

Advertising complaints bulletin

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Introduction

The Communications Act allows for the Codes of the legacy regulators to remain in force until such time as Ofcom has developed its own Codes. These will be published at the end of 2004 following a full public consultation.

The Codes currently in force for advertising are:

- **Advertising and Sponsorship Code**
Radio Authority
- **Advertising Standards Code**
Independent Television Commission
- **Rules on the Amount and Scheduling of Advertising**
Independent Television Commission

These are all available on the Ofcom website: www.ofcom.org.uk

The cases have been considered against the above Codes.

- Some advertisements will have breached the relevant code.
- Others will not have breached the code.
- There may also be occasions when advertisements have breached the Codes but no action is necessary, since Ofcom recognises that a broadcaster has taken appropriate action in response to an issue (to rectify or bring about the rectifications of an error). Ofcom will consider that these complaints require no further action. Even when such action has been taken, Ofcom may still consider it appropriate to find the advertisement in breach of the Code due to the seriousness of the issues involved.

The layout of the report reflects these distinctions

No breach of relevant Code

Offensive

Walls Cornetto – Love Potion McCann-Erickson Advertising Ltd

Issue In an advertisement for Walls Cornetto, a woman was seen to fling open her raincoat, reveal sexy underwear and to offer herself to her partner in exchange for the Cornetto he was eating.

A total of 66 complaints were received. Some viewers objected to the scheduling of the advertisement. The advertisement had an ‘ex-kids’ classification, meaning that it cannot be shown in or around programmes made or intended for younger viewers. Others objected to the image and implication of a woman “prostituting herself” for an ice-cream.

Decision We appreciated that some viewers opposed the notion of using sex to sell. However, the ex-kids restriction imposed by the BACC – the body which cleared the advertisement for broadcast in the first instance – was we felt appropriate. It kept the material away from younger, more impressionable viewers. However, it did not unnecessarily restrict it from other viewing times when its appearance wouldn’t have been out of line with surrounding programme material.

We felt that the image of the woman using her body to get what she wanted was a well established treatment. In this instance, she was seen to be in full control of her actions and of the likely outcome of them. We did not therefore feel that she was negatively portrayed or the imagery was explicit.

The advertisement therefore did not breach the Advertising Standards Code.

Conclusion No further action.

Offensive

Egg Card Mother

Issue An advertisement for Egg credit card showed a Scotsman digging up squares of turf, saying he intended to sell them as “...genuine Wembley turf to anybody that’s daft enough [to buy it] really”. He added, “Who’s going to know the difference... The English will buy anything.”

We received complaints from 61 viewers objecting to the derogatory impression given of either Scots or English or both.

Decision Humour that relies on stereotyping nationalities is potentially a difficult area in television advertising. While we recognise that it might not work with all nationalities, the humour in this case was directed at two groups with a strong standing in UK society. We thought it would be accepted in the gently mocking way in which it was intended and that it was unlikely to cause any serious harm or offence.

The advertising did not breach the Advertising Standards Code.

Outcome No further action.

The following table summarises complaints and interventions arising from breaches of the Rules on the Amount and Scheduling of Advertising:

Licensee	Sales House	Comments/Explanation
London Carlton	Carlton	Artist Separation: Broadcaster failed to notice artist's appearance on programme cast list: human error.
HTV Wales	Carlton	Artist Separation: Artist's name did not appear on the commercial check list: human error

The following radio licensee failed to obtain central copy clearance (RACC approval) for the broadcast of a 'special category' of advertisement or sponsorship, in breach of Section 1 Rule 4.6 of the Advertising and Sponsorship Code:

Station	Advertiser	Special Category
97.4 Rock FM (Preston & Blackpool)	Perfect Tens Lap Dancing Bar	Sex Shops, Strippergrams etc