

Help Note

Advertisement features



CAP Help Notes offer guidance for non-broadcast marketing communications under the UK Code of Non-broadcast Advertising, Sales Promotions and Direct Marketing (the CAP Code). For advice on the rules for TV or radio commercials, contact Clearcast www.clearcast.co.uk for TV ads or the RACC www.racc.co.uk for radio ads.

These guidelines, drawn up by CAP, are intended to help marketers, agencies and media interpret the rules in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing as far as they relate to the subject discussed. They are not intended to be a substitute for the full Code.

Advertisement features and the ASA

Whether they are referred to as advertorials, advertisement features, advertisement promotions or the publisher's promotion, the appeal of advertisement features is that they allow marketers to draw on the credibility that is lent by the publisher to the product or service marketed. The features that seem to be favoured most by marketers are those which successfully adopt the look of the host publication.

Care needs to be taken so that readers are not confused about whether the copy is marketing or editorial. The following notes contain guidance on the way in which advertisement features should be identified.

It is the Authority's role to promote and enforce the highest standards in all non-broadcast marketing in the UK. It does this in the public interest and in co-operation with the whole of the marketing business by ensuring that everyone who commissions, prepares and publishes marketing communications observes the Code.

What is an advertisement feature?

The Committee of Advertising Practice, the ASA's sister organisation responsible for creating, revising and enforcing the Code, asked its General Media Panel to draw up a description for advertisement features to help the industry decide whether they fall within the Code rules. This has now been incorporated into the Code:

An advertorial is an advertisement feature, announcement or promotion, the content of which is controlled by the marketer, not the publisher, that is disseminated in exchange for a payment or other reciprocal arrangement" (Introduction III. K).

There is no fixed interpretation for the Code's definition of an advertisement feature but each example can be assessed against it as a guide. This description will be kept under review as the market develops. Examples of the likely interpretation of 'payment or other reciprocal arrangements' and 'control of content' are shown below.

Payment or other reciprocal arrangements

Money does not always change hands when an advertisement feature appears but some other arrangement may have been made in place of direct payment. For instance, a bus company might advertise in a newspaper and in exchange the newspaper might be given space to advertise on the bus-sides. These are clearly subject to the Code. In another case, an advertisement feature covering a whole page may be run free of charge if the marketers agree to insert a paid-for advertisement at a later date.

Control of content

Clearly the question of payment and other reciprocal arrangements is a factor, but not the only one. Whether a feature or promotion is covered by the Code depends on the control the marketers exert over its content.

A good benchmark is whether or not the company has final approval of text and any visuals used. For example, a company might provide information to a journalist which is then used as the basis for an article or a publication might ask for a fee to reproduce a photograph or cover a story. Neither scenario would make the resulting article an advertisement feature. If, however, the company was permitted to have complete control over the content of the article, the result would be an advertisement feature.

In another example, a travel journalist might be given an expenses-paid holiday by a travel company in the hope that a favourable article would subsequently be written. In most circumstances where there has been no agreement on what the journalist will write the resulting article would not be considered an advertisement feature. If, however, copy was subject to the company's approval, then it would fall under the Codes.

The Rules

Responsibility

Responsibility both for the clear identification of the promotion and for its content rests equally with the marketer, publisher and agency. In the event of a complaint, the marketer and publisher are named jointly in any subsequently published ASA adjudication. The agency would also be identified.

Identification of marketing communications

The Code requires marketing communications to be readily recognisable:

Rule 2.4

"Marketers and publishers must make clear that advertorials are marketing communications, for example by heading them "advertisement feature".

Advertisement features often mirror the format, style and typography of editorial articles contained in the same publication. It is particularly important, therefore, that readers can see at once that what they are looking at is not editorial but an advertisement feature.

The material should be prominently labelled as an 'Advertisement'. Some acceptable examples are: 'Advertisement Promotion' or 'Advertisement Feature'. The term 'advertorial' should be avoided because it does not make sufficiently clear to the uninformed reader whether the feature is an advertisement or an editorial.

Content of advertisement features

The content of advertisement features should conform to all the requirements of the Code. It should be legal, decent, honest and truthful. Specifically:

Rule 3.1

"Marketing communications must not materially mislead or be likely to do so."

Rule 3.6

"Subjective claims must not mislead the consumer; marketing communications must not imply that expressions of opinion are objective claims."

Rules 3.7

"Before distributing or submitting a marketing communication for publication, marketers must hold documentary evidence to prove claims that consumers are likely to regard as objective and that are capable of objective substantiation. The ASA may regard claims as misleading in the absence of adequate substantiation."

Substantiation for claims should be held prior to publication and this should be made available to the ASA on request. Marketers should check with the Code for full details of the rules. Advice on specific marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404, or you can log a specific written enquiry via our online request form <http://www.copyadvice.org.uk/Ad-Advice/Bespoke-Copy-Advice.aspx>. The Copy Advice website at www.copyadvice.org.uk contains a full list of Help Notes as well as access to the AdviceOnline database, which has links through to relevant Code rules and ASA adjudications.