

ADVERTISING CONTENT GUIDANCE

October 2006

INTRODUCTION

This document identifies the main issues surrounding control over the content of adverts and the remedies that are available where it is felt that inappropriate advertising messages are being displayed.

Proposed guidance is presented which will help control inappropriate advertising material and the report describes how this guidance would be used in conjunction with other controls.

1.0 PURPOSE OF THIS GUIDANCE

- 1.0 At present the council has no formal policy or guidance on the content of advertising material within public open space in Leeds.
- 1.2 This is controlled nationally by the Advertising Standards Authority (ASA) which is an independent body set up by the advertising industry to police the rules laid down in the advertising codes.
- 1.3 At present the ASA is the only official mechanism for controlling the content of advertising material in Leeds. This absence of local control has not previously been an issue. However as the council promotes the installation of more advertising sites, questions have been raised about the content and control of advertising material. The lack of any local guidance has made it difficult to evaluate or take action when advertisement content is perceived as unacceptable.
- 1.4 This guidance identifies the role of the ASA and how they can be used as a control mechanism. But it also proposes the introduction of guidance on the content of advertisements as an additional means of local control.

2.0 BACKGROUND INFORMATION

- 2.1 This report only covers advertising content.

The location and design of advertising displays is covered in the Advertising Design Guide. This is the guide against which planning applications for the installation of advertising sites are evaluated. However the planning process is not intended to control the material which is displayed in the adverts and at present makes no reference to this.
- 2.2 The ASA's role is to promote and enforce high standards, to ensure that advertisements do not mislead, harm or cause offence. All advertising is required to meet the rules laid down in the advertising standards codes which cover taste and decency in the depiction of religion, women etc as well as criteria for advertising such things as, alcohol and products aimed at children. Anyone can make a complaint to the ASA about an advertisement by visiting their web site www.asa.org.uk and completing an on-line complaint form. The ASA resolves several thousand complaints each year. The rulings are made independently of government and the advertising industry. Marketers are told the outcome of the rulings and where appropriate are asked to withdraw or amend their marketing communications. ASA decisions are enforced by a compliance team and certain sanctions can be imposed. Further information

is given in Appendix 1. Where there is concern over an advertisement displayed in Leeds the formal means of addressing this is through the ASA.

- 2.3 Many of the advertisement sites in Leeds are on private land. While the council may have granted the planning consent, they have no role in any contract or licence between the site owner and the advertising industry. Control of the advertising content is therefore through the ASA.
 24. However following the council's decision to focus on the advertising industry as a source of increased revenue there are an increasing number of advertising sites where the council might be expected to have some direct control over the content of the adverts or indeed have a right to veto certain advert.
 - 2.5 The advertising contracts currently in place are described in Appendix 2. Some of the contracts have included specific restrictions on advertising content, e.g. to address road safety issues. However there are important revenue implications to consider when restricting the scope of advertising beyond that promoted by the ASA, as over regulation would impact on the commercial viability of the sites.
 - 2.6 Hence while there is a desire to control advertising content, it is not recommended that the council take on the role of vetting all advertising and becoming a censor for Leeds. As has been demonstrated the ASA is the arbiter in relation to advertising content and already has rigorous systems in place to monitor and take action against advertisements that might mislead, harm or cause offence.
 - 2.7 The council has committed to generating revenue from advertising and revenue earning levels will be affected if contractors are given too many constraints.
 - 2.8 However where there are local concerns it is right that there should be a local mechanism to address these. The introduction of guidance on the content of advertisements is proposed as a document against which such issues can be evaluated and controlled.
- 3.0 SCOPE OF GUIDANCE**
- 3.1 Outdoor advertising displays exist in many forms but the main formats are 6 sheet, 48 sheet and 96 sheet. The sizes of each format are included in Appendix 3.
 - 3.2 The guidance on the content of advertisements will cover advertising of any product or service in council publications, on council land or private land, sited on billboards, 6 sheet posters and other outdoor display formats around the city including digital media.

4.0 IMPLEMENTATION

- 4.1 All new advertisement consents can contain Informative Notes following the planning conditions that refer the applicant to the Advertising Guidance Notes and where to obtain a copy. This would ensure that all advertising contractors were aware of the Leeds Advertising Guidance and were encouraged to comply. However the additional criteria can probably only be a requirement where the advertising was sited on council land.
- 4.2 The Advertising Initiative Manager was appointed by the council to generate income for the council from advertising. The post includes the requirement for the post holder to be a Gatekeeper for the council as first point of contact, co-ordinator and overseer of all new advertising initiatives. It is therefore proposed that the Advertising Initiative Manager should be the first point of contact for enquiries relating to Advertising Display Content, liaising with the officer who manages the particular advertising display to resolve concerns.
- 4.3 Where a complaint is received relating to advertising on council owned land, the officer managing the licence will discuss the complaint and, if valid, the contractor can be asked to immediately remove the offending advertisement. A record of complaints should be held to monitor contractor performance and identify any potential problem areas.
- 4.4 Where the advertising display is on private land the complaint would have to be referred to the ASA.

5.0 GUIDANCE ON ADVERTISEMENT CONTENT

- 5.1 All advertisements must comply with the advertising standards codes applied by the ASA. These covers many of the issues referred to below which are repeated to emphasise their local importance.
- 5.2 Advertisements on the highway must not resemble traffic signs or include any symbol found in the current Traffic Signs Regulation and General Directions. Images must be large enough to be easily read by passing traffic and text messages must be brief to ensure motorists are not tempted to slow down to read the advertising message.
- 5.3 Advertisements must respect local sensitivities. It has long been accepted by outdoor contractors that they must consider the impact of the advertising display on the immediate area of the display. Systems were put in place following the public outcry in the 1990s to Wonderbra advertising which was placed outside mosques and in city areas with strong traditional Muslim communities. These systems identify billboards in particularly sensitive areas and restrict advertising sales to some extent. Such National guidance applies to outdoor displays on private land or council owned land.
- 5.4 This guidance further restricts advertising on council land to prevent any advertisements being displayed of a religious, racial or political nature.

- 5.5 Advertising to children is carefully controlled by the ASA guidance and codes of practice but beyond those controls, its location should also be carefully considered i.e.: it is not appropriate to site advertising of “junk foods” etc adjacent to schools and play areas. This supports the actions of schools which are removing vending machines from within schools as they work to encourage a more balanced diet. This guidance also specifically precludes the promotion of junk food to children through advertising in leisure centres where ideally the spaces would be used to promote healthy messages
- 5.6 Advertising of alcohol is also carefully controlled by the ASA guidance and codes of practice. However the siting of advertising should be considered and the message not repeated in close proximity within one area of the city. Therefore advertising on council land should not unduly promote the consumption of alcohol, specifically prohibiting advertising which promotes “binge drinking” or alcoholic drinks which are targeted at young people. This fits with the council’s Public Health Strategy which has found links between advertising of alcohol levels and increases in the level of drinking among young people.
- 5.7 Advertising can have an impact on local business communities. In areas which have a strong local business and commercial identity it would be inappropriate to allow advertising which might take business from this market e.g. Otley, Morley, Wetherby, etc. Hence:-
- 5.7.1 Advertising in the city Centre Prime Retail Sector should not promote competitive shopping centres
- 5.7.2 Advertising in Community Business / Shopping areas should not promote competitive shopping outlets

The purpose of the council promoting advertising is to generate revenue. Hence advertising which has a potential negative impact on revenue by the promotion of claims companies should not be permitted.

6 UPDATING THIS GUIDANCE

- 6.1 This guide aims to ensure advertising in Leeds does not conflict with council Policy and should be reviewed annually to ensure it continues to reflect policy. At the review the log of complaints should be discussed to identify any particular areas of concern to be addressed.
- 6.2 The Advertising Initiative Manager would maintain the complaints log, taking responsibility for maintaining and updating the guide, working with officers across the council as required.

7 CONSULTATIONS

- 7.1 Planning Development Control officers regarding the report content and ability to include an Informative Note on all new advertisement applications.
- 7.2 Officers in Development Department, City Services, and Learning & Leisure who currently benefit from advertising revenue and might handle advertisement contracts plus officers in Corporate Communications.

- 7.3 Officers in Development Department, City Services, and Learning & Leisure who currently benefit from advertising revenue and might handle advertisement contracts plus officers in Corporate Communications.

8 CONCLUSION

It is hoped that through this Guidance Note and the Advertising Design Guide to successfully control advertising and ensure it does not conflict with council Policy.

Officers and Members can use the guidance content to help them respond to queries regarding advertising content from members of the public.

Suggestions for future updates of these guidance notes should be sent to the Advertising Initiative Manager.

APPENDIX 1

REGULATION OF NATIONAL ADVERTISING CONTENT

- 1.0 This is controlled nationally by the Advertising Standards Authority (ASA). The Advertising Standards Authority is the independent body set up by the advertising industry to police the rules laid down in the advertising codes. The strength of the self-regulatory system lies in both the independence of the ASA and the support and commitment of the advertising industry, through the Committee of Advertising Practice (CAP), to the standards of the codes, protecting consumers and creating a level playing field for advertisers.
- 2.0 The ASA promote and enforce high standards in advertisements; investigate complaints; identify and resolve problems through research ensuring that the system operates in the public interest. They also act as a channel for communications with those who have an interest in advertising standards.
- 3.0 The British Code of Advertising, Sales Promotion and Direct Marketing is produced by the Committee of Advertising Practice (CAP) and is the rule book for non-broadcast advertisements, sales promotions and direct marketing communications. The advertising codes are the responsibility of two industry Committees of Advertising Practice - CAP (Broadcast) and CAP (Non-broadcast) and are independently administered by the Advertising Standards Authority (ASA).
- 4.0 A Summary of the work of the ASA
- 4.1 The Advertising Standards Authority works to keep advertising legal, decent, honest and truthful. The ASA resolves thousands of complaints each year. They hold annual review meetings around the UK where they invite the public to assess decisions made in the year and check that the ASA is properly representing the public view. In 2005 the meeting was held in Leeds.
- 4.2 The ASA produces Background Briefings on specific issues to assist creative agencies when designing marketing communications. Some samples are appended for information. Full details can be found at www.asa.org.uk/asa/focus/backgroundbriefings

Alcoholic Drinks
ASA Factsheet on Reducing Commercial E-mail (Spam)
Charities and Pressure Groups
Children
Cigarettes and Tobacco
Direct Marketing
Distance Selling
Employment and Homework Schemes
Environmental Claims
Financial Advertising
Health and Beauty Advertisements
Holidays and Travel
Introducing the one-stop shop for advertising complaints
Misleading Advertisements - The Law
Motoring
Overseas mailings
Sales Promotions
Slimming Advertisements
Taste and Decency - depiction of religion
Taste and Decency - the depiction of men
Taste and Decency - the depiction of women

5.0 How to register a complaint with the ASA

Anyone can lodge a complaint about advertising with the ASA by visiting their web site www.asa.org.uk and completing the online complaint form. The ASA's rulings are made independently of both government and the advertising industry.

A complaint can be registered if an individual thinks there is something wrong with an advertisement seen or heard.

How the ASA self regulatory system works

The strength of this system is based on the long-term commitment of all those involved in advertising, sales promotion and direct marketing, sharing an interest in seeing that marketing communications are welcomed and trusted by their audience. If they are offensive or misleading they discredit everyone associated with them and the industry as a whole.

5.1 The ASA investigates complaints from any source against marketing communications. Marketers are told the outcome of the ASA council's rulings, and where appropriate, are asked to withdraw or amend their marketing communications. The adjudications are published weekly and can be viewed at www.asa.org.uk

5.2 ASA decisions are enforced by The CAP compliance team take action against marketers who persistently break the Code. Where a breach of the code is blatantly misleading the team takes immediate compliance action to stop the marketing communication from reappearing.

6.0 ASA Sanctions

1. It issues Ad Alerts to CAP members, including the media, advising them to withhold their services from non-compliant marketers.
2. Where marketers prove to be consistent offenders (e.g. Tango ads) the media will be advised not to accept any marketing communications until each item has been approved by the ASA under Pre-publication vetting.
3. Trading privileges can be removed e.g. media discounts worth up to 25%.
4. Legal backstop where necessary e.g.: Office of Fair Trading

7.0 The ASA is not a law enforcement body and any matter that principally concerns a legal dispute will normally need to be resolved through law enforcement agencies or the Courts.

APPENDIX 2

COUNCIL ADVERTISING CONTRACTS IN PLACE AT MARCH 2006

Advertising panels in leisure centres; licence signed 1st November 2001 with Insitu has no end date and gives them rights to display advertising in 18 leisure centres in Leeds, prohibiting any other form of promotion by a third party.

Licence contact: Commercial Manager, Learning & Leisure Department.

Advertising on lamp posts; trial project set-up by PPPU for city Services department which ends on 31st December 2006.

The trial has been set up to review:-

Public reaction to the advertising, and any adverse health & safety issues

Views of local communities and members to the merits of the project

Views of local businesses as to the value of the advertising

The likely impact of the SDP on the planning process

The potential scope of the project

The likely financial implications for the Street Lighting PFI project

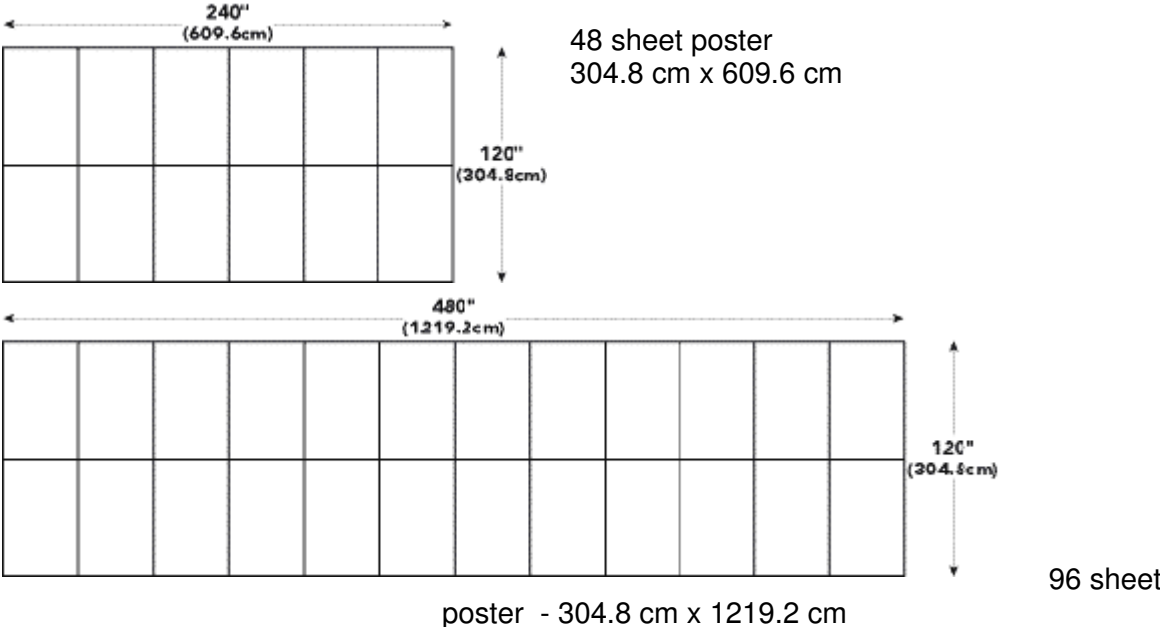
The trial gives Streetbroadcast rights to install lamp posts in approved locations which carry a double-sided 6 sheet advertising panel. There will be 60 lamp posts installed under the trial. The Licence contact is: PPPU

- 1.0 Advertising on bus shelters; this agreement is between Clear Channel (took over Adshel) and Metro. There are about 1,000 bus shelters around Leeds with 6 sheet advertising panels and in 2005-2006 Clear Channel have submitted 141 advertisement applications for updated bus shelters with advertising. Approximately 50% of applications were refused, 43 are currently being processed.
Licence contact: Metro
- 2.0 Advertising in the Central Library; agreement commenced Spring 2005 with a plasma TV installed free of charge in Central Library, which carries static advertising images.
Licence contact: This trial project is being managed by the Area Service Manager for libraries.
- 3.0 Advertising on Boundary Signs: handled in-house by the Advertising Initiative Manager with space sold to local businesses on an annual basis. Specific guidelines for advertising on these signs has been agreed with Highways Officers to ensure the signs do not form any form of motorist distraction. A copy of this guidance is appended.
- 4.0 Billboards (48 and 96 sheet advertising display panels) on council land; commenced 1st April 2000 with Clear Channel and expires on 31st March 2007.
Licence contact: Advertising Initiative Manager, Development Department.

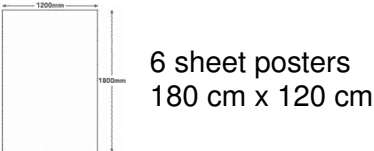
APPENDIX 3

ADVERTISING DISPLAY FORMATS AND SIZES

48 SHEET, 96 SHEET BILLBOARDS.



6 SHEET POSTERS



APPENDIX 4

Leeds Boundary Signs Advertising panel – content guidelines

24 October 2005

All advertising must comply with the ASA guidelines to ensure that advertisements do not mislead, harm or cause offence.

Advertisers must consider that the advertising panel will be seen by thousands of vehicles on a daily basis and Leeds City Council has a duty to protect motorists by not providing any distraction.

This means – no symbols or text within the advertising that could not easily be read at standard road speeds;

The advertising content must not confuse drivers using motoring type symbols and the colour red cannot be used.

The advertising panel will effectively promote companies by including a few simple pieces of information.

Company name

Company logo

A line of text explaining what the business does

Contact telephone number or web site address

The advertising panel design must differentiate from the Leeds civic sign using contrasting colours and layouts.

To ensure the advertising complies with highways guidelines a PDF showing the advertising artwork must be emailed to the Advertising Initiative Manager for approval prior to installation.