



# **EU Platform for Action on Diet, Physical Activity and Health**

**Food Advertising Monitoring Exercise  
TV, print and Internet Advertising  
Compliance Monitoring**



Paris, 22 June 2007



#### Independent reviewer's foreword

This year, at the request of the World Federation of Advertisers (WFA), EASA has again carried out a monitoring exercise on advertising for food and non-alcoholic beverages. Self-regulatory organizations (SROs) from eight countries analysed 2814 advertisements that appeared between January and April 2007.

This exercise was directed at advertisements in the press and on television and at pop-ups and banners on the Internet. It usefully demonstrates not only the role of SROs in the provision of guidance and copy advice on compliance with the ICC Code and national self-regulatory rules, but also the way in which EASA can provide answers to the ever more pressing questions of the EU Institutions and consumer organizations.

Bearing in mind the various concerns that have been expressed about the risk of obesity resulting from advertisements encouraging over-consumption of certain products, we can take note of the fact that codes are complied with and complaints are non-existent. Only in the area of health claims is there a need for particular care to be taken.

Particular attention was paid by the SROs in checking whether behaviour shown in advertisements regarding nutritional balance, safety, decency, violence, portrayal of the person and impressions of endorsement by scientific or medical experts, complied with the appropriate self-regulatory rules.

Having, in the course of my professional career, had responsibility for both advertising self-regulation and consumer protection and as a current Member of the European Economic and Social Committee, I have once again undertaken the role of independent reviewer of this monitoring exercise. I can confirm that I have had full access to all the information necessary and have received answers to all my queries, which enabled me, whenever I wished, to view any advertisement reviewed as part of the exercise.

I should like to thank the EASA team, in particular Laure Alexandre, and the Director General, Dr Oliver Gray, for the professionalism which they have shown throughout this monitoring exercise.

A handwritten signature in black ink, consisting of the letters 'LB' in a stylized, cursive font.

Lucien Bouis  
Member of the European Economic and Social Committee



## 1 Introduction

### Objectives

The World Federation of Advertisers (WFA) has three objectives in conducting this project to monitor the compliance of food and beverage advertising across the EU:

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

What is a Self-Regulatory Organisation (SRO)?

1. A SRO polices, enforces and monitors 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.

### 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 Communication* by national Self-Regulatory Organisations (SROs) across the EU 25;
2. conduct a pan-European 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.

In 2007, WFA made additional commitments to the EU Platform for Diet, Physical Activity and Health to:

1. implement adoption of the *International Chamber of Commerce (ICC) Framework for responsible food and beverage marketing communication*<sup>1</sup>;
2. WFA expanded this monitoring exercise to measure the national compliance rates of television, print and paid-for internet advertisements for food and beverages vis-à-vis the *ICC Consolidated Code on Advertising and Marketing Communication Practice* (2006), the *ICC Framework for responsible food and beverage marketing communication* (ICC Food Framework 2006), and national self-regulatory code provisions on food and beverage advertising.

### Parameters

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

There were 8 national SROs who analysed a total of 2,866 advertisements broadcast on television and press advertising and 5 of which also who analysed internet ads (pop ups, banners, Flash, Gif and Jpeg ads) from January to April 2007.

SRO members were asked to monitor food and non-alcoholic drinks advertising for the first 3 months of 2007. The objective was to assess the compliance of TV and press advertising in 8 countries and Internet ads (pop ups, banners, Flash, Gif and Jpeg ads) in 5 countries.

<sup>1</sup> [http://www.iccwbo.org/uploadedFiles/ICC/Policy\\_pages/332%20FINAL\\_Framework\\_Food\\_and\\_Beverage.pdf](http://www.iccwbo.org/uploadedFiles/ICC/Policy_pages/332%20FINAL_Framework_Food_and_Beverage.pdf).

The code covers any paid marketing communication using the following vehicles: telephone, TV, radio, press, cinema, Internet, DVD/CD-ROM, direct marketing, outdoor marketing, sales promotions and sponsorship.



SROs from the following countries participated in the project:

Country	TV ads	press ads	Internet ads	Total
Hungary (HU)	66	15	n/a	<b>81</b>
Italy (I)	280	122	55	<b>457</b>
Netherlands (NL)	182	44	48	<b>274</b>
Poland (PL)	150	33	n/a	<b>183</b>
Slovakia (SK)	69	7	n/a	<b>76</b>
Spain (E)	352	63	15	<b>430</b>
Sweden (S)	89	194	28	<b>311</b>
UK	419	499	136	<b>1054</b>
<b>Total</b>	<b>1607</b>	<b>977</b>	<b>282</b>	<b>2866</b>

Fig 1.1 Number of ads per participating country

The benchmark for assessment was the new *ICC Consolidated Code on Advertising and Marketing Communication Practice (2006)* and the new *ICC Framework for responsible food and non-alcoholic beverage marketing communications (ICC Food framework 2006)*, as well as national self-regulatory code provisions.

## Methodology

### How is the advertising captured?

Xtreme Information monitors over 90 European TV channels 24 hours a day 365 days a year via automated advertising capture and recognition. This represents over 99% of TV creative. For this exercise, Xtreme Information captured the first appearance of new TV and press advertising in each country chosen for the three month period.

Print ads were captured from a broad range of consumer, business and specialist newspapers and magazines. This represents 95-98% of print ads. Pop ups and banners from over 1,400 European Internet sites monitored daily on 3 levels, using spider technology to capture advertising images. Special technology ensures that ads are not captured twice.

SROs accessed all the ads on an online database using an individual login and password.

### How did the SROs conduct the monitoring exercise?

SROs were asked to view the ads and indicate:

- whether the ad included a claim;
- whether there had been a breach of the codes;
- whether copy advice had been sought;
- whether a complaint had been made and the outcome of the complaint.



**Independent reviewer**

For reasons of impartiality and due process, an independent reviewer, knowledgeable in both advertising regulation and consumer protection issues, was appointed to perform the following functions:

1. verify that the appropriate criteria have been set up;
2. check SRO responses are made correctly by accessing the EASA-approved results online and viewing responses at random;
3. testify to the correctness of the monitoring procedure and ensure the processes were transparent, participative and accountable.

**2 Compliance results for 2007**

In 2005 and 2006, WFA conducted a pilot exercise in 14 countries to establish parameters for this project. Though the same time period was used in 2007, 8 countries participated in the review which included not just TV advertisements but also print and paid-for internet advertisements. Compliance figures from both 2005 and 2006 have been included in this report to offer comparative benchmarking for TV advertisements against those from 2007.

**2.1 Ads withdrawn from the compliance results**

Out of the 2,866 ads captured by Xtreme, 149 were dropped from the remit of the exercise i.e the ads were not classified as advertising (e.g. sponsorship) or they were not reviewable for technical reasons. A further 17 complaints received by the SROs are still under investigation and were therefore withdrawn from the basis of calculation.

Out of the 2,700 ads remaining, 940 were flagged by the SROs as containing a claim. Ads were classified as ‘claims’ when further evidence would be required from the advertiser in order for the SROs to fully comment on the compliance of the ads. Claims not further investigated have been withdrawn from the basis of calculation since each claim would require certification from each brand owner as to the claims’ scientific validity. This would significantly change the nature of this exercise and increase the time and workload involved. Those claims investigated as the result of a complaint and adjudicated by the SRO were included in the compliance figures.

The compliance results have therefore been calculated on the basis of 1,760 ads.

Total no. of ads captured	2,866
Out of remit	149
Ads with complaints under investigation	17
Ads with claims not investigated	940
<b>Total no. of ads included in compliance monitoring</b>	<b>1,760</b>

*Fig 2.1 Basis for calculation of compliance results*



## 2.2 Compliance results

### 2007 – TV, print and internet advertisements

	number of ads	%
In Compliance	1707	97
In Breach	53	3
Total	1760	100

3% (53) ads of the total 1760 ads assessed were found to be in breach of the ICC *Framework* or existing national codes.

### 2006 – TV advertisements

	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-TV advertisements

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

4.4% (130) ads of the total 2922 ads assessed were found to be in breach of the ICC *Framework* or existing national codes.



Results for the 2007 food monitoring exercise are as follows:

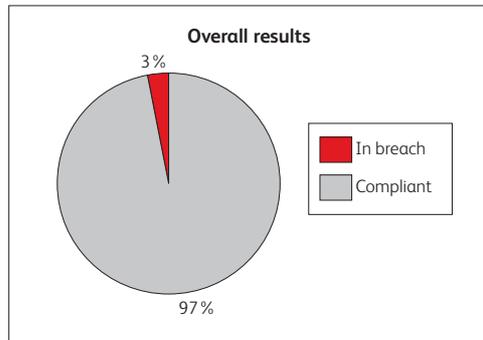


Fig 2.3 Overall compliance results 2007

	TV	Print	Internet <sup>1</sup>	Total
Compliant	1004	484	219	1707
In breach	41	12	0	53
<b>Total</b>	<b>1045</b>	<b>496</b>	<b>219</b>	<b>1760</b>

Fig 2.4 Overall compliance results

### 2.3 Overview per country

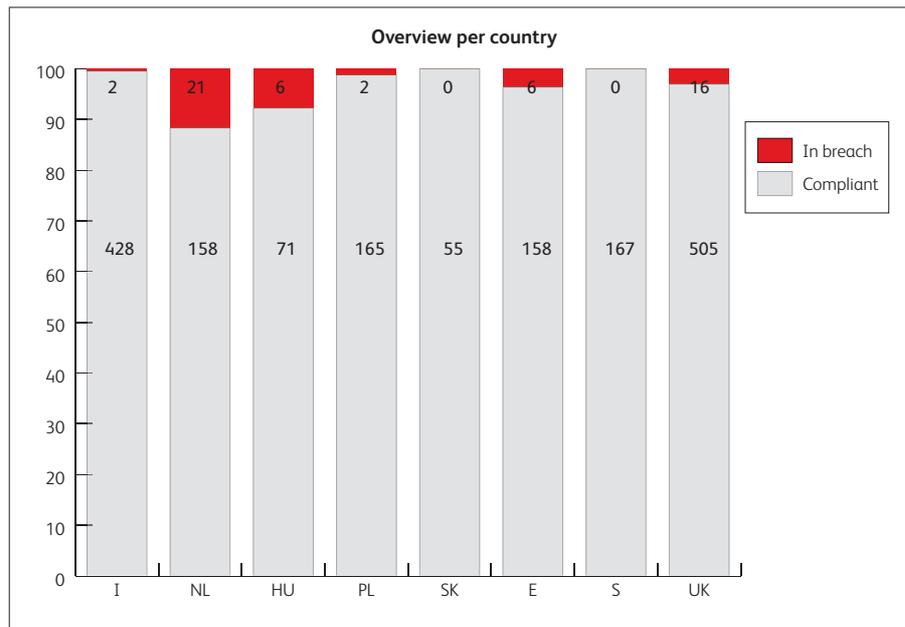


Fig 2.5 Compliance results per country for 2007

<sup>1</sup> Out of the 289 internet ads captured, 63 could not be reviewed for technical reasons (text too small etc.).



Context: The results in the Netherlands are mostly not related to “content” issues but are explained by continued breach of the requirement to show the logo of a toothbrush in snacks and confectionary advertisements (19 out of 21 ads found in breach on the basis of this code provision).

## 2.4 Detailed Results

	I	NL	HU	PL	SK	E	S	UK	Total
COMPLIANT	428	158	71	165	55	158	167	505	1707
CLAIMS	20	94	4	15	21	250	144	392	940
Health & Nutrition	7	71	2	12	20	76	87	110	385
Superlative	2	9	2	2	1	8	1	3	28
Multiple	8	13	0	0	0	94	7	207	329
Other	3	1	0	1	0	72	49	72	198
BREACH TOTAL	2	21	6	2	0	6	0	16	53
Breach ICC & Nat. Code	0	2	5	1	0	4	0	8	20
Breach Nat. code only	0	19	1	1	0	0	0	0	21
Complaint Upheld	2	0	0	0	0	2	0	8	12
COMPLAINTS	14	3	0	0	1	4	0	76	98
Complaint upheld	2	0	0	0	0	2	0	8	12
Complaint not upheld	5	2	0	0	0	2	0	1	10
Complaint under investigation	7	0	0	0	0	0	0	10	17
Complaint rejected	0	2	0	0	1	0	0	56	59
<i>Out of remit</i>	0	1	0	1	0	16	0	131	149
Copy Advice	0	0	16	0	0	155	0	209	380

Fig 2.6 Detailed compliance results 2007

## 2.5 Types of breach

The qualitative analysis of the ads in breach shows that misleadingness, non respect of the legality requirement and offensiveness are the main reasons for breaches of the codes and complaints being upheld. These results are based on the 53 ads found in breach out of the 1760 monitored.

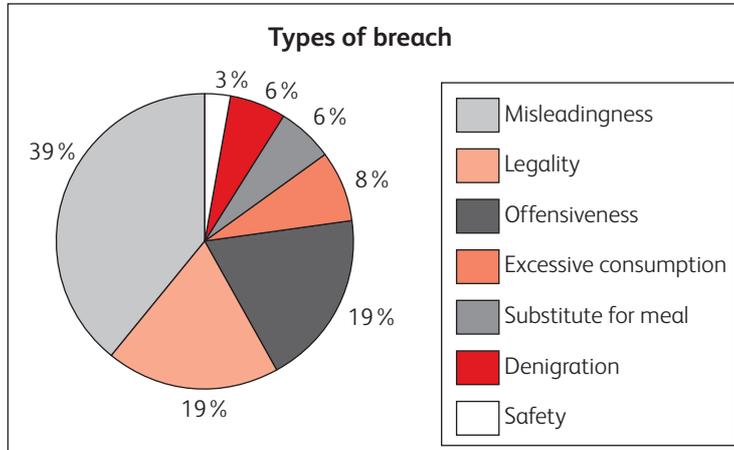


Fig 2.7 Types of breach

## 2.6 Claims

In 2007, 940 claims were flagged by the SROs i.e. meaning further substantiation would be required from the advertiser in order for the SROs to fully assess the ads for compliance.

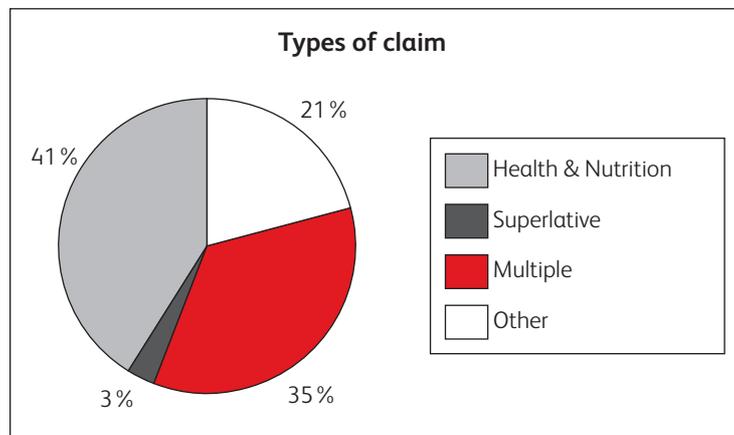


Fig 2.8 Types of claims flagged by the SROs

CLAIMS TOTAL	940
Health & Nutrition	385
Superlative	28
Multiple	329
Other	198



**Definitions**

- Health and nutrition claims: The ad contains a health or nutrition claim that would require scientific evidence to substantiate it (e.g. “Only 149 Kcal per serving”).
- Superlative claims: The ad contains a superlative such as “the only”, “the best”, “the biggest”... (e.g. “The best snack for active kids”).
- Multiple claims: The ad contains a multiple claims such as “now with more fruits and no additives for a taste better than ever”.
- Other claims: The ad contains a claim that does not fall within one of the categories above (e.g. “Since 1889”).

**3 Results per media**

**3.1 Results for TV**

The following results show the compliance level for TV ads only.

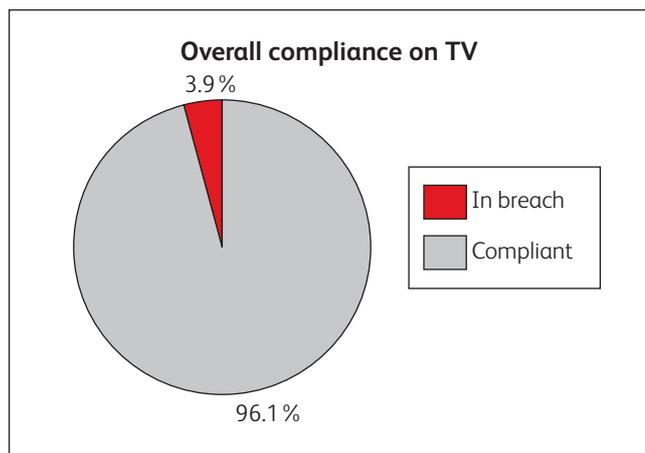


Fig 3.1 Overall compliance for TV ads only

	N° of ads	%
Compliant	1004	96.1
In breach	41	3.9
Total	1045	100

TV ads accounted for 431 claims out of 940 flagged by the SROs (45.9%). TV ads also represented 82 complaints out of the 98 received by the SROs over the monitoring period (83.7%).



### 3.2 Results for Print

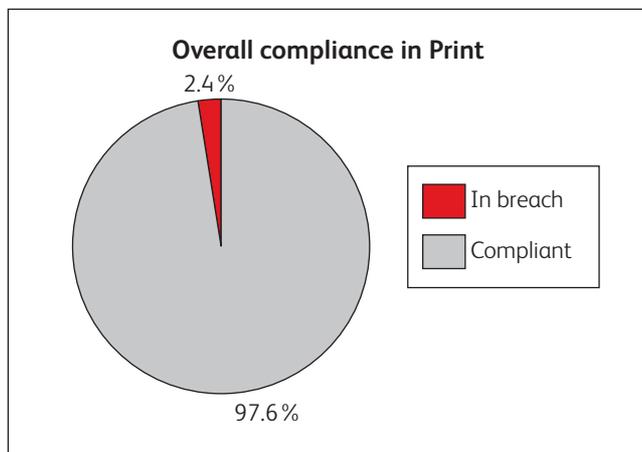


Fig 3.2 Overall compliance for print ads only

	N° of ads	%
Compliant	484	97.6
In breach	12	2.4
Total	496	100

Press ads accounted for 469 claims out of 940 flagged by the SROs (49.9%). Press ads also represented 16 complaints out of the 98 received by the SROs during the monitoring period (16.3%).

### 3.3 Results for Internet (banner and pop-ups)

No breaches were found and no complaints were made on banner and pop-ups. 40 claims were identified by the SROs on internet ads out of the 940 ads flagged (4.3%).

## 4 Complaints

98 complaints were received, of which 12 were upheld.

The complaints still under investigation have been withdrawn from the compliance exercise.

The complaints upheld are included in the breach figures, and the complaints not upheld or rejected are included in the main compliance figures (see pages 8 & 9).

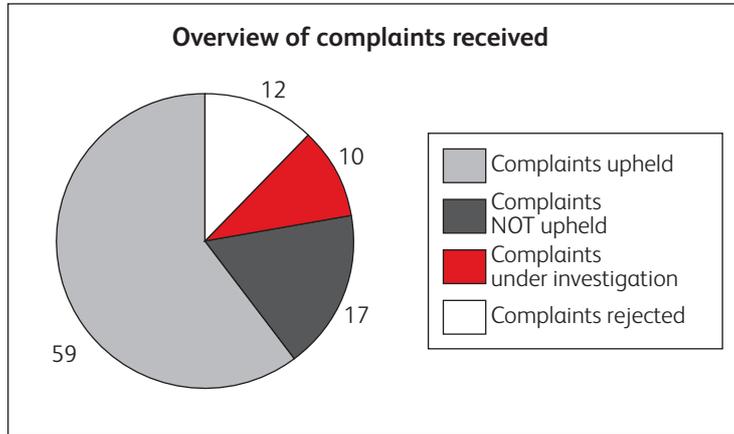


Fig 4.1 Overview of complaints received

Complaints upheld	12
Complaints NOT upheld	10
Complaints under investigation	17
Complaints rejected	59
Total complaints	98

**Definitions**

- Complaint upheld: The ad was complained about, transferred to the jury and the complaint was upheld.
- Complaint not upheld: The ad was complained about, transferred to the jury and the complaint was not upheld.
- Complaint under investigation: The ad was complained about and the case is still under investigation by the SRO.
- Complaint rejected: The ad was complained about, but the complaint was rejected by the SRO secretariat (e.g. complaint not on the ad but on the product itself).

**5 Copy advice**

Copy advice is a service provided by SROs, on request, to advertisers and agencies on the acceptability of proposed advertising campaigns. Copy advice is provided free of charge to SRO members in many countries and is non-binding.

380 ads of the 2,717 ads monitored in 2007 had received copy advice, representing 14%.

# Food Advertising Monitoring Exercise

## TV, print and Internet Advertising Compliance Monitoring



### 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 has a dual mission: to defend and promote responsible commercial communications and to facilitate a media environment which stimulates maximum effectiveness of ad spend.



### The European Advertising Standards Alliance (EASA)

EASA is a non-profit organisation based in Brussels which brings together 31 national advertising self-regulatory organisations (SROs) from 29 countries and 14 organisations representing the advertising industry in Europe – advertisers, agencies and various forms of media including television, radio, press & outdoor poster advertising. EASA's objectives are to promote, support and extend self-regulation, develop best practice, handle cross border complaints and provide information and research.



### 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.

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