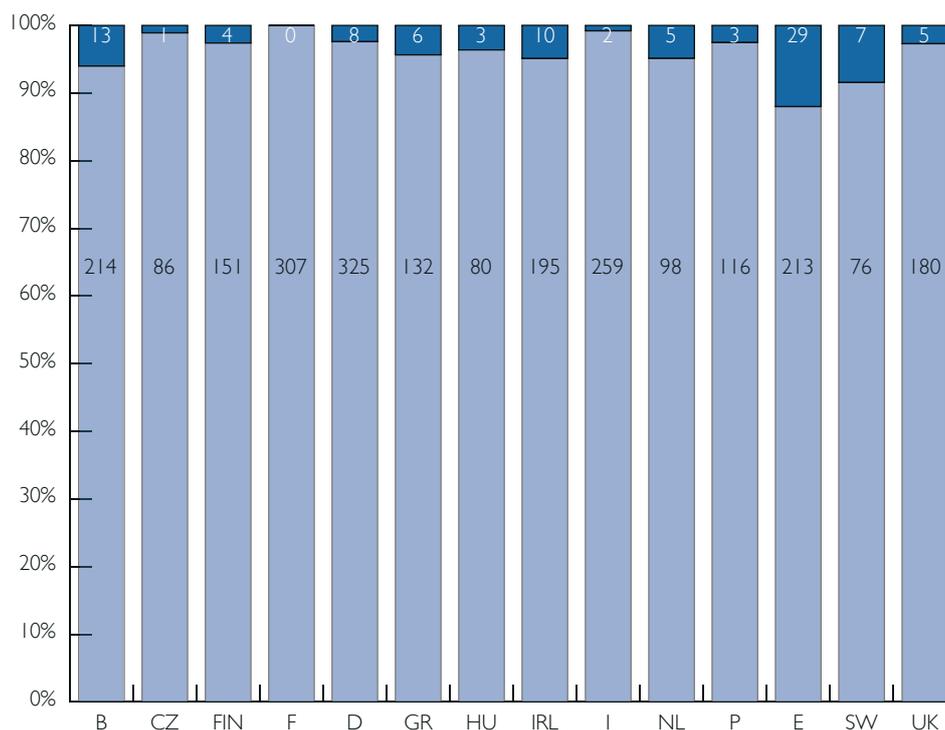
3.8 % (96 ads) of the total 2528 ads assessed were found to be in breach of the ICC Framework or existing national codes.

2005

	number of ads	%
In Compliance	2792	95.6
In Breach	130	4.4
Total	2922	100

4.6 % (130 ads) of the total 2922 ads assessed were found to be in breach of the ICC Framework or existing national codes.

2006 Compliance by country



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	Complying		In Breach		Total
	ads	%	ads	%	
Belgium	214	94.27	13	5.73	227
Czech Republic	86	98.85	1	1.15	87
Finland	151	97.42	4	2.58	155
France ¹	307	100	0	0	307
Germany	325	97.60	8	2.40	333
Greece	132	95.65	6	4.35	138
Hungary	80	96.39	3	3.61	83
Ireland	195	95.12	10	4.88	205
Italy	259	99.23	2	0.77	261
Netherlands	98	95.15	5	4.85	103
Portugal	116	97.48	3	2.52	119
Spain ²	213	88.02	29	11.98	242
Sweden	76	91.57	7	8.43	83
UK	180	95.38	5	4.62	195
TOTAL	2432	96.20	96	3.80	2528

Claims

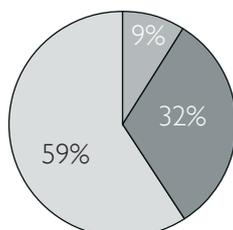
	Claims
Belgium	68
Czech Republic	8
Finland	27
France	83
Germany ³	0
Greece	27
Hungary	9
Ireland	61
Italy	5
Netherlands	53
Portugal	22
Spain	125
Sweden	44
UK	124
TOTAL	656

- 1 France: All TV ads are assessed prior to broadcast, meaning that there are no ads in breach in that country. However, 4% of the ads were subject to modification before broadcast, a figure that is comparable with the average non-compliance rate of 4%.
- 2 Spain: These results follow the adoption of the new PAOS Self-Regulatory Code (a Spanish Self-Regulating Code for Food Advertising Aimed at Children) which came into force on 15th September having been signed by the Ministry of Health the Food and Drink Industry Federation (Federación de Industrias de Alimentación y Bebidas). The relatively low compliance in Spain may reflect the recent adoption of the PAOS Code and the relatively short "period of grace" afforded to advertisers.
- 3 Germany: No claims were reported in Germany because national legislation requires advertisers volunteer scientific evidence for any nutritional or health claims.



2006: 656 ads were found to contain health or nutritional claims that required further scientific validation. This compares to **2005: 478 ads**.

Complaints



- Complaints about "other issues"
- Complaints about claims
- Complaints about food issue (other than claims)

A total of **99 complaints** were received during the monitoring period in 2006:

27 of these complaints were upheld and the ad was subsequently amended, removed or received scheduling restrictions.



About WFA:

The World Federation of Advertisers (WFA) is the voice of marketers worldwide representing 90% of global marketing communications expenditures, roughly US\$700 billion per annum, through a unique, global network: 55 national advertiser associations on five continents as well as direct multi-national corporate members. Through the network, WFA represents more than 10,000 businesses operating in a broad spectrum of sectors at national, regional and global levels. WFA's mission is to defend and promote responsible commercial communications.



About EASA:

The European Advertising Standards Alliance (EASA) is a non-profit organisation based in Brussels and is the single voice of the advertising industry in Europe on advertising self-regulation. It acts as the European coordination point for advertising self-regulatory bodies and systems across Europe. EASA brings together 27 SROs (24 from 22 European countries as well as SROs in Canada, New Zealand and South Africa) and 14 organisations representing the European advertising industry (advertisers, agencies and the media).



About ICC:

The International Chamber of Commerce is the largest, most representative business organization in the world. Its thousands of member companies in over 130 countries have interests spanning every sector of private enterprise. More than 2000 experts drawn from ICC's member companies feed their knowledge and experience into crafting the ICC stance on specific business issues. The United Nations, the World Trade Organization, and many other intergovernmental bodies, both international and regional, are kept in touch with the views of international business through ICC.