



|
2021

**EUROPEAN TRENDS IN
ADVERTISING COMPLAINTS,
COPY ADVICE AND
PRE-CLEARANCE**

EASA

EASA – the European Advertising Standards Alliance – is the single authoritative voice on advertising self-regulation in Europe. EASA promotes high ethical standards in commercial communications by means of effective self-regulation for the benefit of consumers and businesses in Europe and beyond.

Effective advertising self-regulation helps ensure responsible advertising, meeting consumers' demand for honesty and transparency, regulators' demand for responsibility and engagement and businesses' demand for freedom to operate responsibly. EASA and its members have developed a robust and coherent system of advertising self-regulation that can respond effectively to new challenges.

EASA was set up in 1992 to represent national SROs across Europe. In 2004, it developed into a partnership between the SROs and organisations representing the advertising industry. Today, EASA is a network of 41 organisations committed to making sure advertising is legal, decent, honest and truthful. EASA's membership is made up of 27 European advertising self-regulatory organisations (SROs), and 13 advertising industry associations, including advertisers, agencies, the media and 1 digital pure-play company. EASA is a not-for-profit organisation with a Brussels-based Secretariat. For further information please visit www.easa-alliance.org.

EASA acts as a co-ordination point for best practice sharing in the implementation of self-regulation, as well as operational standards for its national SRO members. Part of EASA's role involves coordinating the cross-border complaint mechanism. EASA also collects and analyses top line statistical data on received and resolved complaints, as well as on copy advice requests and pre-clearance from its SRO members each year.

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Table of Contents

1 Key findings 3

 1.1 Methodology 4

2 Complaints in Europe in 2021 5

 2.1 Complaints by country..... 6

 2.2 Source of complaints received 8

 2.3 Speed of complaint resolution 9

 2.4 Outcome of complaints resolved 11

 2.5 Issues complained about 12

 2.6 Media 15

 2.7 Complaints about advertising for products and services 17

 2.8 Appeals 19

3 COVID-19-related issues in ads 20

 3.1 Overview of complaints 20

4 Cross-Border Complaints: top-line overview 23

5 Copy Advice requests 25

6 Pre-Clearance service..... 27

Annex A: Definitions and key terms 28

 General definitions 28

 Outcomes of complaints 29

 Nature of the complaints..... 29

List of Graphs

Graph 1: Complaints received across Europe from 2017 to 2021	5
Graph 2: European complaints map	6
Graph 3: Source of complaints received across Europe in 2021 (European total average)	8
Graph 4: Speed of complaint resolution across Europe in 2021 (European total average)	9
Graph 5: Speed of complaint resolution across Europe from 2016 to 2020 (European total average)	10
Graph 6: Outcome of complaints across Europe from 2017 to 2021 (European mean average)	11
Graph 7: Issues complained about across Europe from 2017 to 2021 (European total average)	12
Graph 8: Distribution of complaints under the categories of taste and decency and social responsibility	13
Graph 9: Distribution of complaints under the category of misleading advertising	14
Graph 10: Medium of complained about ads received across Europe from 2017-2021	15
Graph 11: Complaints for the first 6 commercial categories across Europe from 2017 to 2021 (European total average)	17
Graph 12: Share of complaints per product/service across Europe in 2021 (European total average)	18
Graph 13: Appeal and share of appeals (%) as part of total complaints 2017-2021	19
Graph 14: Share of lodged appeals per category of appellants (%)	19
Graph 15: Number and share of complaints received in each country relating to ads featuring COVID-19-related content	20
Graph 16: Number and share of complaints received in each country relating to ads featuring COVID-19-related content	21
Graph 17: Number and share of complaints received by SROs against ads with COVID-19-related content relative to the total number of received complaints	22
Graph 18: Cross-border complaints received between 2017 and 2021	23
Graph 19: Cross-border complaints per country of origin of the media/advertiser in 2021	24
Graph 20: Copy advice requests across Europe from 2017 to 2021	25
Graph 21: Pre-clearance requests across Europe from 2017 to 2021	27
Graph 22: Share of pre-cleared ads per country in 2021	27

List of Tables

Table 1: Complaints per country across Europe from 2016 to 2020	7
Table 2: Complaints per medium across Europe from 2017 to 2021 (European total average)	16
Table 3: Copy advice requests per country across Europe from 2017 to 2021	26

1 Key findings

This report shows the main trends in complaints lodged with SROs against advertisements, the copy advice services provided, and the number of pre-cleared ads throughout 2021¹. It is based on data collected by 26 European SROs in 24 European countries.



61,883 complaints related to 29,684 advertisements were received by 26 European SROs



The UK and Germany accounted for over 80% of all complaints received in Europe



Misleading advertising remained the predominant issue complained about at 60% followed by social responsibility issues at 16%



On average, SROs resolved 44% of received complaints within the first week, 67% in two weeks, and 82% within one month



Online advertising remained the most complained about medium with 45% of complaints followed by television at 39%, whilst outdoor advertising saw a decrease to 3%



Complaints against retail advertisements amounted to 18%, followed by health & beauty services and products at 16% and leisure services at 15%



200 cross-border complaints were registered last year, decreasing by 41% compared to 2020



103,588 requests for copy advice were submitted to the SROs



84,764 ads were pre-cleared by the SROs providing this service to the industry



3% of complaints were lodged against ads with COVID-19-related content, down from 6% in 2020

¹ Data was collected by SROs from 01/01/2021 – 31/12/2021 and provided to EASA during the summer of 2022.

1.1 Methodology

Every year, EASA collects statistical complaints' data from the advertising self-regulatory organisations (SROs) in its membership. A complaint is defined as an expression of concern about an advertisement by a member of the public, a competitor, or an interest group (among others), which requires a response from an SRO. A complainant can raise one or more concerns about the ad within the same complaint. The SRO may then open one case for one ad based on one complaint or several similar complaints. Multiple cases may be opened against a single ad if several complaints raise different issues. The following pages will discuss solely the number of complaints received by SROs, as an indicator of the prevalent audience attention to seemingly problematic issues in ads.

The present report covers data² from 26 SROs in 24 countries³ (21 SROs from European Union Member States as well as the SROs from Serbia, Switzerland, Turkey, and the United Kingdom). EASA's network consists of ad self-regulatory bodies in 25 European countries, covering over 95% of the European Union's population and over 70% of Europe's.

The data collected by EASA identifies the issues which prompted complaints, the products and services that generated the most complaints, and the medium that carried the most complained-about ads. The annual collection and analysis of complaints data are a useful tool in determining and anticipating trends as well as in identifying any problematic sectors or issues.

The main method used for data processing is the calculation of the European averages based on aggregate complaints data, available at the national level. It is a method which relies on the calculation of the sum of the total complaints resolved by each SRO per issue, product, medium, or other categories. Subsequently, the percentage has been computed in relation to the total number of complaints per category or section. Where appropriate, the European mean averages are also presented, which rely on an average share of complaints (in percentages) in each country.

The number of complaints received by individual SROs can vary greatly (see table 1, section 2.1). The European average is thus not necessarily mirroring the share of complaints per issue, medium, service, etc. at the national level. For national complaints data or further information please contact the [EASA secretariat](#).

² The report covers data on complaints received and handled from 1 January to 31 December 2019.

³ Previous reports included figures for Lithuanian SRO – Lietuvos Reklamos Biuras (LRB) – and Norwegian SRO - Matbransjens Faglige Utvalg (MFU) – but the data from these SROs were no longer available since 2017 and 2018 respectively.

It is important to note that 2020 is the first year that the Serbian SRO, NAESO, provided data for the annual report, as they joined only in 2020. The Russian SRO, AMI RS, joined in 2019, and their first input in this report dates back only to 2020, but their membership was later paused and the figures will not appear in subsequent reports. Consequently, readers ought to bear in mind this as they analyse the report's graphs and tables.

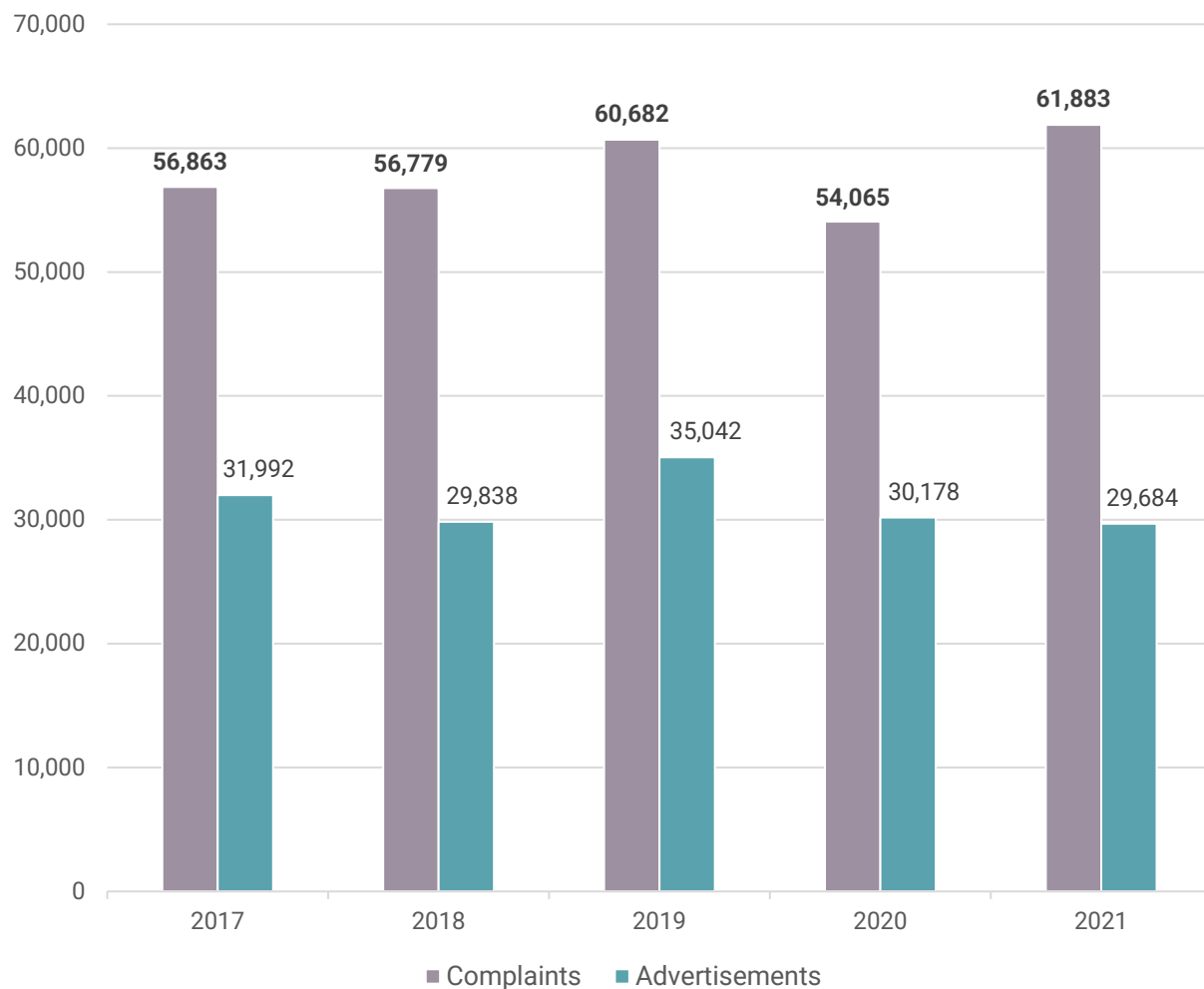
2 Complaints in Europe in 2021

61,883 complaints about 29,684 advertisements in Europe

In 2021, EASA’s network of European self-regulatory organisations (SROs) received and dealt with a total of 61,883 complaints related to 29,684 advertisements. The number of complaints increased by 14% from the previous year, reaching a new record since 2017.

On average across the previous five years, 58,054 complaints have been handled by SROs annually against an average of 31,346 advertisements.

Graph 1: Complaints lodged with SROs and the number of complained about ads across Europe from 2017 to 2021



2.1 Complaints by country

Consumers in the UK, the Netherlands, Germany, Ireland, and France accounted for 95% of lodged complaints

The map below in Graph 2 and Table 1 on the following page depicts a breakdown of complaints received in 2021 per country. The UK, in dark blue on the map, received over 70% of all complaints, with Germany falling in second place registering 12% of complaints. The Netherlands also recorded a sizeable 10% of complaints followed by Italy and Ireland at 3% each. The rest of the detailed breakdown can be found in the table on the following page.

Graph 2. European complaints map

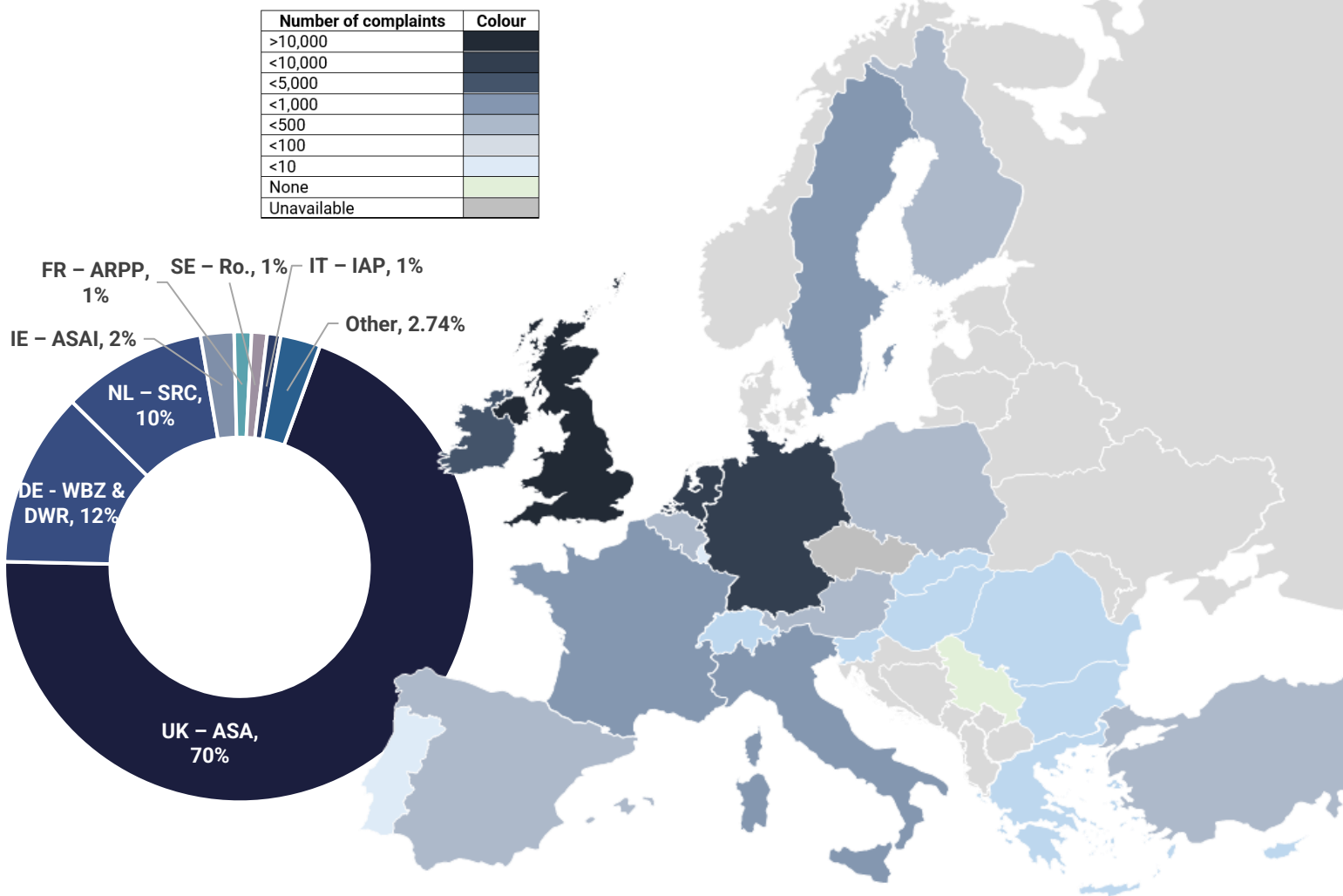


Table 1: Complaints per country across Europe from 2017 to 2021

Country/SRO	N°	2021	2020 ⁴	2019 ⁴	2018	2017
UK – ASA	1	43,190	36,297	37,056	33,727	29,997
DE – WBZ	2	6,000	5,600	9,191	10,943	9,280
DE – DWR		1,444	1,343	3,636	1,235	1,389
DE – Total		7,444	6,943	12,827	12,178	10,669
NL – SRC	3	6,157	4,015	4,255	2,944	3,618
IE – ASAI	4	1,422	1,614	1,858	1,682	2,101
FR – ARPP	5	736	714	792	701	2,338
SE – Ro.⁵	6	660	688	621	2,106 ⁶	3,467 ⁷
IT – IAP	7	577	1,797	794	1,676	819
AT – ÖWR	8	413	411	338	316	504
PL – RR	9	245	221	488	293	323
ES – AUTOCONTROL	10	209	239	293	207	1,785
TR – RÖK	11	160	202	207	174	113
BE – JEP	12	151	123	465	258	418
FI – MEN	13	145	132	161	101	96
RO – RAC	14	81	102	125	61	158
EL – SEE	15	74	84	77	106	78
SK – SRPR	16	73	79	107	89	105
CH – CSL/SLK⁸	17	51	110	139	104	140
HU – ÖRT	18	29	31	16	6	30
CY – CARO	19	24	22	24	22	70
SI – SOZ	20	24	14	16	17	22
BG – NCSR	21	13	28	34	32	52
PT – ARP	22	4	11	8	4	9
LU – CLEP	23	1	0	5	4	2
RS – NAESO	24	0	0	N/A	N/A	N/A
CZ – CRPR	-	<i>Unavailable</i>	38	40	36	25

⁴ Data for 2020 and 2019 also includes the Russian SRO AMI RS's figures: 43 and 150 respectively.

⁵ For the years 2017 and 2018, the reporting represents the cumulative number of other Swedish SR bodies dealing with consumer complaints

⁶ In 2018 the complaints numbers in different Swedish self-regulatory organizations were the following: Reklamombudsmannen (Ro.) – 522; Alkoholgranskningsmannen (AGM) – 64; DM Nämnden – 1,501; SEEM Gambling – 19.

⁷ In 2017, the complaints numbers in different Swedish self-regulatory organizations were the following: Reklamombudsmannen (Ro.) – 513; Alkoholgranskningsmannen (AGM) – 73; Etiska rådet för betaltelefoni – 1350; IGN – 34; DM Nämnden – 1426; Spelbranschens Etiska Råd (SPER) - 4

⁸ CSL/SLK's figures for 2017, 2018, and 2019 have been amended in December 2021, to reflect the reality of the number of received complaints, as opposed to only the actionable complaints.

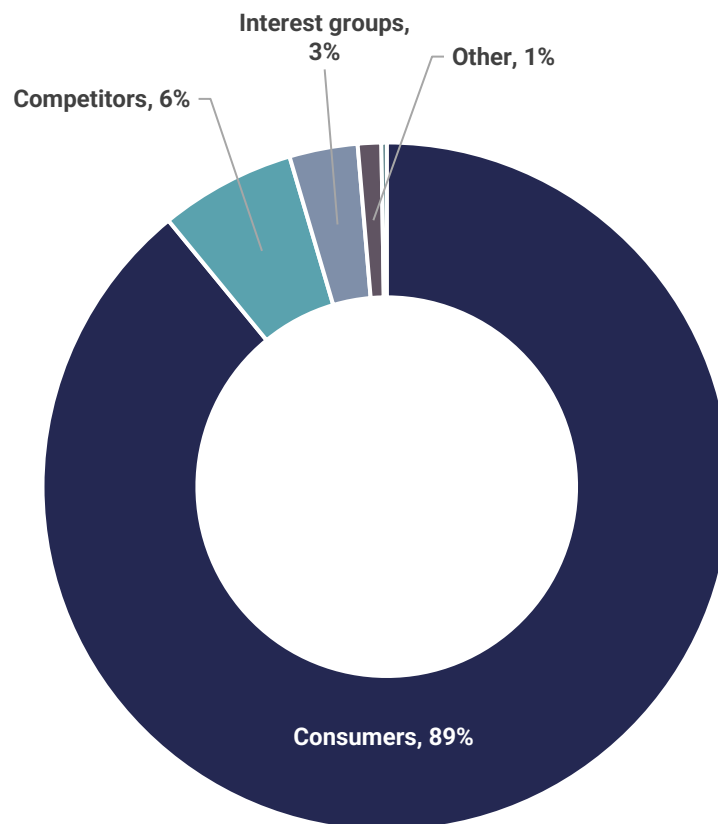
2.2 Source of complaints received

The majority of complaints were lodged by consumers

In 2021, 89% of complaints received by SROs were from consumers, 6% from competitors of other brands and advertisers, and 3% or less from interest groups authorities and other public entities. These are exactly the same proportions as in 2020. Other sources include authorities, professional associations, advertising agencies, newspapers, and political parties. (see Graph 3).

The trend has not changed over the past five years, with consumers lodging between 80% to 90% of all complaints in Europe, and the other actors remaining a small portion at less than 10% each every year.

Graph 3: Source of complaints received across Europe in 2021 (European total average)



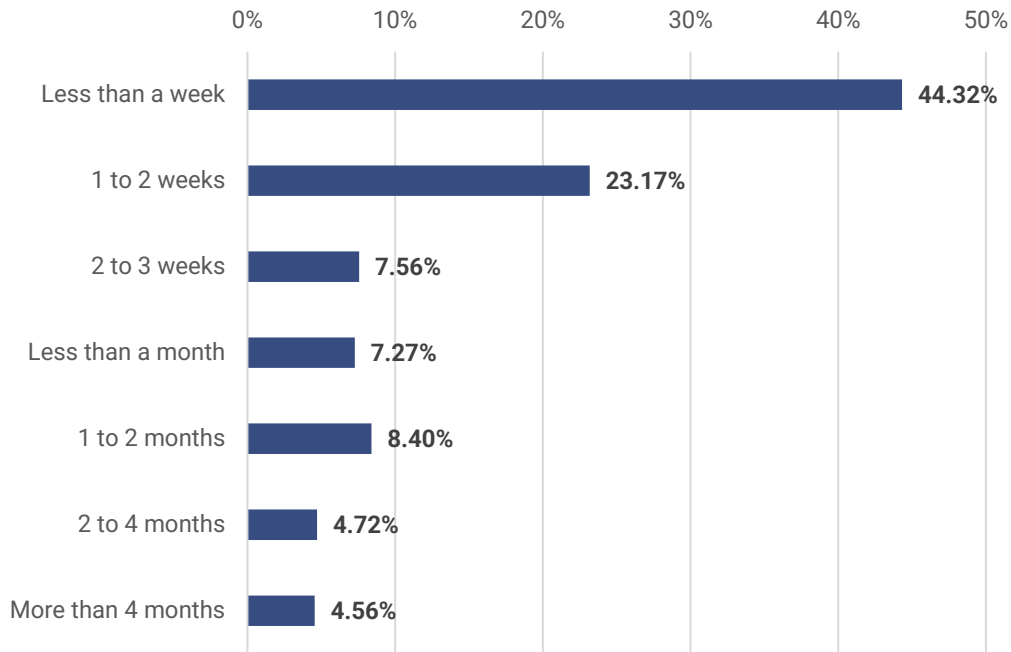
2.3 Speed of complaint resolution

Over 4 in 10 complaints were handled in less than one week, and 2/3 in two weeks

The speed of complaints handling varies depending on the complexity of the case and the ease with which SROs can reach out to the relevant different parties. Simple cases are resolved within a few days, whereas more intricate cases will take longer if the secretariat requires additional time to gather the necessary information. If scientific substantiation of advertising claims is required, complaints may lead to a prolonged investigation.

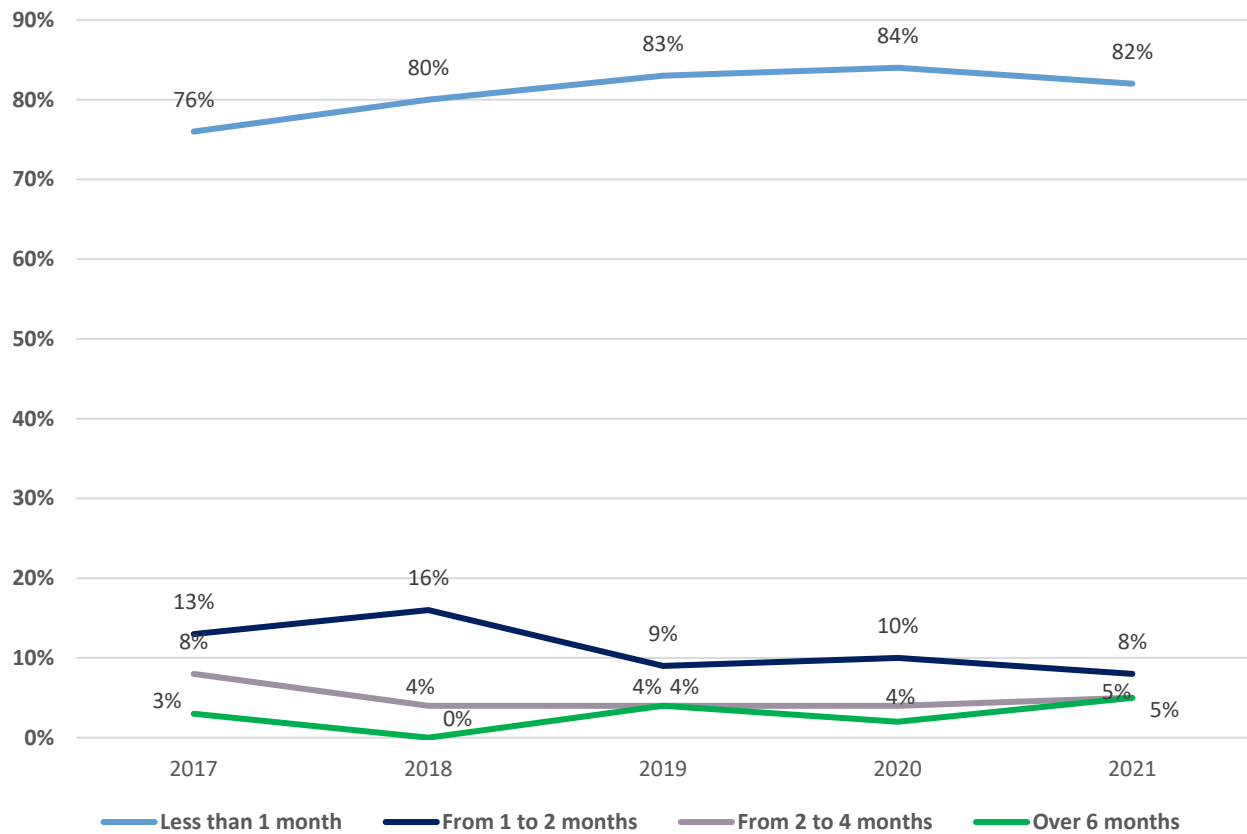
In 2021, SROs resolved over 44% of complaints received in less than one week, and a total of 82% within the first month. The rest of the complaints were mostly solved within the subsequent month (8%) and up to 10% taking additional time to be resolved.

Graph 4: Speed of complaint resolution across Europe in 2021 (European total average)



As illustrated in Graph 5, the European SROs' speed of complaint resolution has been consistent for the past few years. This is good news, as the faster complaints are handled, the quicker consumers will receive notification that their queries are being heard, treated properly, and advertisers contacted to possibly modify or withdraw an ad campaign.

Graph 5: Speed of complaint resolution across Europe from 2017 to 2021 (European total average)



2.4 Outcome of complaints resolved

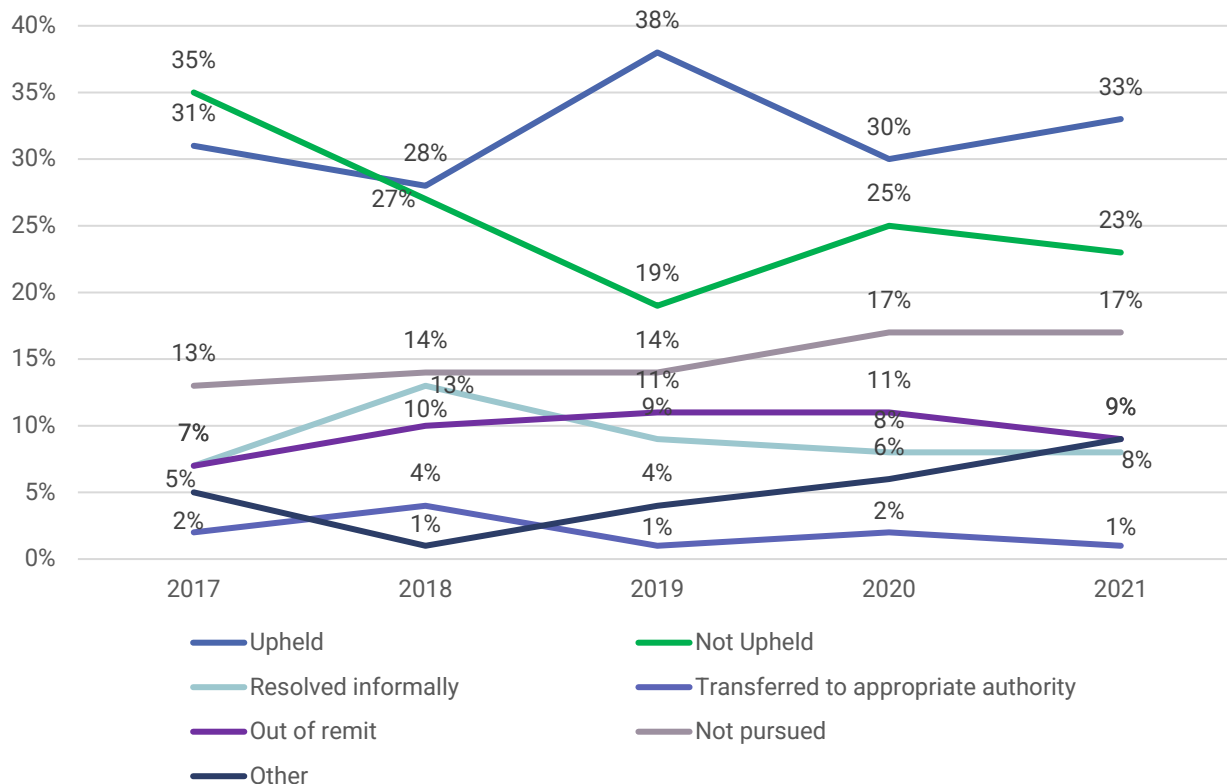
On average, 33% of complaints were upheld, while 23% were not upheld and 17% were not pursued

In 2021, on average, 33% of complaints were upheld by the SROs’ juries. The responsible SRO’s jury considered that the advertisements complained about in these cases are in breach of the relevant national advertising codes. Conversely, about 23% of complaints were not upheld by SROs. The number of complaints that were not pursued due to a lack of adequate information or unsubstantial reasons for complaining remained the same at 17%. The share of complaints that were received and were out of the SROs’ remit accounted for 9%.

The graph below showcases how the different outcomes of complaints evolved since 2017.

2019 saw an increase in the number of complaints upheld in Europe, coupled with a record low in complaints that were not upheld. In contrast, 2020 recorded an increase in not upheld complaints, dropping the share of upheld ones. This trend reversed in 2021, with a 3-point increase in upheld complaints and a 2 point decrease in not upheld one. Informally resolved complaints remained relatively stable over the past 3 years. These are cases that were solved before the SROs’ jury or complaints committee could take a decision, by mediating between the advertiser and the plaintiff towards a satisfactory solution for the latter.

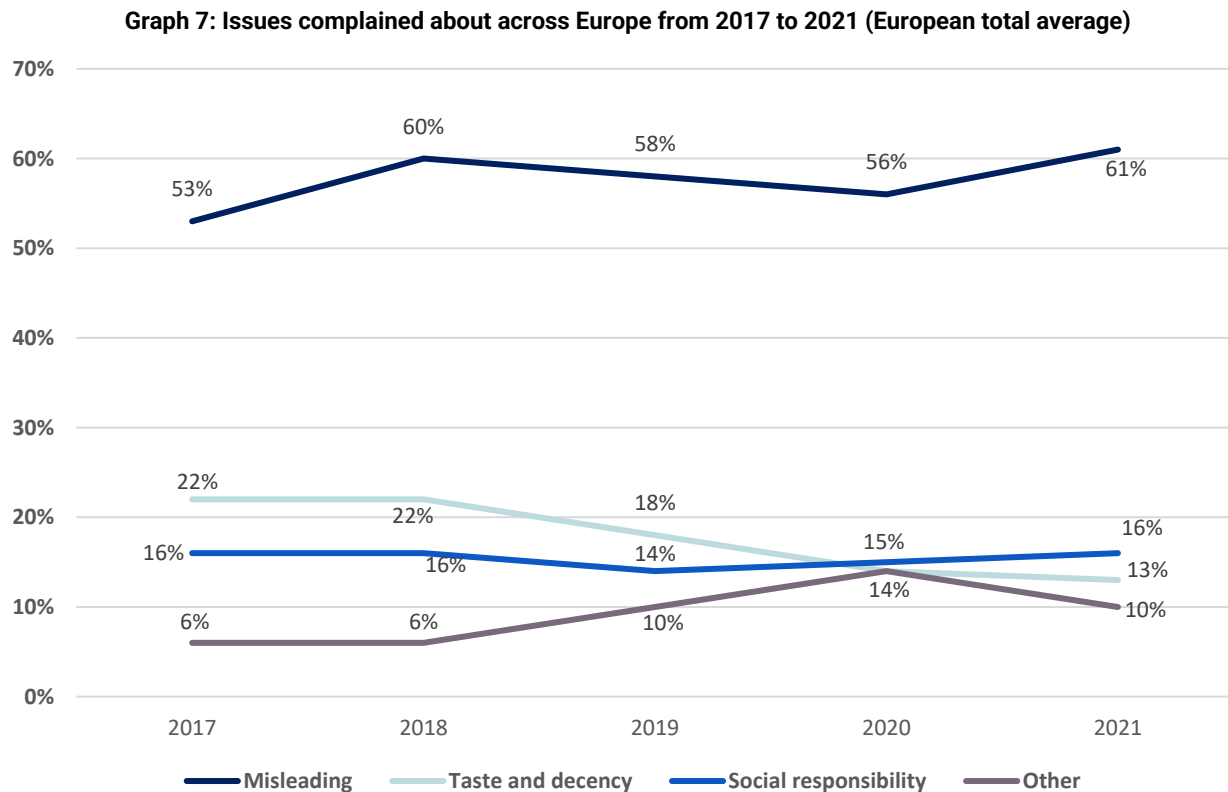
Graph 6: Outcome of complaints across Europe from 2017 to 2021 (European mean average)



2.5 Issues complained about

In 2021, consumer concerns over misleading advertising remained similar to the previous year with 61% of complaints, with social responsibility in second place at 16%

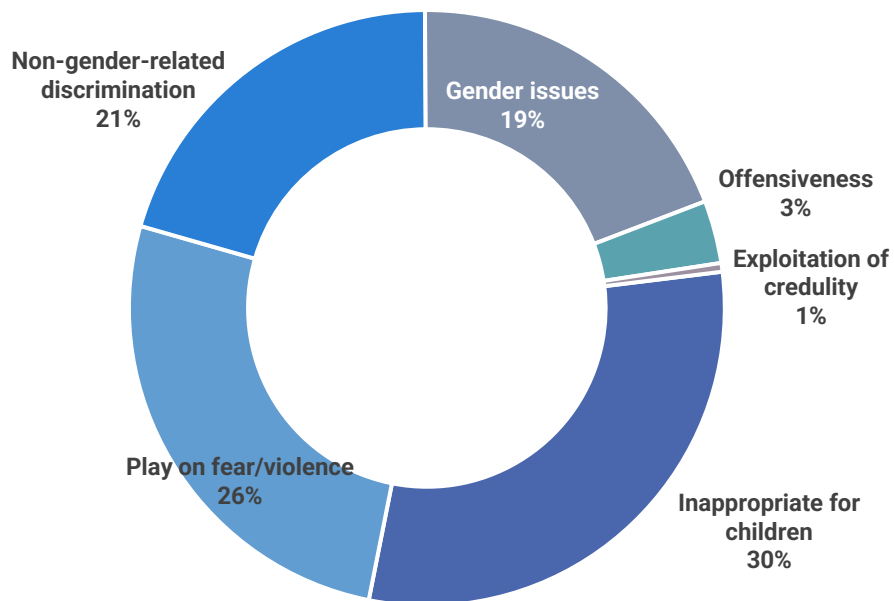
The graph below illustrates the evolution over the past 5 years of the issues that complainants outlined in their queries. Complaints against purportedly misleading advertising remains the dominant share of complaints lodged with SROs across Europe, reaching a high of 61% in 2021. Social responsibility issues, which encompass gender-based and non-gender-based discrimination, inappropriate content for children, exploitation of credulity, and play on fear and violent content have recorded a slight increase reaching 16% of complaints in 2021. Taste and decency issues continued its decrease over the past 5 years reaching 13%. Other categories, aggregating together 10% of complaints, relate to issues surrounding health & safety, privacy & data protection, denigration of competitors, breaches of sectoral rules, imitation, and transparency of commercial intent in the ad, as well as breaches of rules on non-commercial ads or market rules for SROs that extend their remit to include this.



A more detailed look into complaints concerning taste and decency and social responsibility reveals that 30% of complaints across the two categories were lodged on grounds of inappropriate content for children. Such complaints often differ considerably across the countries due to local sensitivities and cultural narratives. However, they all had in common the fact that consumers took issue with either the depiction of content that they considered problematic for children. Another 26% of complaints referred to violent content or play on violence or fear in the ad. Non-gender-based discrimination depictions, such as based on religion, ethnicity, age, etc. were highlighted in 21% of complaints across the two categories. Conversely, 19% related to issues around gender depiction, which include objectification of gender, violence against a gender, the portrayal of the human body, and general display of discrimination based on gender.

3% of complaints referred to content and material that was deemed simply offensive content. A very small share concerned exploitation of credulity.

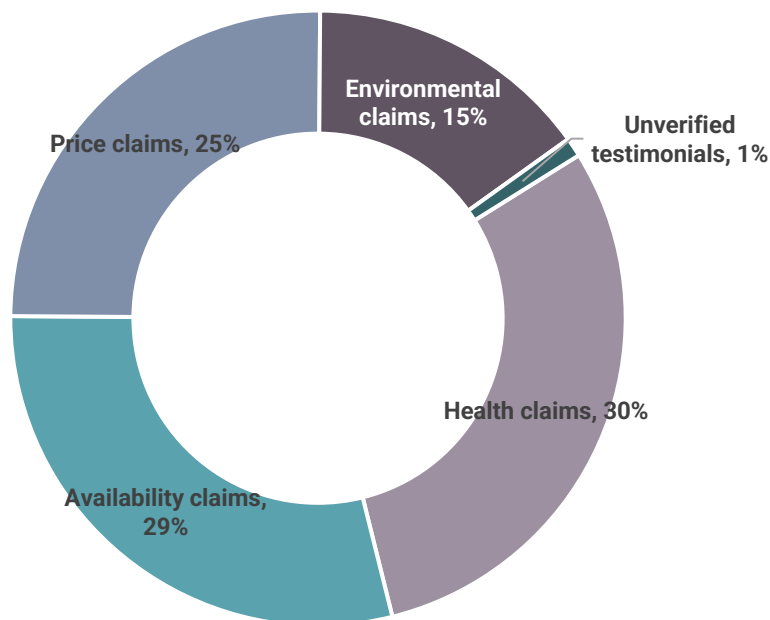
Graph 8: Distribution of complaints under the categories of taste and decency and social responsibility



It is also relevant to look in more depth into the category of misleading advertising, as it contains certain distinct classifications. Though the below graph outlines the major trends in the complaints lodged with SROs in the category of misleading advertising, these sub-classifications are not necessarily reflected in all SROs' complaints' handling systems, as each organisation has their categories and handling processes. Nonetheless, across Europe, the most misleading claims related to health claims, with 30% of complaints lodged for this issue. Another 29% related to availability claims – such as an ad promoting a product that is unavailable when consumers want to purchase it – followed by 25% of complaints in this category for misleading price claims and indications. Environmental claims made up about 15% of complaints against misleading ads.

Finally, 1% pertaining to unverified testimonials – such as ads featuring consumer or expert testimonials that have not been backed by scientific evidence or have been paid by the brand to testify in favour of them.

Graph 9: Distribution of complaints under the category of misleading advertising



2.6 Media⁹

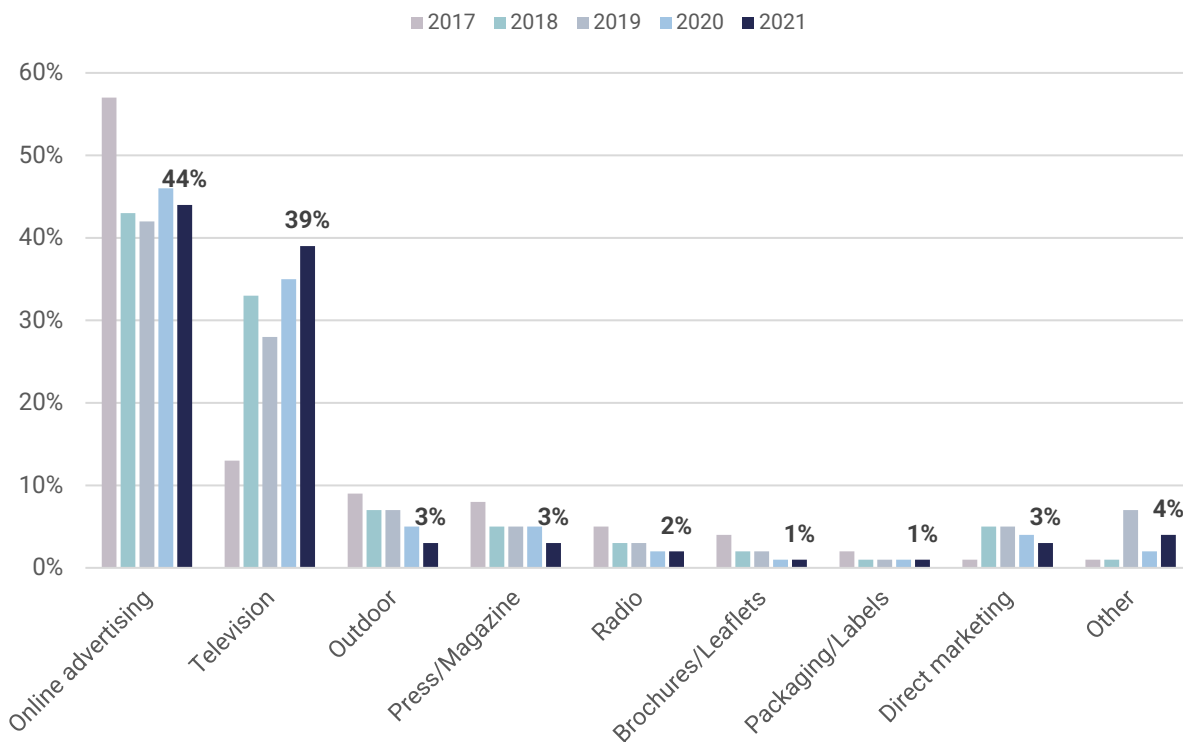
Online advertising remained the most complained about media, followed by television

Online advertising accounted for the highest share of all complaints in Europe in 2021, with 44% of all complaints, following the past year’s trend, as illustrated in the graph below. Such complaints included marketers’ websites, display ads, online games, social media pages, influencer marketing, native advertising, in-app advertising, and other digital and online media channels.

Television ranked second, covering 39% of complaints¹⁰. Outdoor advertising ranks third again, as in previous years, and corresponds to roughly 3% of complaints, whilst direct marketing, press, radio, brochures, and packaging accounted for over 10% of all complaints together. Other media types, such as point-of-sale, cinema, and teleshopping reached 2% in 2020.

The evolution of these media categories over time is shown in the graph below. Online advertising remained the medium with the highest complaints, with television ads in the second position.

Graph 10: Medium of complained about ads received across Europe from 2017-2021



⁹ A couple of name changes occurred in the Media section in 2021. *Digital Marketing Communications (DMC)* was changed to *Online advertising*, to better reflect the category’s remit of influencer marketing, banner ads, paid search, etc. Similarly, *Audio-visual media services (AVMS)* was changed to *Television*, as it only included linear and non-linear TV, and it wrongly alluded to the European Union Directive on Audio-Visual Media Services, which also includes online in its remit, unlike the statistical category here. Readers are informed as well that the sub-category “digital outdoor” that was previously located under *Digital Marketing Communications (DMC)*, and which accounted for 2% of DMC complaints, was moved in the *Outdoor* category, now making up 22% of this category’s complaints. These changes were proposed and approved by EASA’s Self-Regulatory Committee and its Board.

¹⁰ The category *Television* includes both linear and non-linear TV.

The breakdown of the complaints per media, which triggered complaints between 2017 and 2021, is presented in Table 2 below in more detail.

Table 2: Complaints per medium across Europe from 2017 to 2021 (European total average)

Media	2021	2020	2019	2018	2017
<i>Online advertising</i>	44%	46%	42%	43%	57%
<i>Television</i>	39%	35%	28%	33%	13%
<i>Outdoor</i>	3%	5%	7%	7%	9%
<i>Press/Magazines</i>	3%	5%	5%	5%	8%
<i>Direct marketing</i>	3%	4%	5%	5%	1%
<i>Radio</i>	2%	2%	3%	3%	5%
<i>Brochures / leaflets</i>	1%	1%	2%	2%	4%
<i>Packaging/ labels</i>	1%	1%	1%	1%	2%
<i>Other</i>	4%	2%	7%	1%	1%

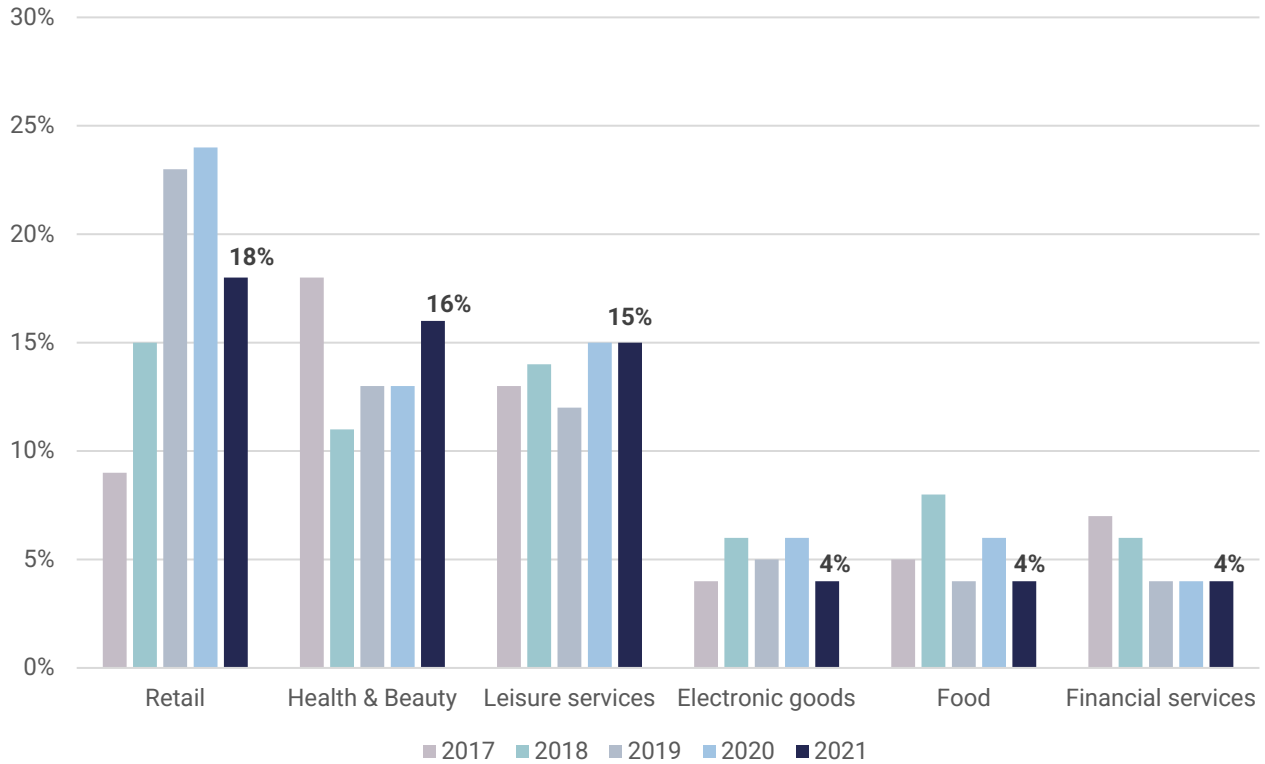
2.7 Complaints about advertising for products and services

Ads for retail, health & beauty services and products, and leisure services were the most complained about sectors

A comparison of the products and services that generated a significant number of complaints shows that the highest proportion of complaints in 2021 was lodged against advertisements for retail products and services, accounting for 18% of all complaints. Retail has seen a considerable decrease from the high of 24% in 2020.

The following graph indicates the share of the commercial categories of products and services most complained about, and on the next page is an infographic displaying the shares of all products and services in more detail.

Graph 11: Complaints for the first 6 commercial categories across Europe from 2017 to 2021 (European total average)



SROs recorded complaints for other sectors as well, such as non-commercial advertising, business directories, cars, telecommunications, clothing accessories, as shown in the graph below. These categories have not seen a great change from previous years' statistics. The large category of 'other' features sub-categories that account for less than 2% each: transport services, alcohol, magazines, real estate, toys, education services, gambling, energy providers, employment services, e-cigarettes, and house maintenance.

Graph 12: Share of complaints per product/service across Europe in 2021 (European total average)



Health & Beauty saw 16% of all complaints, following a steady increase over the past few years, yet still shy of the peak in 2017. This category includes, in decreasing order of complaints, personal care products (38%), cosmetics (28%), medication (26%), diet supplements and slimming products (7%) as well as any other health or beauty services.

Leisure services and products claimed 15% of all lodged complaints. This includes, in decreasing order of number of complaints entertainment, sports and leisure activities (39%), restaurants and bars (25%), travel services (12%), erotic services (11%), hotels (8%), and dating services (5%).

Electronic goods saw a decrease to 4% of complaints, as did food products, which includes non-alcohol beverages, reaching 4% and financial services claiming an average of 4% of complaints.

Requests lodged under non-commercial sectors include ads by government institutions (87%), social campaigns by NGOs (6%), and political ads by local or national parties (7%).

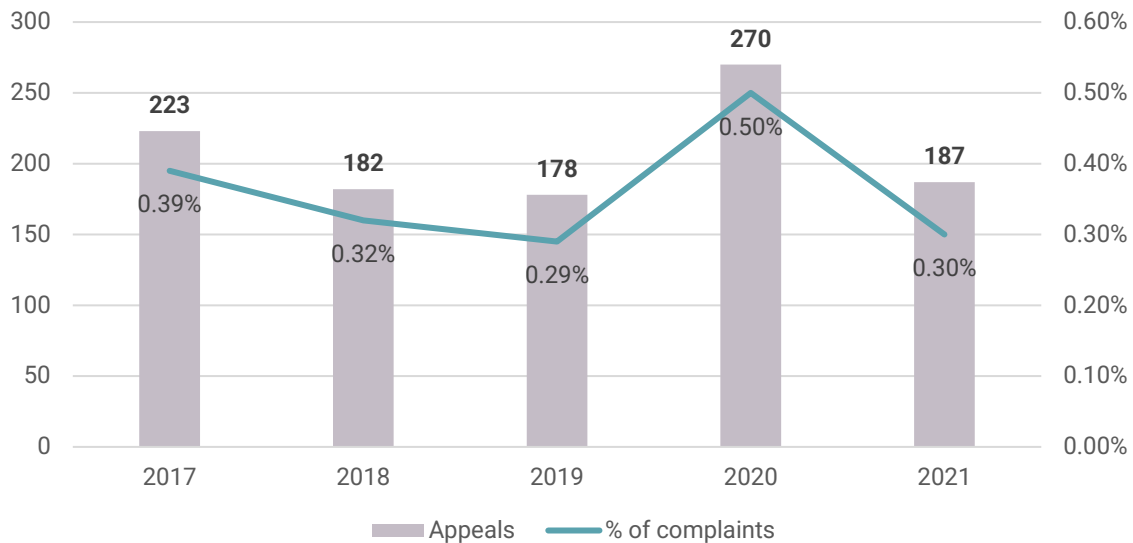
2.8 Appeals

In 2021, SROs' decisions were appealed 31% less

Appeals can be filed by both complainants and advertisers requesting a review of decisions taken by the jury or complaints committee. An appeal may only be lodged with the SRO under strict rules, such as based on newly available evidence or a proven vice with the adjudication procedures in the first instance decision. They are often dealt with by a different body than the jury responsible for the original decision, though this is defined by the SROs' rules on the matter and not all organisations follow the same procedures. Nonetheless, all SROs ensure that the decisions that are appealed are reviewed by an independent, impartial, and expert jury.

SROs in Europe received and dealt with 31% less appeals in 2021 than in the previous year. The 187 appeals constituted 0.3% of all complaints. The Graph 12 below shows how the number of appeals evolved over the past 5 years and their representative share compared to the annual total number of complaints.

Graph 13: Appeal and share of appeals (%) as part of total complaints 2017-2021



Just under half of all appeals in 2021 (48%) were lodged by the plaintiff, with another 46% filed by the advertiser. Only a fraction of appeals (1%) was initiated by the SRO itself in particularly complex cases where new evidence was uncovered after the decision was taken.

Graph 14: Share of lodged appeals per category of appellants (%)



3 COVID-19-related issues in ads

3% of received complaints in 2021 took issue with ads containing problematic content about COVID, down by half from 6% the year before

The COVID-19 pandemic is, still today, considerably impacting people’s lives, local communities, and the economy as various industries strive to regain a sense of normalcy. The crisis has also led to serious disruptions in the advertising industry. Many SROs had to adjust their IT systems to allow remote access to internal servers and programmes. Jury consultations and staff meetings were held on virtual platforms. More information on the pandemic’s impact on SROs’ activities can be found in the report “[Advertising Self-Regulation in times of COVID-19](#)” issued in June 2020.

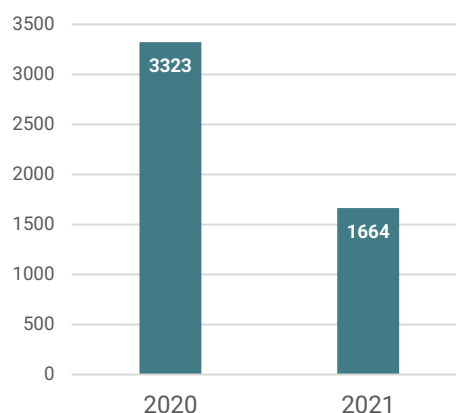
As 2020 turned to a close, 2021 brought fresh hope that the European Single Market would bridge the gap left open by the pandemic and the necessary lockdown measures. However, whilst 2021 was clearly a much better year than 2020 insofar as the general state of the economy fared, it was still curtailed at different moments and in different regions of the continent by temporary lockdown measures that restricted the daily life of many citizens.

2020 saw advertisements appearing across Europe that undermined public health advice or exploited people’s fears. These continued in 2021, though to a lesser extent. Ad regulatory bodies had to act quickly to ensure that these practices were taken down and the public’s trust was restored. SROs stressed that the regulatory framework already in place, ensuring that ads are legal, decent, honest, and truthful, applied to all ads indiscriminate of media or the service or product promoted. The upending situation did not change anything to the applicable rules. To guarantee that marketers followed the rules, SROs drafted guidance and recommendations to help advertisers navigate an uncertain landscape and to avoid creating ads that would offend in such ever-changing environments.

SROs received and handled a total of 1,664 complaints against ads relating to the COVID-19 disease or the SARS-CoV-2 virus.

This represents 3% of the total number of complaints handled in 2021.

Graph 15: Number and share of complaints received in each country relating to ads featuring COVID-19-related content

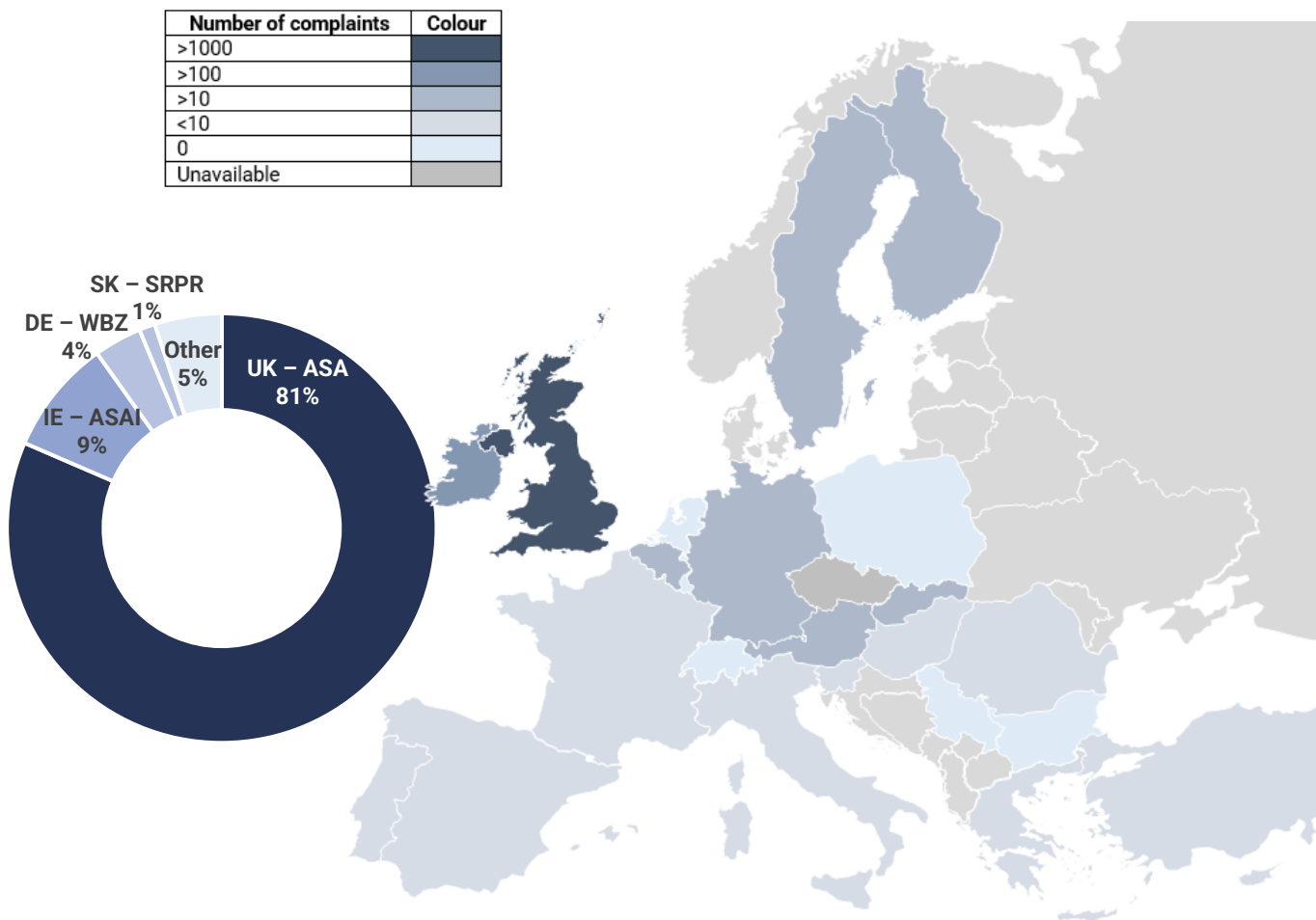


3.1 Overview of complaints

The UK recorded the largest absolute number of COVID-19-related complaints, whilst Slovakia noted the highest relative share of such complaints

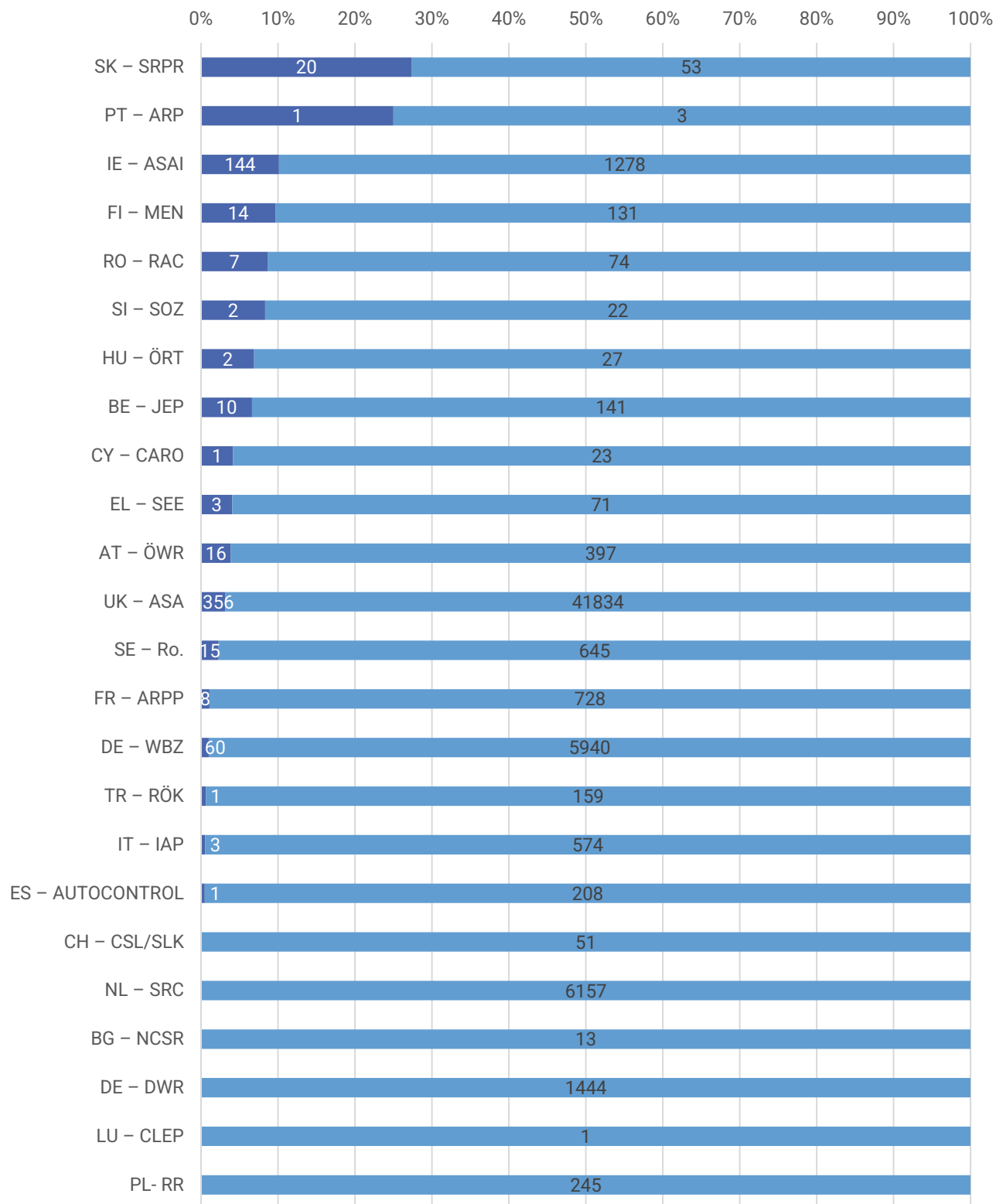
As the graph and map below show, the bulk of complaints were lodged in the UK, with 81% of COVID-19-related complaints received by the ASA. ASAI in Ireland recorded 144 complaints (9%), whilst WBZ in Germany received 60 and RPR in Slovakia received 20. The other markets recorded all fewer than 20 complaints each, with many SROs now having recorded none compared to the previous year.

Graph 16: Number and share of complaints received in each country relating to ads featuring COVID-19-related content



However, the relative number of lodged complaints that took issue with COVID-19-related content in ads differed greatly between countries and in stark contrast to the differences in absolute figures. While the UK did record the biggest number of complaints in absolute terms, the Slovak and Portuguese SROs received a much higher share relative to the number of nationally lodged complaints, as is shown in the graph on the next page.

Graph 17: Number and share of complaints received by SROs against ads with COVID-19-related content relative to the total number of received complaints

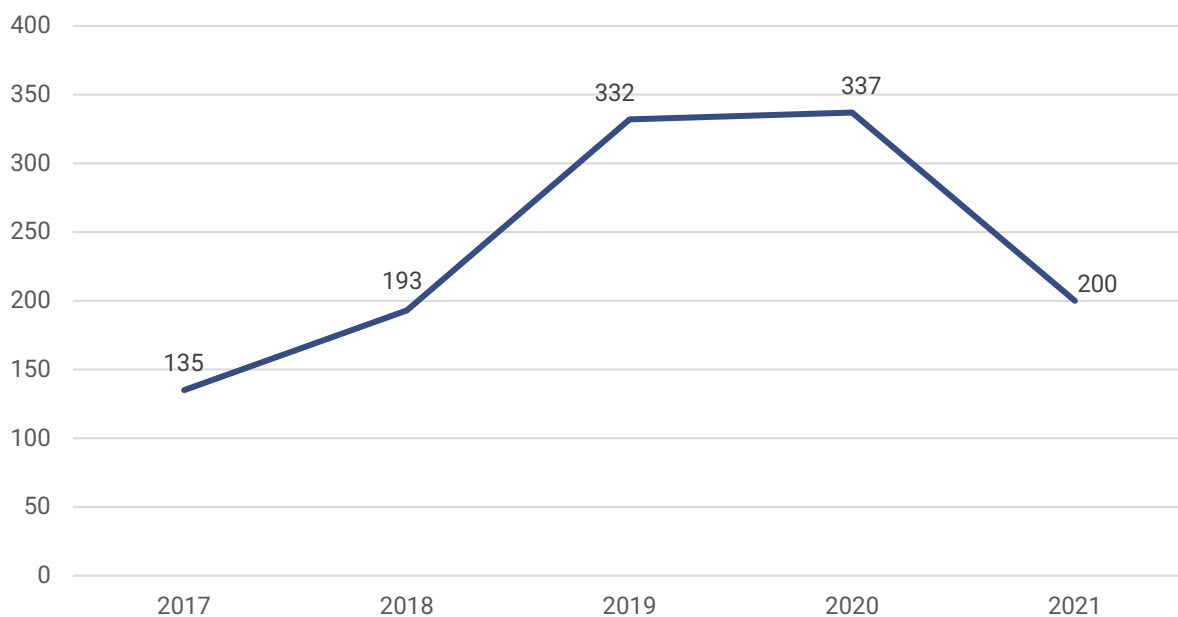


4 Cross-Border Complaints: top-line overview

In 2021 EASA’s SROs transferred 200 complaints, 41% less than in 2020

Throughout 2021, EASA was notified of a total of 200 cross-border complaints, which translates into a 41% decrease in referred complaints in comparison with the preceding year.

Graph 18: Cross-border complaints received between 2017 and 2021



Source: Annual Cross-Border Complaints Report 2021 & Online Database¹¹

The EASA Cross-Border Complaints system is based on the principle of the country of origin, enshrined in European Union law. In practice, this means that all advertisements comply with the advertising laws and advertising self-regulatory codes of the country wherein the medium carrying the advertisement is based. However, in the case of Direct Mail and Digital Marketing Communications (DMCs), the country of origin that is responsible for the complaint is the one wherein the advertiser is based. In the case of Online Behavioural Advertising (OBA), it is the country in which the principal decision-making authority is conducted that counts as the country of origin.¹² The vast majority of CBCs are lodged against digital marketing communications. This

¹¹ The “Online Database” refers to EASA’s internal online cross-border complaints platform that member self-regulatory organisations use to register and send their complaints through to other SROs. EASA acts as a facilitator and caretaker of the platform, using the confidential data only for statistical purposes.

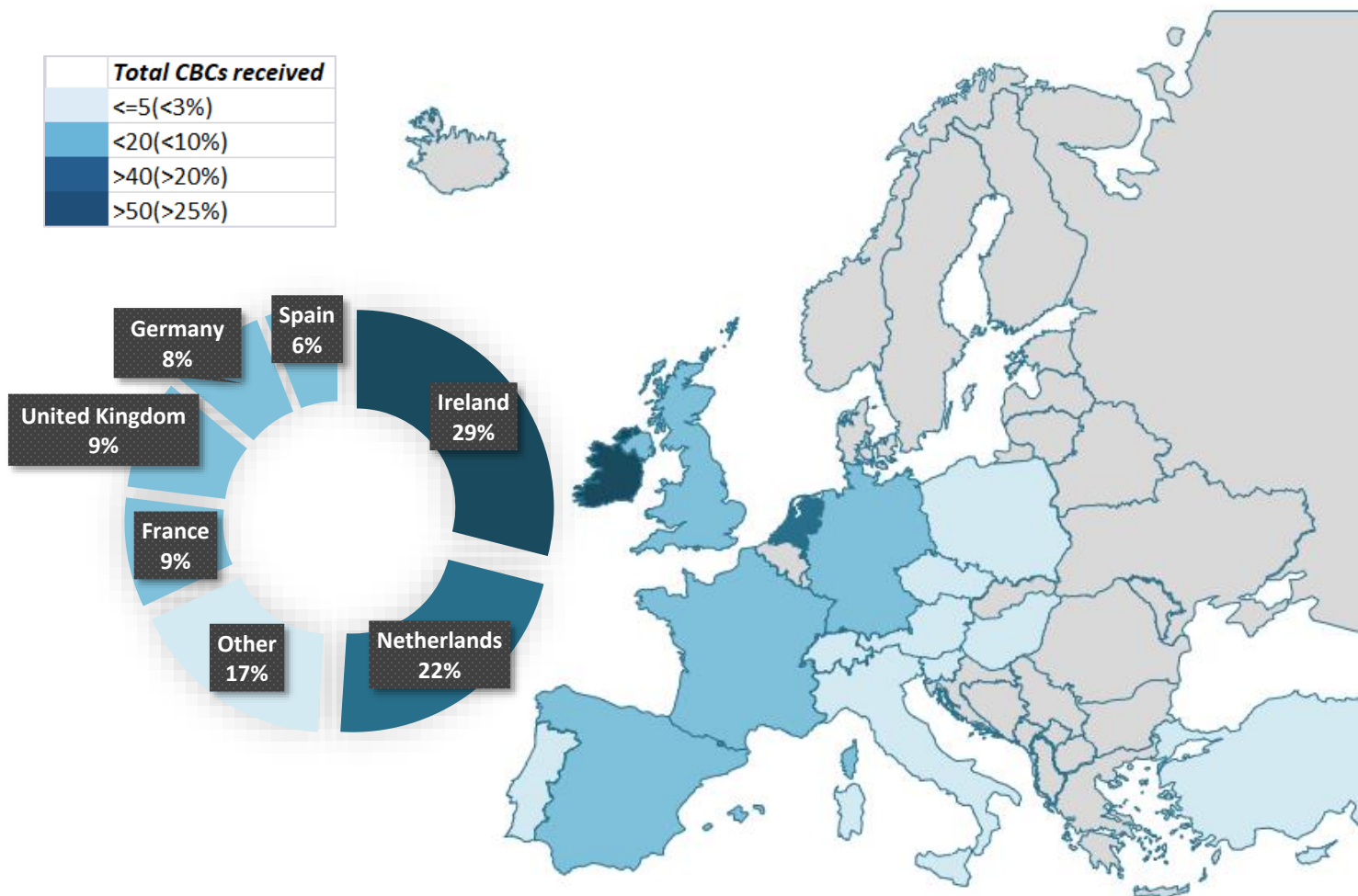
¹² Switzerland requires that advertisements addressed by Swiss-based marketers to consumers in other countries comply with the rules and laws of those countries (known as the “principle of the country of destination”). Consequently, in such cases, the Self-Regulatory Organisation (SRO) in the plaintiff’s country assesses the complaint based on its own national rules before passing it to the Swiss SRO, which communicates the decision to the advertiser. Some other SROs, in EU member countries, operate under different principles as well. However, SROs always share information and best practices to have a swift and definitive decision for each CBC.

entails that it is the SRO in the country of origin of the advertiser that is responsible for handling the complaint according to local rules and legislation.

From the analysis of the figures for 2021, it transpires that consumers in the UK were the source of the vast majority of complaints transferred abroad, with 81% of CBCs. The 200 CBCs predominantly targeted misleading advertising material in 83% of cases, relating to ads by leisure services (32%), food and alcoholic beverage brands (14%), and health and beauty services (11%), of which the marketers' headquarters are in Ireland in 29% of cases and the Netherlands in 22%. These ads appeared in 87% of CBCs in the online space as digital marketing communications. Only 9% of complaints were upheld, versus 18% that were not and 22% that were closed as SROs were unable to pursue the cases. A fifth (22%) of CBCs prompted no cause for investigation on the part of SROs and 13% fell out of their remit. Finally, the remaining 16% of CBCs were either transferred to the appropriate body, withdrawn by the plaintiff or resolved informally.

Further details are available in the CBC report on the EASA website.

Graph 19: Cross-border complaints per country of origin of the media/advertiser in 2021



Source: EASA Annual Cross-Border Complaints Report 2021

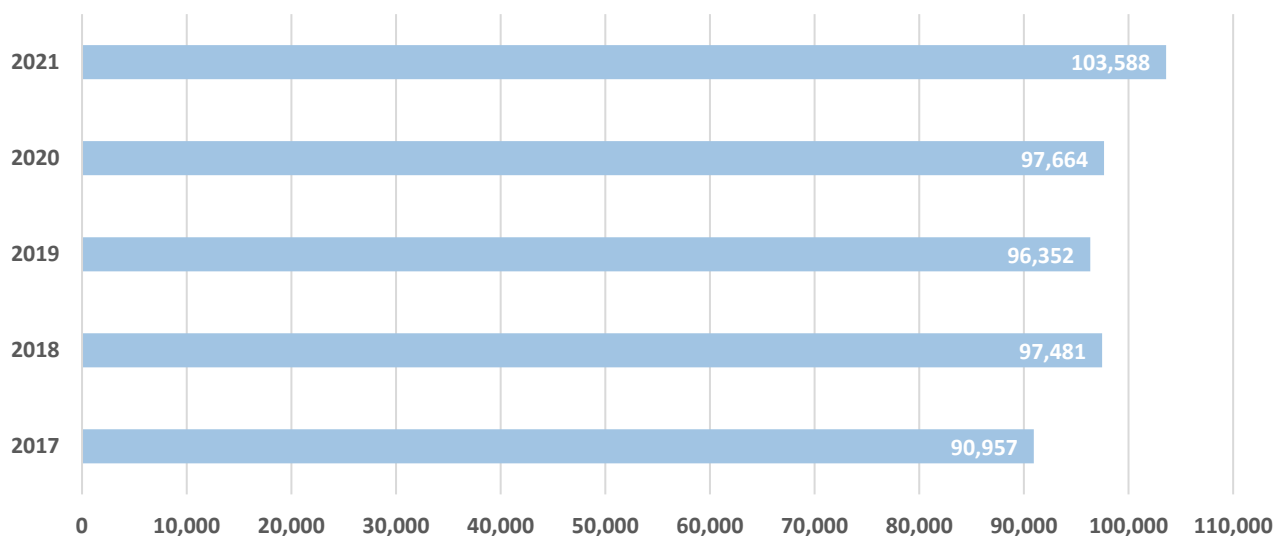
5 Copy Advice requests

The number of copy advice services provided increased to a record 103,588

Copy advice is provided by an SRO as a voluntary service for companies wishing to receive feedback on a confidential basis as to whether their ads meet the required advertising standards before they go ahead with the marketing project. The feedback is non-binding and does not guarantee that the ad will not be subject to complaints later once the ad is aired or published. Companies can ask for advice at any stage of the campaign development process. In 2021, 24 out of 27 SROs offered such a service across Europe.

Graph 20 below illustrates the numbers of copy advice requests dealt with across Europe. European SROs provided a total of 103,588 copy advice services in 2021 – an increase of 6% compared to the previous year.

Graph 20: Copy advice requests across Europe from 2017 to 2021¹³



97% of copy advice requests dealt with by SROs in 2021 were handled within 72 hours. Of those, 9% were dealt with in less than 24 hours, an additional 13% in less than 48 hours, and 74% in 72 hours. Only a handful of copy advice requests (3%) were unresolved after the first three days of the requests being filed, with a mere 0.02% taking more than a week to be solved.

Table 3 presents a full overview of copy advice requests per country across Europe from 2017 to 2021. In 2021, most copy advice requests were received by AUTOCONTROL in Spain, accounting for 45% of them, followed by the UK at just over a third of requests and France at around a fifth of such requests.

¹³ Except Switzerland (CSL/SLK) as it is out of the SRO’s remit, and except Russia (AMI RS) for 2019.

Table 3: Copy advice requests per country across Europe from 2017 to 2021

Country/SRO	N°	2021	2020	2019	2018	2017
ES – AUTOCONTROL¹⁴	1	45,281	43,866	39,971	36,395	31,568
UK – Clearcast	2	28,446	28,400	29,323	32,100	32,431
UK – ASA		2,310	2,485	3,020	6,258	5,168
UK – Total		30,756	30,885	32,343	38,358	37,599
FR – ARPP	3	25,391	20,841	21,674	21,507	19,296
DE – WBZ	4	800	800	1,100	N/A	1,200
DE – DWR		32	40	0	14	20
DE – Total		832	840	1100	14	1220
HU – ÖRT	5	691	645	634	618	670
IE – ASAI	6	117	115	139	126	135
TR – RÖK	7	114	81	59	78	76
IT – IAP	8	103	95	142	170	171
NL – SRC	9	89	51	75	0	3
PT – ICAP	10	83	82	79	75	61
RO – RAC	11	31	28	25	20	32
BE – JEP	12	25	32	16	20	16
BG – NCSR	12	25	27	39	41	14
SE – Ro.	13	17	10	18	23	13
CY – CARO	14	15	30	22	27	32
SK – SRPR	15	14	7	6	2	5
AT – ÖWR	16	2	2	0	2	5
EL – SEE	17	1	2	0	1	1
SI – SOZ	17	1	2	4	N/A	9
FI – MEN	18	0	2	1	1	1
CZ – CRPR		<i>Unavailable</i>	17	5	3	5

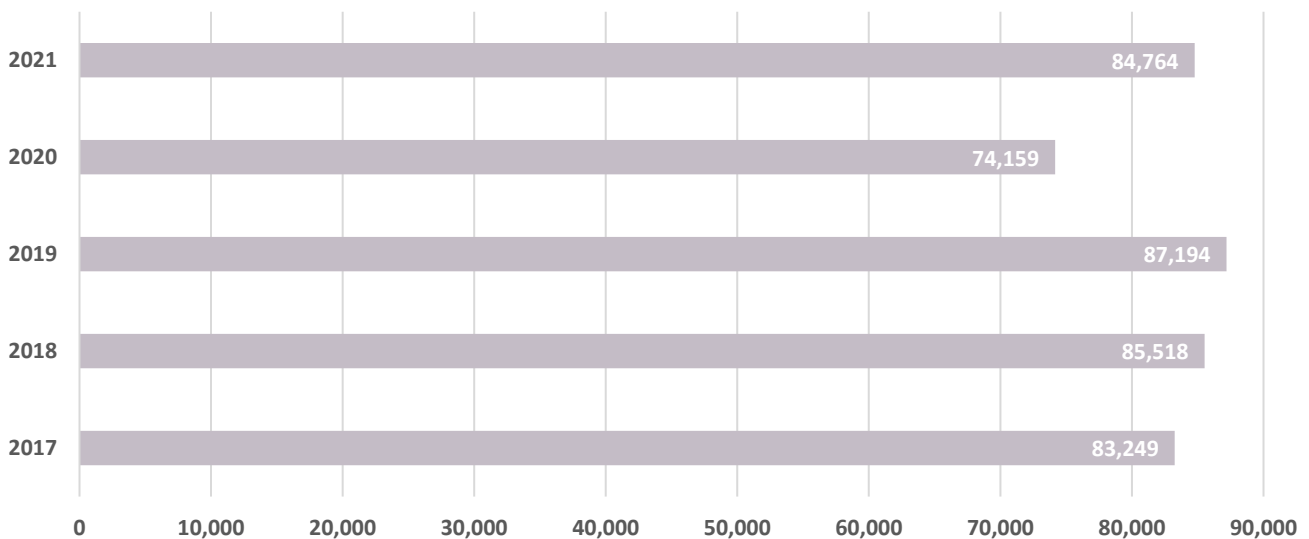
¹⁴ AUTOCONTROL provides mandatory copy advice for companies who signed the PAOS Code (food advertising intended for children) and the Toys Code.

6 Pre-Clearance service

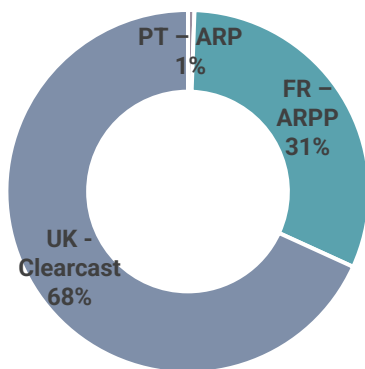
84,764 ads were pre-cleared in 2021 by the 3 SROs providing this service

In some European countries, certain categories of advertising, such as those appearing on TV and radio, or ads for particular sectors, such as alcohol advertisements, are subject to compulsory pre-clearance. The mandate is led by the local advertising industry, at the behest of either the advertisers or the media, and facilitated by the SRO, who check the ads’ compliance with relevant legislation and SR rules. This means that advertisements in those categories must be assessed by the national advertising self-regulatory organisation for compliance with the relevant statutory or self-regulatory code before they can be broadcast or published.

Graph 21: Pre-clearance requests across Europe from 2017 to 2021



Graph 22: Share of pre-cleared ads per country in 2021



As showed in Graph 21, in 2021, a total of 84,764 advertisements were reviewed by SRO s in the UK, France, and Portugal. The graph on the side indicates the share of ads that each of the SROs in these countries have pre-cleared over the course of 2021: 57,803 by Clearcast; 26,474 by ARPP, 487 advertisements were pre-cleared by ARP¹⁵.

¹⁵ The service of pre-clearance was introduced in 2014. Following the agreement between ICAP in Portugal and two national alcohol associations and subsequent approval of the Self-Regulatory Code on Alcohol Beverages – Wine & Spirits, members of the alcohol associations are obliged to have their advertisements pre-cleared.

Annex A: Definitions and key terms

General definitions

Complaint

A complaint is defined as an expression of concern about an advertisement by a member of the general public, a competitor, an interest group, etc. which requires a response. One complaint is defined as one or several different concerns about one advertisement by the same complainant.

Case

A case is defined as an advertisement subject to assessment/investigation by the SRO jury. Cases include assessments and decisions taken by all competent SRO bodies, such as the SRO council/jury, the SRO complaints committee or the SRO secretariat

Copy advice

Advice on (a) proposed advertisement(s) provided by a self-regulatory body, usually on a non-binding basis, as to whether or not it is compliant with the local advertising code.

Pre-clearance

Examination of an advertisement by a self-regulatory body or another body/institution as a compulsory precondition from publication or transmission.

Ban

A complete ban on advertising of the product/issue concerned, usually made by law.

Restriction

Codes/laws in place which significantly affect the advertising of the product/issue concerned.

Case handling duration

The time elapsed from the receipt of the complaint until the moment where the decision is made effective.

SR Code

The self-regulatory (SR) Code is a set of rules governing the content of advertising.

Own-initiative investigation (SRO)

Examination of advertisements by an SRO jury following the flagging of these ads by the SRO secretariat, e.g. through a monitoring exercise.

Appeal

Challenge to the complaints committee's decision either by the complainant or the advertiser, for example on the basis of new evidence. Appeals are normally considered by a different body than the jury which reached the original decision.

Outcomes of complaints

Upheld

Complaints that are investigated by the SRO and adjudicated by the SRO jury are upheld if the jury decides that the marketing communication does breach the advertising codes. Subsequently, the advertiser is asked to withdraw or change the advertisement to ensure it complies with the rules.

Not upheld

Complaints that are investigated by the SRO and adjudicated by the SRO jury are not upheld if the jury decides that the marketing communication does not breach the advertising codes. No further action is taken.

Not pursued/not investigated

A complaint is not pursued if the SRO considers that there is no basis for investigation (e.g. the concern of the complainant would not be shared by most people) and subsequently dismisses the complaint, or where not enough information was provided by the complainant or the requirements of complaint submission were not met.

Resolved informally

When a minor or clear-cut breach of the self-regulatory codes has been made, the SRO may decide to resolve the complaint informally, i.e. the marketer agrees to change or withdraw its marketing communication right away.

Transferred to the appropriate authority

For example, complaints that have been transferred to the appropriate legal backstop.

Out of remit

A complaint falls out of remit if either the complaint or the marketing communication falls outside the scope of the self-regulatory code (e.g. the complaint is about the product advertised and not the advertisement as such). However, the SRO might decide to forward the complaint to another complaint-handling body for action.

Nature of the complaints

Misleading advertising

Misleading advertising refers to any claim, whether made expressly, by implication, or by omission, which is likely to lead members of the general public to suppose that the advertised goods or services, or the conditions (including price) under which they are offered, are materially different from what is, in fact, the case.

Marketing communication should not contain any statement, or audio or visual treatment which, directly or by implication, omission, ambiguity or exaggeration, is likely to mislead a member of the general public.

Social responsibility

Marketing communication should respect human dignity and should not incite or condone any form of discrimination, neither denigrate any person or group of persons, firm, organisation, industrial or commercial activity, profession or product. Moreover, advertisements should be so framed as not to abuse the trust of people, exploit their lack of experience or knowledge and should not without justifiable reason play on fear or exploit misfortune or suffering.

Marketing communication should pay particular attention to advertising for children and should not suggest that possession or use of the promoted product will give a child or young person physical, psychological or social advantages over other children or young people, and should not undermine the authority, responsibility, judgment or tastes of parents, having regard to relevant social and cultural values. Advertising targeting children should not present prices in such a way as to lead children and young people to an unrealistic perception of the cost or value of the product, or imply that the product is immediately within the reach of every family budget.

Health and safety

Advertisements should not without reason, justifiable on educational or social grounds, contain any visual presentation or any description of dangerous practices or of situations that show a disregard for safety or health.

Taste and decency

Advertisements should not contain statements or visual presentations which offend prevailing standards of decency. Claims over taste and decency issues include complaints lodged in relation to alleged offensiveness, discrimination based on gender and inappropriate sexualisation as well as inappropriateness for children audience. This may include shocking images or claims used merely to attract attention, sexually offensive material, hostile or discriminatory content, as well as content that might cause distress to children.

Denigration of competitors

Advertisements should not make incorrect, false, unduly announcements to give bad effects to reputation, financial situation, business activities in goods and services of competitors in order to obtain a competitive edge.

Notes

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