

Written evidence submitted by the Advertising Standards Authority (OSB0213)

1. Background and Introduction

- 1.1.** This submission is provided by the Advertising Standards Authority (ASA), the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) – the ‘ASA system.’
- 1.2.** The ASA is the UK’s independent advertising regulator. We have been administering the non-broadcast Advertising Code (written and maintained by CAP) for 59 years and the broadcast Advertising Code (written and maintained by BCAP) for 17, with our remit further extended in 2011 to include companies’ advertising claims on their own websites and in social media spaces under their control.
- 1.3.** We are responsible for ensuring that advertising is legal, decent, honest and truthful and our work includes undertaking proactive projects and acting on complaints to tackle misleading, harmful or offensive advertisements. We are committed to evidence-based regulation and we continually review new evidence to ensure the rules and our application of them remain fit-for-purpose.
- 1.4.** As the UK’s frontline advertising regulator, the ASA brings together different statutory, co-regulatory and self-regulatory enforcement mechanisms so they appear seamless to people and businesses. Our system of collective-regulation involves the active participation of a range of legal backstops in the consumer protection landscape. We work closely with a network of partners including the Gambling Commission, the Information Commissioner’s Office, the Medicines and Healthcare products Regulatory Agency, the Financial Conduct Authority and the Competition and Markets Authority.
- 1.5.** We use our convening powers to bring together the ad industry and media owners to set, maintain and police high standards. Through the sharing of information, joined-up enforcement action and referral processes, our partners bolster our regulation and assist us, where necessary, to bring non-compliant advertisers into line. Together, this ‘collective regulation’ helps to protect people and responsible business from irresponsible ads: ads that mislead, harm or offend their audience.
- 1.6.** The UK Advertising Codes are drafted and maintained by CAP and BCAP, supported by experts in our Regulatory Policy team. This authorship of the rules by the ad industry is an important part of our system. It means businesses have a direct stake and an enlightened self-interest in adhering to the standards they set and creates a level-playing field amongst them. Many of the rules derive directly from legislation, of course. For example, the rules requiring ads not to mislead or be likely to mislead originate from UK consumer law. However, many do not, particularly those seeking to prevent harm, offence and social irresponsibility. Whichever the case, in setting the rules which govern UK advertising, CAP and BCAP have multiple checks and balances in place to ensure the process is transparent, open to scrutiny and

follows the principles of good regulation. From calls for evidence and public consultations on rule changes, having an independent consumer panel advising CAP and BCAP, Ofcom signing off on BCAP rule changes and, ultimately, the ASA System's processes being open to judicial review. All to ensure the system is wholly accountable to everyone with a stake in advertising.

1.7. In addition to investigating ads, we also provide a wealth of training and advice services (most of which are free) for advertisers, agencies and media to help them understand their responsibilities under the Codes and to ensure that fewer problem ads appear in the first place. CAP and BCAP provided 722,523 pieces of advice and training in 2020.

1.8. The ASA system is providing this supplementary evidence to the Joint Draft Online Safety Bill Committee following our recent oral evidence.

2. Supplementary evidence on the Scam Ad Alert System

2.1. The Scam Ad Alert System, the ASA's quick reporting form for scam ads, is prominent on our website and is also signposted on the Citizen's Advice website and others such as Stop Scams UK. We regularly promote it on our own social media feeds and, from November, we will be running a Google search campaign using ad credits, with the aim of raising awareness and encouraging actionable reports of scam ads.

2.2. Since the launch of the Scam Ad Alert system in June 2020 we have received 2,167 reports of potential scams via our website, and issued 156 Scam Ad Alerts.

2.3. Of the 2,167 reports received:

- 5% resulted in Scam Ad Alerts
- 77% were out-of-scope (they were not scam ads, or were not in a paid-for space)
- 18% were rejected for lacking sufficient information (URL/clickstring/screenshot) for a Scam Ad Alert.

2.4. Where reports are out of scope we will always assess whether they include information we should act upon in some other way or share with another body. This includes in a small number of cases providing information to individual platforms or networks about suspicious paid for ads and, occasionally, non-paid for content.

2.5. We ask the platform or network, on which the ad was seen, to provide us with an assurance within 48 hours that the ad has been removed. In many cases we receive their assurance more quickly than that. When we conducted a six month review of the Scam Ad Alert system we found that the platforms responded to our alerts within 48 hours (88% of the time) to confirm they had removed the reported scam ads. Many scam ads we see are similar in appearance. Scammers publish ads from many different accounts, they tend to replicate ad content used by other scammers

and each ad will have a different unique identifying URL. This means that observing repeat similar scam ads does not in itself indicate that platforms have not acted to remove the scam ads they have been alerted to.

2.6. We are in the process of evaluating the value and effectiveness of our current approach. Depending on what we find we may make recommendations to participating companies on potential changes to the Scam Ad Alert system, potentially including expanding in scope the type of ads it deals with. Our aim is to ensure that we and all participants are delivering consumer protection from the Scam Ad Alert system.

2.7. We have also asked participants to quantify what impact the Scam Ad Alert system has had so far in terms of ad removals and changes to internal processes or policies which relate to paid-for scam ads. Our clear expectation is that participants use the data from Scam Ad Alerts to do everything they can to reduce the risk of paid-for scams ads being served to consumers.

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