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Inquiry Secretary
House of Representatives Standing Committee on Social Policy and Legal Affairs
House of Representatives
Parliament House
CANBERRA ACT 2600
[By email: spla.reps@aph.gov.au]

Dear Dr Veenstra

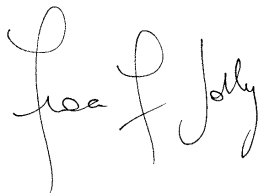
Advertising Standards Bureau submission: Inquiry into the regulation of billboard and outdoor advertising

The Advertising Standards Bureau (referred to in this submission as “the Bureau”, “we” or “our”) appreciates the opportunity to make this submission to the Committee in relation to the inquiry into the regulation of billboard and outdoor advertising (the Inquiry).

Our submission aims to provide the Committee with information about the role of the Bureau within the advertising self-regulation system, addressing each of the relevant matters in the Inquiry’s terms of reference under the following headings.

1. Self-regulation of advertising in Australia
2. How the self-regulation system meets community concerns about billboard advertising
3. Interaction of the self-regulation system with consumer protection provisions
4. Keeping pace with technical developments in billboard advertising
5. Rate and nature of complaints about outdoor advertising
6. Continuous improvements to the self-regulation system
7. Minimising the regulatory burden on business

Yours sincerely,



Fiona Jolly
Chief Executive Officer
Advertising Standards Bureau

18 February 2010

**Advertising Standards Bureau submission:
Inquiry into the regulation of billboard and
outdoor advertising**

Executive summary

- The self-regulation system is industry funded and well supported by all parts of the industry – advertisers, advertising agencies, media buyers, media operators and industry associations.
- The Bureau is responsible for the administration of the complaint resolution component of the advertising self-regulation system, supporting the work of the Advertising Standards Board (Standards Board), which is the body established to consider complaints about advertising and marketing communications against the provisions set out in the relevant advertising codes.
- High standards of advertising are maintained through the interaction of the various parts of the self-regulation system:
 - through the existence and development of appropriate codes and initiatives relating to advertising standards;
 - the voluntary compliance of advertisers;
 - the efforts of other industry stakeholders in ensuring compliance and supporting enforcement where required; and
 - the operation of the complaint resolution process.
- The complaint resolution process managed by the Bureau is an effective and efficient way to respond to consumers’ concerns about advertising.
- The complaint process is transparent and accessible to all consumers, with easy to follow steps and support throughout the process provided by Bureau staff.
- If required, the Bureau is supported in enforcing compliance with Standards Board determinations in relation to third party outdoor advertising by the Outdoor Media Association’s commitment on behalf of its members to act on Standards Board decisions.
- The vast majority of advertising and marketing communications in Australia comply with the relevant codes and do not receive any complaints, while the majority of those complained about are not found to be in breach of the codes. Where a breach is found, the Bureau has a record of nearly 100 per cent compliance by industry with Standards Board determinations – demonstrating the commitment of the vast majority of advertisers to the system and to maintaining high standards of advertising.

1. Self-regulation of advertising in Australia

The Bureau operates the complaints adjudication component of the advertising self-regulation system. The system meets world best practice in self-regulation and operates, at no cost to the consumer, on the principles of accessibility, transparency, responsiveness and robust decision making.

The system established by the Australian Association of National Advertisers (AANA) in 1997, applies to advertising and marketing communications in Australia. It recognises that advertisers share a common interest in promoting consumer confidence and respect for general standards of advertising. The aim of self-regulation is to maintain high advertising standards and ensure consumer trust and protection for the benefit of all of the community.

Self-regulation of the advertising industry has been achieved by establishing a set of rules and principles of best practice to which the industry voluntarily agrees to be bound. These rules are expressed in a number of codes and industry initiatives. The rules are based on the principle that advertisements should be legal, decent, honest and truthful, prepared with a sense of social responsibility to the consumer and society as a whole and with due respect to the rules of fair competition. Self-regulation of advertising is not designed to set community standards, but rather to reflect community standards.

Industry support is fundamental to the success of Australia's world-class system of advertising industry self-regulation:

- Participating advertisers demonstrate their support for self-regulation by instructing their advertising agencies to adhere to its various codes of advertising standards, by agreeing to the levy being applied to their media expenditures, and by complying with decisions of the Standards Board.
- Participating advertising agencies support the system by monitoring the various codes and determinations made by the Standards Board and consulting with their advertiser client.
- Participating media buyers support the system by collecting and remitting the levy which funds the system through their accounting systems.
- Participating media operators support the system by promoting self-regulation through information and advertising material prepared by the Bureau and by assisting with the removal of advertisements where appropriate.

As a voluntary system, self-regulation relies very much on the good will, good sense, and commitment of advertisers to provide consumers with appropriate advertisements and through this promote consumer and government confidence in the general standards of advertising.

The components of the complaint resolution arm of the self-regulation system are: the Bureau; the Bureau Corporate Board; the Standards Board; the Advertising Claims Board (Claims Board); and the Independent Reviewer.

1.1 Role of the Bureau

The Bureau administers the complaints resolution component of the advertising self-regulation system. The work of the Bureau is not underpinned by any Government legislation.

Our mission is to administer a well respected, effective and independent advertising complaints resolution service that regulates advertising standards in Australia, adjudicating both public and competitor complaints, and to ensure compliance with relevant codes.

Our purpose is:

- to efficiently manage and promote the complaints adjudication component of the advertising self-regulation system in Australia;
- to ensure the community, industry and government is confident in and respects the advertising self regulatory system; and
- to ensure the general standards of advertising are in line with community values.

Currently, the Bureau administers the following codes of practice relating to advertising and marketing communications in Australia:

- AANA Code of Ethics;
- AANA Code for Advertising and Marketing Communications to Children;
- AANA Food and Beverages Advertising and Marketing Communication Code;
- AANA Environmental Claims in Advertising and Marketing Code;
- Federal Chamber of Automotive Industries (FCAI) Voluntary Code of Practice for Motor Vehicle Advertising;
- Australian Food and Grocery Council Responsible Children's Marketing Initiative of the Australian Food and Beverage Industry; and
- Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children.

These codes apply to all advertising and marketing communications across all media.

The Bureau also works with the Alcohol Beverages Advertising Code (ABAC) management scheme, and accepts, and forwards to the ABAC chief adjudicator, all complaints about alcohol advertisements. Information about the ABAC Scheme and how it applies to billboard advertising is provided at Attachment A.

The Bureau is secretariat for the Standards Board and the Claims Board. The Bureau promotes the work of the Standards Board and Claims Board and the role of the Bureau in the advertising self-regulation system. The two boards have separate and distinct roles in considering complaints about advertising against the advertising codes they administer. The role of the Standards Board and Claims Board are considered in further detail below, at parts 1.3 and 1.4.

1.2 Role of the Bureau Corporate Board

The Bureau is a limited company headed by a Board of Directors (Corporate Board). Under the Constitution of the Bureau, there must be between three and six directors of the Bureau.

The Corporate Board is responsible for management of the business of the Bureau consistent with the Bureau's objectives and, with the Chief Executive Officer, is also responsible for the corporate governance of the Bureau. The Corporate Board deals with strategic, financial and operational concerns, and works to improve the operation of the Bureau so that it is the foremost complaints resolution body for advertising in Australia.

The Corporate Board has the integrity of the advertising self-regulation system at heart and it insists that the work of the Corporate Board and of the Standards Board be absolutely separate.

1.3 Role of the Standards Board

The centre piece of the self-regulation system is the Standards Board. The Standards Board is independent, dedicated and diverse. It comprises 20 people from a broad range of age groups and backgrounds and is gender balanced and as representative of the diversity of Australian society as any such group can be.

Individual Standards Board members do not represent any particular interest group (industry or consumer) and are individually and collectively clearly independent of the industry. On the rare occasion an individual member has a connection with a party concerned in a particular determination, that Standards Board member absents herself or himself from the meeting.

The sole function of the Standards Board is to determine complaints about advertising and marketing communications against the principles set out in the relevant codes. The Standards Board makes determinations on complaints about most forms of advertising in relation to issues including the use of language, the discriminatory portrayal of people, concern for children, portrayals of violence, sex, sexuality and nudity, and health and safety.

The Standards Board discharges its responsibilities with fairness, impartiality and with a keen sense of prevailing community values in its broadest sense. Its task is often a difficult one and the outcomes of its determinations will not and cannot please everyone.

Membership of the Standards Board is on a fixed term basis. New appointments are staggered to avoid desensitisation and to ensure the Board retains a mix of corporate knowledge and at the same time introducing people with different experiences, views and skills. Profiles of all current Standards Board members are available to all on the Bureau website (www.adstandards.com.au) and are at Attachment B.

Standards Board appointments are made following a publicly advertised application and interview process. Appointments are made by the Directors of the Corporate Board of the Bureau. The most recent appointment of new members to the Standards Board was in 2008 and the Bureau will call for applications again in March 2011. People sought for appointment to the Standards Board ideally have an interest in, and views on, advertising and have been exposed to a broad range of community activities and interests.

1.4 Role of the Claims Board

The Claims Board provides a separate competitive complaint resolution service and is designed to determine complaints involving issues of truth, accuracy and legality of advertising on a user pays cost recovery basis.

The Claims Board is a system of alternative dispute resolution aimed at addressing and resolving challenges to advertising that might otherwise lead to expensive and time consuming litigation.

The Claims Board considers complaints which breach Part 1 of the AANA Code of Ethics. This includes complaints about: the legality of an advertisement; misleading or deceptive advertisements; and advertisements that contain misrepresentations likely to harm a business.

Complaints received by the Claims Board are considered by a panel of legal advisors with experience and expertise in advertising and/or trade practices law.

1.5 Role of the Independent Reviewer of Standards Board determinations

As part of its ongoing commitment to international best practice in delivering the advertising self-regulation system in Australia, the Bureau introduced a review process for Standards Board determinations in April 2008.

The Independent Review process provides the community and advertisers a channel through which they can appeal decisions made by the Standards Board in prescribed circumstances. A fact sheet outlining the review process is available to the advertiser and the person(s) who originally made a complaint. The fact sheet is available to all on the Bureau website and is at Attachment C. Please note that this fact sheet will be amended when a review into the Independent Reviewer process concludes early in 2011.

Former Federal Court Justice Ms Deirdre O'Connor and former Australian Federal Police Commissioner Mick Palmer are the Bureau's Independent Reviewers.

During the review process, the original determination (and any subsequent remedial action or withdrawal of the advertisement) will stand. The Bureau publishes the initial determination until the outcome of the review is known at which point the revised determination with Independent Reviewer recommendation is published.

A brief outline of requests for Independent Review since 2008 is at Attachment D.

1.6 Principles underpinning the self-regulation complaints system

(a) Accessibility of complaint process

The complaint process is accessible to all members of the public. Complaints may be made via an online complaint form, by post or facsimile. A single written complaint is sufficient to initiate the complaint process.

The complaint process is a free service and provides fairness for complainants and advertisers. Process steps are clearly set out and available to all on the Bureau website, along with information about how the Standards Board makes its determinations (copy at Attachment E). Members of the public without access to the internet are able to contact the Bureau and request information about the complaint process.

(b) *Transparency of complaint process and decision making*

The Bureau is committed to a high standard of transparency with regard to Standards Board determinations.

Complaints are promptly assessed as to their appropriateness for submission to the Standards Board for determination. The Bureau, as secretariat for the Standards Board, responds to all complainants, informing them of the status of their complaint and keeps complainants and advertisers informed of the progress of complaints throughout the process via written correspondence.

In 2010, the Bureau developed a series of “Determination Summaries”, also available to all from the Bureau website (a copy of the *Portrayal of gender in advertising* Determination Summary is at Attachment F). The purpose of the Determination Summaries is to provide a general overview of Standards Board determinations on complaints about particular issues covered by the codes. The summaries are not “how to” guides and are not intended to operate in the manner of binding legal precedents, but are designed to assist the advertising industry, consumers and the Standards Board itself in understanding how the Standards Board has viewed particular issues covered by the codes that have been the subject of complaints in the past.

All case reports are also made publicly available on the Bureau website promptly after determination. Case reports contain details about the complaint, a description of the advertisement, the advertiser response and the Standards Board’s determination, along with a summary of the reasons for its decision.

(c) *Robust decision making*

The Standards Board has the complex and sometimes difficult task of making determinations in relation to a wide range of issues covered by the various Codes mentioned above. To assist the Standards Board in its deliberations, the Bureau conducts two training days each year in which issues of topical or general importance and determination precedent are discussed. For example, in November 2010, the Australian Food and Grocery Council (AFGC) presented information regarding the new AFGC Responsible Children’s Marketing Initiative to enhance Standards Board member understanding of the Code and clarify issues regarding complaints under the Code. Similarly, Google provided information about Internet Advertising, and the Communications Council and a Media Buying organisation talked to the Standards Board about advertising to children.

All community standards research which the Bureau undertakes on behalf of the Standards Board is discussed at training days both during the draft stage and subsequently during a formal presentation of the final research report. Copies of two such research reports, *Community perceptions of sex, sexuality and nudity in advertising* and *Community perceptions of violence in advertising* are at Attachment G. Both research reports, and another covering *Discrimination and vilification in advertising* (Attachment H) are available to all on the Bureau website. The Bureau also involves the Standards Board in the development of the Determination Summaries which provide precedent information regarding previous Standards Board determinations on particular issues.

All case reports following Standards Board determinations are published on the Bureau website. Since these documents are available to the entire community, the Bureau ensures that determinations in case reports are articulated clearly, logically and concisely.

The Standards Board is extremely careful to follow appropriate process in making its

determinations. The introduction of the Independent Reviewer process in 2008, which allows for a request for review on the basis of a flaw in the determination or a flaw in the process the Standards Board followed, increases the Standards Board's resolve to ensure sound decision making.

(d) Responsiveness of complaints handling

The Bureau's complaint handling system is efficient. Implementation of our new case management system has allowed us to more accurately report on timeliness. From April to December 2010 we turned around 23 per cent of cases within 30 calendar days and 73 per cent within 45 calendar days. Over the reporting period, all cases were completed within 90 calendar days and only five per cent of cases took longer than 60 calendar days to complete.

It is important to note that the turnaround times indicated are based on *calendar days* and covers the period from receipt of the complaint by the Bureau until resolution of the complaint and publication of the final case report recording the Standards Board's determination on the matter. This period includes:

- processing and assessing complaint(s) to ensure the complaint addresses a matter covered by a relevant code and that the information provided adequately identifies the advertisement that is the subject of the complaint (this may also include assisting complainants through the process);
- notifying the advertiser of the complaint received and obtaining a copy of the relevant advertisement and a response to the complaint from the advertiser (this may also include assisting advertisers through the process);
- seeking expert advice or opinions (e.g. nutritional advice may be required in the case of a food advertisement), for complex matters;
- Bureau staff preparing information received from all sources for consideration by the Standards Board at its next meeting and providing this information to Standards Board members in preparation for the next meeting;
- consideration of the matter at the Standards Board meeting;
- preparation by Bureau staff of a draft case report;
- review of the draft case report by the Chair of the relevant Standards Board meeting;
- notification of determination to advertisers and complainants; and
- publication of the final case report.

As mentioned above at 1.5, complainants and advertisers also have the opportunity after the Standards Board determination to seek an independent review of the determination, provided there are appropriate grounds for review. The set time for the Independent Reviewer to make a decision is 10 working days.

Complaint processes in other sectors of the media and communications industry work to similar timeframes to those of the Bureau, although the Bureau's complaint process covers a broader range of activities. For example:

- There are mandated complaint response times applying to commercial television licensees under the Commercial Television Industry Code of Practice. This complaint process is essentially an "in-house" process with licensees making the initial response to complaints. Licensees are required to provide a substantive written response to complainants within 30 *working days* of receiving the complaint. This translates to approximately 42 calendar days.
 - Commercial radio licensees are required under the Commercial Radio Codes of Practice to
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respond substantively in writing to complainants within 30 *business days* (approximately 42 calendar days) of receiving the complaint. Again, this is essentially an in-house process. The code allows licensees to provide a final reply within 45 *business days* (approximately 63 calendar days) of receiving the complaint where further investigation is required.

- The Australian Broadcasting Corporation (ABC) Code of Practice indicates complainants will receive a response from the ABC within 60 days of receipt of their complaint (although the ABC aims to respond to all complaints within four weeks of receipt and if a considered response cannot be provided quickly, an acknowledgement will be sent).
- The Special Broadcasting Service (SBS) Code of Practice indicates that the SBS Ombudsman will endeavour to provide a written response to the complainant within 30 days of receipt of the complaint, but in any event must do so within 60 days.
- Complainants who are not satisfied with a broadcasting licensee's response, or who have not received a response within 60 days of making the complaint, may then make a complaint to the Australian Communications and Media Authority (ACMA). According to the ACMA's Annual Report 2009-10, 1,538 out of 1,676 (92 per cent) written complaints and enquiries were actioned within a timeframe of seven days, while 171 of 189 (90 per cent) broadcasting investigations were completed within a timeframe of six months.
- The Classification Board is prescribed by regulation a maximum of 20 *working days* (approximately 28 calendar days) in which to process a standard application for classification of films, computer games, publications and other material. In addition to this, applications staff must firstly undertake a series of administrative and validity checking tasks in relation to each application to ensure the Classification Board has the information it requires to make a classification decision. The administration period in the case of a standard application is not to exceed 5 *working days* (approximately 7 calendar days). Importantly, applicants for classification decisions are required to provide all relevant documentation and materials for the application to be processed. This contrasts to the process undertaken by the Bureau, in which Bureau staff must actively seek copies of relevant material from the advertiser (based on the complainant's description of the advertisement) as well as an advertiser response and any other relevant materials so that the Standards Board has the necessary information to make a determination.

To improve the turnaround of complaints, since early 2009 the Standards Board has met at least twice per month. It is also possible to provide a 24 to 48 hour turn around for cases where it is likely that the advertisement will breach the Code or if there is immediate and significant community concern. In the latter case, however, most advertisers would remove the advertisement voluntarily – an example of this is a Target advertisement which depicted an act considered by many in the community to be dangerous. Upon receipt of Bureau notification of complaints, Target immediately withdrew the advertisement, prior to the Standards Board determination (in which the complaints were upheld).

Neither the Standards Board nor the Bureau considers the receipt of complaints a problem. Complaints provide a good test of the self-regulatory system and of the alignment of the Codes to community opinion. We do not aim for, or expect to experience, a situation where the community does not complain about advertising at all. No system of regulation is foolproof and the role of the complaints process is to act as a safeguard to ensure participants continue to comply with the Codes, having regard to changing community standards.

(e) *No cost to the community*

The system is funded by industry – it receives no government funding.. Responsible advertisers assist in maintaining the self-regulation system’s viability and support its administration by agreeing to a levy being applied to their advertising spend. The levy is paid to and administered by the Australian Advertising Standards Council (AASC). The AASC holds the industry funds in an account which is drawn down to pay the costs of managing the Standards Board and the self regulatory system. Financial management of the funds is outsourced to a Chartered Accounting firm and the Annual Financial Statements of both the Bureau and the AASC are audited by independent auditors.

(f) *International approach to outdoor advertising*

The Bureau is a member of the European Advertising Standards Alliance (EASA) which is the single authoritative voice on advertising self-regulation issues in Europe and beyond. EASA promotes responsible advertising and high ethical standards in commercial communication and assists members and others via initiatives such as the EASA Advertising Self-Regulatory Charter and Best Practice recommendations. Membership of EASA allows the Bureau to measure its performance and operations against international standards and ensures that we have access to an appropriate best practice model for advertising complaint resolution. An outline of the EASA Best Practice Principles and Best Practice Recommendations is at Attachment I.

The majority of international self-regulatory organisations (SROs) do not have specific arrangements for outdoor advertising. Exceptions are Poland, Hungary and Romania. There is a specific article in the Polish Code that allows the jury to apply stricter rules to outdoor advertising that targets children. Hungary and Romania ban alcohol advertisements inside and within 200 metres of the main entrance of educational and health establishments. Romania applies the same ban to tobacco advertising.

Most SROs do not offer preclearance (examination of advertisements by SROs as a **compulsory** pre-condition of publication) for outdoor advertisements. Exceptions apply in some jurisdictions for some or all alcohol advertisements, for example preclearance of alcohol advertisements is mandatory in Ireland; voluntary in Canada and New Zealand. Preclearance is used as a sanction in exceptional cases in Belgium and in the UK against repeat offenders who are incapable of or unwilling to comply with the Codes. In Lithuania, preclearance is mandatory for outdoor advertising only and is administered not by the SRO, but by each local Municipality. (The Lithuanian situation is under review and it is likely that all outdoor advertising administration will be incorporated within the SRO’s responsibility).

Copy advice (SRO advice on a proposed advertisement or advertising campaign at the request of an advertiser) is more common in international SROs. Most copy advice is provided free to advertisers, advertising agencies and the media and is generally offered orally on a non-binding basis in relation to all forms of advertising. Some jurisdictions charge non-members of the SRO for copy advice. The Austrian SRO provides copy advice in writing and the advice is produced using an online voting system. Since 2008, the advertising industry in France has implemented a system whereby any advertisement containing environmental claims should request copy advice. A French advertising industry decision in 2005 requires that if an SRO provides negative copy advice on a billboard project, the SRO should advise outdoor media companies who then make a judgment whether or not to use the advertisement.

1.7 Upheld rates

The rate of advertisements upheld across all categories increased from 5 per cent to 13.7 per cent between 2006 and 2009 which reflects a level on par with international counterparts and also reflects the Standards Board's response to changing community sensitivities. This is mostly due to the introduction of new and more diverse Standards Board members; and a greater awareness within the Standards Board of community standards, particularly around issues relating to sex, sexuality and nudity. Preliminary statistics for 2010 indicate that the upheld rate across all categories was 10.24 per cent.

There is no right or wrong number for an upheld rate. There will always be circumstances in which people make valid complaints about an advertisement, but whose complaint is not in line with the broader community. There is a wide range of community views on particular issues and Bureau research shows that the Standards Board is generally in line with community views.

Further discussion of upheld rates for outdoor advertising is at '*5. Rate and nature of complaints about outdoor advertising*'.

1.8 Compliance with Standards Board determinations

Regardless of an advertiser's reaction to a Standards Board determination, in the vast majority of cases where Code breaches are found, advertisers quickly ensure that their advertisement is removed or modified. Very few advertisers require more encouragement to comply.

The Bureau has a record of nearly 100 per cent compliance by industry with decisions of the Standards Board. The Bureau's ability to achieve compliance across Federal, State and Territory jurisdictions, regardless of the size of the advertiser, is something that legislation and government administration is very unlikely to rival.

The instances in which voluntary compliance was not obtained are described below at 1.9.

1.9 Enforcement of Standards Board determinations

In the vast majority of cases where Code breaches are found, advertisers quickly ensure that their advertisement is removed or modified. However, if necessary the Bureau has developed a range of enforcement actions to ensure compliance with Standards Board decisions.

Firstly, if a complaint indicates that an advertisement may breach government regulations or has broken the law, the Bureau can refer the case report to an appropriate government agency or industry body that has the authority to withdraw the advertisement. This can be done without a case going to the Standards Board for consideration.

Other actions can include:

- An advertiser's failure to respond will always be included in the final case report which is made public on the Bureau's website. This is generally unwelcome publicity for the advertiser and for most advertisers such publicity is a threat to brand reputation and is to be avoided.
- In a similar fashion, an advertiser's failure to respond can feature in information released to the media which follows the relevant Standards Board meeting, and the Bureau Chief Executive Officer will respond to all media requests with a full account of the particulars of

the case, including the timeliness of the advertiser's compliance.

- Should an advertiser fail to respond to the Bureau's request to remove or modify advertising, the Bureau will liaise with industry and media bodies such as FreeTV and the Outdoor Media Association, which will either negotiate with the advertiser directly for the removal of the advertisement or in specific cases, take action to remove the advertisement.
- Under appropriate circumstances, the Bureau will refer an advertiser to a government agency such as: the Commonwealth Department of Communications, Broadband and the Digital Economy; the Australian Communications and Media Authority; the Attorney-General's Department; or to State Police Departments to request that these agencies assist in taking action against the advertiser. In some cases, local councils may also have relevant authority to assist with the removal of an advertisement, although this authority varies greatly between jurisdictions. Although Government agencies can be of assistance should the Bureau be unable to facilitate removal of an advertisement, it is apparent that they do not have relevant powers or funding to achieve enforcement outcomes or, in some cases, are unable to act quickly or on the basis of community concerns.

During 2009 and 2010 the Bureau referred four decisions to government authorities.

- i. In November 2009 the Bureau notified the Australian Competition and Consumer Commission (ACCC) of community concern about the truth and accuracy of advertising claims made by the Advanced Medical Institute. At that stage, the ACCC advised that it did not propose to take any further action. In December 2010, the ACCC launched legal proceedings against the Advanced Medical Institute regarding breaches of the Trade Practices Act.
- ii. In May 2010 the Bureau notified the Fraser Coast Regional Council that a billboard owner would not remove the billboard. Council replied and has removed the billboard (although only on the basis that the development was not approved – not on the basis of the content of the billboard).
- iii. In September 2010 the Bureau notified the Yarra City Council that a local store would not remove a sandwich board. Council replied and advised that it is unable to revoke the approval of the sandwich board on the basis of content.
- iv. In January 2011 the Bureau notified the Victorian Government that advertising for an adult premises breached the Code and asked that the Government take appropriate action. A response has not yet been received.

2. How the self-regulation system meets community concerns about billboard advertising

Self-regulation provides an effective and efficient way for advertisers to engage with consumers and to respond to consumers' concerns about advertising. It ensures consumer protection by providing a free and fast route for consumers to express their views about advertising and to have an impartial body to contact.

The roles of the Bureau and Standards Board are only part of the self-regulation system as it relates to billboard and outdoor advertising. The system starts with the voluntary actions of advertisers in agreeing to be bound by the AANA codes and other relevant codes of advertising conduct. The commitment of advertisers, their agencies, media buyers, media operators and

industry associations are all essential to ensure community expectations about advertising standards are being met. The Bureau is active in maintaining close working relationships with those industry stakeholders, providing them with information and education as appropriate, and ensuring they are maintaining their commitment to the system.

The relevant industry association in relation to third party outdoor advertising is the Outdoor Media Association (OMA). The OMA plays a key role in ensuring compliance of its members in relation to third party outdoor advertising sites. They do this by incorporating the AANA codes into the Code of Ethics applying to OMA members and committing OMA members to abide fully by the decisions of the Standards Board and to remove content if a complaint is upheld by the Standards Board.

These preventative measures around self-regulation complement the complaint adjudication process managed by the Bureau, which seeks to capture those instances where members of the community consider an advertisement offensive and lodge a complaint for consideration by the Standards Board.

It is important to note that the vast majority of advertisements do not trigger complaints and in the majority of cases where complaints are received, the Standards Board finds there has been no breach of the codes. We are firmly of the view that the reason for this is that Australian advertisers, for the most part, adhere to the rules set out in the industry codes.

Prevailing community standards are at the heart of all Standards Board decisions and are the reason the Standards Board is made up of members of the community. The overriding objective of the Standards Board is to make decisions relating to the AANA Code of Ethics and other AANA codes based on what it perceives are prevailing community attitudes. In this way, the Standards Board aims to draw community expectations into its consideration of the rules set out in the codes. This is frequently a difficult task, as views on the types of issues set out in the AANA codes are in many cases necessarily personal and subjective and often attract very differing views in the community.

To address this issue, the Bureau ensures that the membership of the Standards Board is as diverse as possible. As detailed earlier, the Standards Board comprises members who are from a diverse range of ages, professional backgrounds, geographic locations, family and personal circumstances. The diversity of the current membership means that the Standards Board, as a whole, is well placed to judge current community standards and to apply those community standards to the codes that it administers.

In addition to the diverse community experiences and views that the members bring to the Standards Board, the Bureau now conducts research into community standards on a regular basis, to measure whether the Standards Board's decisions are in line with community standards.

Research conducted for the Bureau and Standards Board in 2007, 2009 and 2010 indicates that Standards Board decisions generally reflect community standards on the key provisions of the AANA Code of Ethics. Research conducted in 2007 related broadly to the Code of Ethics, while research conducted in 2009 related to community perceptions of violence in advertising and in 2010 related to community perceptions of sex, sexuality and nudity in advertising. Standards Board members have taken the results of such research into account in their consideration of complaints under the codes. Full reports of the research conducted in 2009 and 2010 (Attachment G) are available on the Bureau website. Community Standards research conducted on behalf of the Bureau in 2007 is at Attachment J.

Cases over the past few years relating to billboard and outdoor advertising provide good examples

of situations where the Standards Board has taken into account feedback contained in the research commissioned by the Bureau, as well as feedback in the media and previous government inquiries.

Standards Board determinations relating to billboard and outdoor advertising have in the last few years made clear reference to the broad nature of the audience for billboard and outdoor advertising and the fact that more rigorous standards therefore need to be applied to such advertising.

In addition, the issue of whether consumers know where to complain about advertising is an important issue for the Bureau. In 2006 the Bureau undertook research to gain an understanding of the level of unprompted awareness. Survey participants in 2009 and 2010 were asked the same question. Survey of spontaneous awareness identified in 2010 sex, sexuality and nudity research showed level of Bureau awareness at 63 per cent (67 per cent 2009) and was significantly higher than the 10 per cent (unprompted) in the 2006 Community Awareness research.

Following the 2006 research which demonstrated a low level of awareness, the Bureau developed an awareness raising campaign. The campaign, which commenced in June 2008, featured television, print and radio advertisements encouraging the community to complain to the Bureau if it has concerns about advertising. The campaign will be extended to outdoor and internet advertising in 2011. The Bureau is supported in its campaign by industry who have developed the campaign at reduced costs and who broadcast the advertisements in relevant media at no charge to the Bureau.

3. Interaction of self-regulation system with consumer protection provisions

The Standards Board does not have a general responsibility for considering complaints involving issues of truth, accuracy and legality of advertising under the AANA Code of Ethics. Competitive complaints about these matters can be considered on a user-pays cost recovery basis by the Claims Board. The Bureau will generally refer public complainants with issues about misleading and deceptive advertising or truth and accuracy in advertising to the ACCC or the relevant State/Territory Department of Fair Trading or Consumer Affairs. In 2008 the Bureau prepared a special information sheet for Fair Trading Agency call centre staff explaining the jurisdiction of the Bureau in order to improve the extent to which consumers are referred to the correct complaints agency.

The Standards Board is tasked with considering *some* issues relating to truth and accuracy and misleading and deceptive behaviour under specific provisions of the AANA Food and Beverages Advertising and Marketing Code, AANA Code for Advertising and Marketing to Children and the AANA Environmental Claims in Advertising and Marketing Code. To avoid inconsistency in decision making, the Bureau and the ACCC have agreed to discuss relevant current cases and issues.

It is important to note, in this respect, that the role of the Standards Board is different from the role of a court, the ACCC or even the Claims Board. The Standards Board's role is to apply the broad principles in the various codes and, in doing so, it reflects community standards and expectations, which necessarily change over time.

The Standards Board is not required to reach a legal opinion, but to reflect the community's attitude and expectations. By upholding or rejecting a complaint, the Standards Board determines whether the community considers an advertisement acceptable or not. The Standards Board is well placed to make such determinations given the wide experience and understanding of its members in relation to the community.

A fact sheet explaining the role of the Standards Board in regard to the specific provisions dealing with misleading and deceptive advertising or truth and accuracy in advertising is available on the Bureau website (a copy is at Attachment K).

4. Keeping pace with technical developments in billboard advertising

Keeping pace with technical developments in all forms of advertising is a priority for the Bureau. The Bureau mission and values statement includes the objective that in 2014 *“the Bureau will have kept pace with advertising and marketing communication developments in new media”*.

The ever-growing advertising space created by new technology is widening the opportunities for advertisers and also the style of advertising and marketing communications. In order for the self-regulation system to function appropriately, it is important that the Standards Board is able to consider complaints about material on all types of media that is accessible to consumers including complaints arising from advertisements seen on emerging media.

In mid-2008, the jurisdiction of the Standards Board was expanded when the AANA amended the AANA Codes to expand their application from “advertising” to “advertising and marketing communications”. The definition included in the Code of “advertising and marketing communication” has considerably expanded the scope of the Codes and thereby the jurisdiction of the Standards Board. Marketing communications cover a range of activities undertaken by advertisers such as material placed on social networking sites. Additionally, the Standards Board is no longer restricted to only considering complaints about material that is broadly distributed. The Standards Board can now consider complaints about local advertising (such as a poster for a particular product, e.g. case 404/09) and material that is displayed by an advertiser themselves (such as a poster in the front of a store, e.g. case 397/09).

In the same way, the Standards Board has the flexibility to deal with any technical developments in outdoor advertising, as they arise. An example of how technical developments in billboard advertising could impact on Standards Board decision-making is in the context of the audience. The Standards Board already takes into account the broad nature of the billboard audience, particularly in relation to complaints about sex, sexuality and nudity. If digitisation of some billboard locations leads to opportunities for timezone-style programming of those billboards, this would certainly be a relevant factor in the Standards Board’s determination of the relevant audience for the billboard advertisement.

5. Rate and nature of complaints about outdoor advertising

The Bureau accepts complaints about a range of different types of outdoor advertising, including billboards, transport advertisements (featured on buses, taxis, trams and other vehicles), posters (including in shopping centres and other public facilities) and on-premises signage in certain circumstances.

The rate of complaints about advertising allocated by the Bureau under the various categories of outdoor advertising has fluctuated since the Bureau was established in 1998.

Table 1 of Attachment L - Statistics shows an increase in overall complaint activity relating to complaints about all advertising mediums from 2007 to 2009. Complaint activity in 2010 was slightly lower than 2009. Table 4 of Attachment L - Statistics provides details of the Code issues attracting complaint about all advertising mediums. Over recent years, the issues of sex, sexuality and nudity in advertising has attracted most complaints, with percentages ranging from 25 per cent to 45 per cent of all complaints. The trend in activity during 2009 and 2010 can be attributed to a small number of advertisements that attracted a significant number of complaints.

Table 5 of Attachment L - Statistics provides the percentage of complaints relating to outdoor categories – this includes outdoor, billboard, poster and transport. The statistics show an increase from about 14 per cent in 2007 to about 26 per cent in 2009. This figure declined to 21 per cent in 2010. .

The increase in complaints about outdoor advertising from 2007 to 2008 can be attributed, at least in part, to just a small number of those advertisements attracting a large number of complaints – three of the most complained about advertisements in 2008 were outdoor (attracting 113, 47 and 32 complaints respectively). In 2009, three of the most complained about advertisements were billboard advertisements (receiving 302, 60, and 56 complaints respectively). Similarly, in 2010 five of the most complained about advertisements were outdoor (receiving 74, 60, 50, 44 and 32 complaints respectively).

In comparison, over the past three years, percentages for complaints about television advertisements has dropped from 75 per cent in 2007 to 62 per cent in 2010 (according to preliminary statistics). Internet complaints have increased from 1 per cent in 2007 to over 7 per cent in 2010 (according to preliminary statistics).

Table 2 of Attachment L - Statistics shows that of all outdoor advertisements considered by the Board in 2008, 18.39 per cent of those cases were upheld. The figure was 17.35 per cent in 2009 and 16.67 per cent in 2010.

6. Continuous improvements to self-regulation system

The Bureau is committed to continuous improvement, taking into account input from the public and the industry, and having regard to international best practices relating to advertising self-regulation.

During 2011 the Bureau's major initiative will be to develop and implement a "Board Online" process in which non-controversial cases can be dealt with quickly out of session via the Bureau's Extranet. We anticipate that this initiative will significantly reduce determination turn-around times, providing an even faster and more responsive complaint resolution outcome for consumers. Other cases that require more detailed analysis will be considered at scheduled meetings or, if necessary, at a special meeting.

Since 2005, the Bureau has undergone substantial remodeling, including a range of initiatives to improve the transparency and accountability of its complaint handling service. Recent initiatives include the following:

- Complaint processing
 - A new case management system was implemented in 2010 resulting in improvements in the efficiency and timeliness of complaint processing.
- Public awareness
 - A major public education campaign was conducted in 2008.
 - Community standards research has included testing of community awareness about the Bureau and advertising self-regulation.
 - A new website was developed in 2006 and further refined in 2010, with improvements to the presentation of information about the complaint process and role of the Bureau and determination search functionality.
- Community standards research

- In 2006, the Bureau commissioned research to determine the level of unprompted awareness of the Bureau.
- World-first research commissioned by the Bureau in 2007 testing the Standards Board's decisions against the views of the community.(Attachment J)
- Research conducted in 2009 on community perceptions of violence in advertising (full report available on the Bureau website - Attachment G).
- Research in 2010 on community perceptions of sex, sexuality and nudity in advertising (full report available on the Bureau website - Attachment G).
- In 2009, research was also commissioned into discrimination and vilification in advertising at the request of the Standards Board, to better inform them about issues in this area (full report available on the Bureau website – Attachment H).
- Research conducted provides the Standards Board with valuable feedback and Standards Board members have taken the results of such research into account in their consideration of complaints under the Codes.
- Maintaining an independent and effective Standards Board
 - Since 2005, a number of changes have been made to the structure and procedural arrangements of the Standards Board, including expansion to a membership of 20 and appointment of new members at staggered intervals to ensure that the Standards Board has a mix of experienced and new members.
 - The frequency of meetings has increased, with the Standards Board now meeting twice a month to consider complaints and also meeting between scheduled meetings, usually by teleconference, if the Bureau considers that a case should be considered as a matter of urgency.
- Introduction of an Independent Review process
 - An Independent Review process was introduced in April 2008 as part of the Bureau's efforts to meet international best practice. The process enables original complainants and advertisers to appeal determinations made by the Standards Board.
 - Following the appointment of the inaugural independent reviewer in 2008, the Bureau appointed a second Independent Reviewer in 2009 to ensure the operation of the Independent Review system was not affected by absences.
- Introduction of consistently dismissed category
 - A “consistently dismissed” category was introduced in 2010, responding to concerns that Bureau resources are too stretched and to ensure that resources are devoted to the work that is most likely to be upheld. This initiative has resulted in streamlining of this type of complaint and enabled the Board to spend more time discussing more complex cases.
- Provision of information seminars
 - During 2010 the Bureau presented papers at 18 Seminars/Conferences to a total audience of approximately 825. Presentations were made to: 450 industry personnel; 40 students; 50 non-government organisational representatives; 75 legal practitioners; and 210 State and Federal Government staff and non-government organisation representatives.

A priority for 2011 is to explore partnerships with bodies which represent small business, such as Chambers of Commerce, to commence a program of education for this sector who are less aware of their obligations under the advertising Codes.

The Bureau will continue to work with the advertising industry, associated national and

international bodies and the community to maintain a healthy system of advertising self-regulation.

7. Minimising the regulatory burden on business

The Committee must carefully consider the financial impact of any changes to the advertising self-regulation system.

The current self-regulation system operates at no cost to government or the community. The current system is funded by industry at a relatively small level of 0.035% of advertising expenditure. The complaints management system works in a manner that minimises costs to the sectors of industry who work within the relevant industry Codes and imposes appropriate compliance costs on those who breach the Codes.

The Australian Government is required to consider the regulatory impact of any proposals around regulatory decisions. The Bureau urges the Committee to ensure that they give proper consideration in the form of a Regulatory Impact Analysis (RIA)¹ to any recommendations for regulatory intervention in the advertising self-regulation system. Proper impact analysis will improve government and Committee actions by:

- requiring consideration of whether acting in response to a perceived problem through regulatory action is required at all
- requiring understanding of the implications and impacts of regulatory intervention, and
- ensuring that the information on which any government regulatory decision is made is transparent.

We strongly believe that the existing self-regulation system is a cost effective and efficient scheme which provides appropriate protection and safeguards for the community.

The current system provides an effective, transparent and robust mechanism for consumers to raise concerns about the content of particular advertisements and provides a robust, independent and fair system for assessing whether an advertisement meets the broader community's standards or not.

A determination that an advertisement breaches community standards means the immediate removal of the advertisement and prohibits use of the advertisement in the future.

The current system effectively meets the objective of protecting consumers and promoting responsible advertising.

Regulatory intervention is not required or justified for the less than .07 per cent of advertisers who have been complained about and failed to comply with the system in more than 12 years of operation. This is particularly the case as the Bureau is already working with government bodies to address the gaps.

In considering any additional requirements that advertisers must meet or government intervention in the assessment of advertisements, the Committee must consider the impact on advertisers and the costs to government, industry and the community as a whole and must also justify how any change to the current system will lead to improved outcomes for the Australian community.

¹ Australian Government RIS requirements, Department of Finance and Deregulation 2011.

Conclusion

The self-regulation system for advertising in Australia is an effective way to ensure high advertising standards across all media.

The combined commitment of advertisers, advertising agencies, media buyers, media operators and industry associations has meant that the vast majority of advertisements do not receive complaints and, of those that do, the majority are found not to be in breach of community standards. It has also contributed to the excellent compliance record of the Bureau in enforcing Standards Board decisions, of nearly 100 per cent compliance.

The Bureau and the Standards Board each recognise the important responsibility they have to the community to ensure advertising content meets prevailing community standards in accordance with the advertising codes.

The complaint adjudication process administered by the Bureau is working well in ensuring consumers have the opportunity to be heard when they consider an advertisement does not meet the standards set out in the codes.

The Standards Board takes its responsibility regarding outdoor advertising very seriously. Decisions to dismiss complaints about outdoor advertising under provisions of the advertising codes are made with the appropriate and careful consideration the Standards Board gives to all cases. The Standards Board recognises the broad nature of the audience for outdoor advertising and, consistent with the nature of a self-regulatory body made up of community representatives, takes into account changing community perceptions towards particular types of media and particular issues covered by the codes.

The Bureau is committed to continuous improvement of the complaint resolution process, as indicated in part 6 of this submission and welcomes any relevant feedback that may come out of this Inquiry.

The Bureau recommends that the Committee consider the value of the current processes in ensuring the needs of complainants, advertisers and the general community are effectively balanced and met, having particular regard to:

- the fact that the vast majority of advertisements do not receive any complaints;
- the majority of those complained about are not found to be in breach of community standards; and
- the Bureau's success with ensuring compliance where the Standards Board upholds complaints about an advertisement is nearly 100 per cent.

We are happy to provide the Committee with any additional information it requires and look forward to attending the public hearings for the Inquiry to further expand on the important roles of the Bureau and the Standards Board in the self-regulation system.

List of attachments

- Attachment A - The ABAC Scheme and billboard advertising**
- Attachment B - Advertising Standards Board members**
- Attachment C - The Independent Review process**
- Attachment D - Outline of requests for Independent Review 2008 – 2010**
- Attachment E – Advertising Standards Board complaints process**
- Attachment F - *Portrayal of gender in advertising* Determination Summary**
- Attachment G – *Community perceptions of sex, sexuality and nudity in advertising* Research Report; *Community perceptions of violence in advertising* Research Report**
- Attachment H - *Discrimination and vilification in advertising* Research Report**
- Attachment I – EASA Best Practice Principles and Recommendations**
- Attachment J – Community Standards Research – 2007**
- Attachment K - Misleading and deceptive advertising**
- Attachment L – Statistics relating to complaint determinations with emphasis on outdoor advertisements**

16 February 2011

Ms Fiona Jolly
Chief Executive Officer
Advertising Standards Bureau
Level 2, 97 Northbourne Avenue
Turner ACT 2612

By Email: fjolly@adstandards.com.au

Dear Fiona,

RE: The ABAC Scheme and billboard advertising

Thank you for your invitation to provide details on complaint management of billboard advertising through the Alcohol Beverage Advertising Code (ABAC) Scheme, in the context of the current Committee Inquiry into Regulation of Billboard Advertising.

We are happy to provide information about the ABAC Scheme in answer to your request.

Background

The quasi-regulatory¹ ABAC Scheme consists of the Alcohol Beverages Advertising (and Packaging) Code (the Code), the Alcohol Advertising Pre-vetting System, and the Complaints Management System.

Recognising that alcohol is a product for adults and its marketing should be regulated to reflect that fact, the ABAC Scheme was developed in agreement with all major Australian alcohol beverages' manufacturing and marketing industry associations and key advertising, media and consumer bodies.

The Commonwealth Government is also a key stakeholder and is represented on the Management Committee of the Scheme.

Under the ABAC Scheme, the Code for alcohol advertising has been negotiated with government, consumer complaints about alcohol advertising are handled independently of the industry, but all costs of the Scheme and the complaint process are borne by industry.

Operation

The ABAC Scheme is responsible for:

- The Code (first introduced in 1998 and substantially updated in 2004) which regulates the content of alcohol advertising and packaging in Australia, and

¹ Australian Government 2010, Best Practice Regulation Handbook, Canberra

alcohol promotion at events. Subject to regular reviews, the Code reflects community expectations and changes in the media and advertising industries.

- The Alcohol Advertising Pre-vetting Service (AAPS) which provides confidential advice to advertisers on whether proposed alcohol advertisements would comply with the Code, and grants AAPS approval on the final version of advertising if it complies with the Code. This service is offered on a ‘user pays’ basis. The Outdoor Media Association has established guidelines that require alcohol related ads to have been approved through the AAPS prior to display.
- The ABAC Adjudication Panel, which considers public complaints about alcohol advertisements and packaging that fall within the ambit of the Code.
 - The Advertising Standards Bureau (ASB) accepts all complaints in relation to all types of advertising. This avoids a duplication of entry points for advertising-related complaints.
 - Each complaint is assessed independently by both the ABAC Chief Adjudicator and the ASB. Hence each complaint is reviewed against the Alcohol Beverages Advertising (and Packaging) Code, the AANA Code of Ethics, or both.
 - The AANA Code of Ethics deals with matters of “taste” and “decency” for all advertising thus ensuring that there is a consistent standard for taste and decency issues across all advertising for every type of product.
 - The ABAC Adjudication Panel reports its decisions to the ASB, the ABAC Management Committee, the advertiser, and the complainant. Its decisions are also made publicly available through the website. A professor of public health (approved by government) is a member of all adjudication panels.
 - The Adjudication Panel and its deliberations are independent of the management committee and the broader alcohol and advertising industry.

We note the Code is not the only set of rules affecting alcohol advertising in Australia. Alcohol advertisements, including outdoor alcohol advertisements, must also comply with the Competition and Consumer Act 2010 (formerly the Trade Practices Act 1974), Fair Trading legislation, the Australian Association of National Advertisers (AANA) Code of Ethics and the Outdoor Media Association (OMA) Code of Ethics.

Coverage

- Membership of, and compliance is voluntary. However, the individual members of the Brewers Association of Australia & New Zealand, the Distilled Spirits Industry Council of Australia, and the Winemakers’ Federation of Australia are bound by the Scheme. This means that the great majority (almost 100%) of alcohol advertising in Australia – including outdoor advertising – is regulated by the Scheme.
- Other companies that advertise alcohol, including retail chains, are encouraged to become non-member signatories to the Scheme and to utilise the Pre-vetting

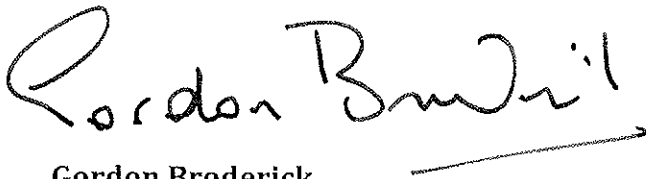
Service. However, the ABAC complaints process also considers complaints against billboard advertising by non-signatories.

- Over the past five years, complaints against five billboard advertisements have been upheld by the adjudication panel. In each case the advertiser agreed to withdraw or modify the advertisement so as to comply with the ABAC standards.

More information about the ABAC Scheme, including the Code, Annual Reports and Adjudication decisions are publicly available on our website, www.abac.org.au.

The ABAC Scheme provides an effective and robust approach to alcohol advertising (including billboards), at no cost to the public or to the government.

Yours sincerely,

A handwritten signature in black ink that reads "Gordon Broderick". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Gordon Broderick
Chairman
The ABAC Scheme Ltd

Advertising Standards Board Members – January 2011



TANVEER AHMED *Appointed August 2006*

Dr Tanveer Ahmed is a psychiatrist and opinion columnist for the Sydney Morning Herald. A former SBS television journalist he is also a Governor of the Smith Family. He has performed comedy and co-hosted a prime time gameshow. He has been chosen by a Prime Minister's committee as one of 100 future leaders of Australia and as a 'young man of influence' by a popular men's magazine.



THE HON JOHN BROWN AO *Appointed May 1998*

Former Federal Tourism Minister John Brown was a member of the Commonwealth Parliament for 13 years. John has been awarded the Olympic Silver Order of Merit and Australian Institute of Marketing Gold Medal. He was elected a Life Member of the Australian Institute of Sport and is a member of the President's Council of the Surf Lifesaving Association. He is also the Emeritus Chairman of Spinesafe and the Transport and Tourism Forum. Born and bred in Concord in Sydney, John has five adult children and 11 grandchildren.



SIBYLLA BUDD *Appointed August 2006*

Sibylla Budd grew up in Canberra and moved to Melbourne to study acting at the Victorian College of the Arts, where she graduated with a degree in dramatic art. Since then, Sibylla has shot to prominence with her role in the Australian drama, *The Secret Life of Us*, and Australian feature film *The Bank*. Her other television work has included roles in *The Farm*, *All Saints*, *Something In The Air*, *Kath and Kim*, *Sea Patrol* and *Canal Road*.

Sibylla's film credits include *September*, *The Bank*, *The Book of Revelation* and *The Bet*, for which she was nominated for an AFI award for best supporting actress in 2007. Sibylla has also worked solidly in theatre with the Melbourne Theatre Company, Company B (Belvoir street theatre), The Griffin and Newtheatricals.



JOANNA COHEN *Inaugural Member appointed 1997*

Joanna Cohen is the editor of film reviewing website, Rotten Tomatoes and the Marketing Manager for three Fox Interactive Media websites.

For many years Joanna worked in marketing and communication at the University of Sydney and, reflecting her diverse talents, has also managed a Sydney rock band, run a small film festival and worked as a freelance writer.

Joanna has a Bachelor of Arts in Communications and a Master of Arts in English Literature.

Joanna has lived most of her life in the inner western suburbs of Sydney but spent some of her childhood in the central west of New South Wales, and has also lived and worked in London.



BARBARA DAVID *Appointed August 2008*

Barbara David has broad experience with both young and mature-age Australians. Her career has included time spent as a high school music teacher as well as a lecturer and researcher in social and child psychology at the Australian National University. Barbara has retired from lecturing and is currently reliving the student experience, undertaking a TAFE Diploma in Visual Arts. She was awarded Arts and Media Student of the Year in 2007.

Barbara's passion for informed investigation of social issues continues in her ongoing supervision of PhD students. Their research covers topics such as the role of modeling (imitation) in children's gendered behaviour, and the part played by perceptions of capability in the perpetuation of inequality in the workplace.



KHOA DO *Appointed August 2006*

Khoa Do was born in Vietnam and came to Australia as a refugee when he was two years old. Khoa began working in the performing arts in the late 1990s, developing and producing a number of shows and films. He is now a film director in his own right, having achieved significant success in his short career.

Khoa's most recent works include *Footy Legends* in 2006, starring Anh Do, Angus Sampson and Claudia Karvan. His first feature film, *The Finished People*, was a gritty and realistic story about at-risk adolescents on the edge of survival. The film won international acclaim and was nominated for an Australian Film Industry Award for Best Direction, and Film Critics Circle of Australia Awards for Best Film and Best Director. It won the Independent Film Independent Spirit Award in 2003.

Khoa has also worked as a volunteer with Open Family Australia at Cabramatta in Sydney, assisting at-risk youths. He was awarded Bankstown City's Young Citizen of the Year Award in 2002.

Khoa was named Young Australian of the Year in 2005.



ANN DRUMMOND *Appointed August 2006*

Ann Drummond was born in Scotland where she spent her early childhood years before her family migrated to Canada. Ann lived in Canada for 16 years before moving to Australia in 1975. She now lives in St Kilda in Melbourne. Ann has two grown step-children.

Ann has a degree in both theology and early childhood education. She is a retired Uniting Church minister but continues her involvement as Chairperson of the Synod of Victoria and Tasmania Sexual Misconduct Complaints Committee and provides leadership in the 'Code of Ethics and Prevention of Sexual Misconduct' workshops for clergy of the Uniting Church's Synod of Victoria and Tasmania. She is also a member of the Victorian Ecumenical Professional Standards Group.

Ann has extensive experience in the fields of child education and children's services.

She has managed government programs which delivered services to the community for maternal and child health, child care, youth development, and aged and community care.

Ann is an active member in many groups including YWCA Victoria, Victorian Women's Trust and Friends of the St Kilda Botanical Gardens.



RACHEL GRANT *Appointed August 2008*

Rachel Grant grew up in Ballina, northern New South Wales, before moving to Brisbane to complete a Bachelor of Business Communications at the Queensland University of Technology.

Since graduating with a major in public relations in 1990, she has worked for a range of organisations in the energy, ICT, financial and environmental sectors. She currently works as a freelance public relations consultant, with clients including Olex, Humes, Bunya to the Bay 2010 and Peaks to Points 2010.

Rachel has a keen interest in her local area and is committed to working to improve facilities and create a sense of community for her children. She is currently a member of the Parents and Friends Committee at her son's primary school the parent committee at Church St Kindergarten and Preschool.

Rachel lives in Ipswich with her husband and two young sons and is an avid reader when time permits.



THOMAS KENEALLY AO *Inaugural Member appointed 1997*

Thomas Keneally is a best-selling, multi award-winning author, playwright, scriptwriter, English professor and holder of a number of honorary doctorates. Tom has written more than 20 novels including *The Chant of Jimmy Blacksmith* and *Schindler's Ark*. In 2009 Tom added to his vast stable of novels with *The People's Train*, as well as publishing a non-fiction work *Australians: Origins to Eureka*.

He was the inaugural chairman of the Australian Republican Movement and is now a director of the organisation.

Tom spent his early years in country towns in northern New South Wales before moving to Sydney. He is married with two children and several grandchildren, and is widely-known as an obsessive rugby league fan.



SOPHIE KILLEN *Appointed August 2006*

Sophie is undertaking a Master of Laws at the University of Melbourne and works at the Australian Communications and Media Authority.

Previously Sophie worked as a research fellow at the Centre for Media and Communications Law at the University of Melbourne where she researched a paper on the control of cross-border tobacco advertising, promotion and sponsorship in a joint project with the VicHealth Centre for Tobacco Control. Sophie has also worked as a judicial associate in the Federal Magistrates Court of Australia and as a casual academic in law and media studies at four universities.

For many years Sophie has been a singer in choirs including The Australian Voices, Canticum, The Melbourne Chorale and most recently, the Sydney Philharmonia choirs. In this capacity, Sophie has participated in a number of festivals, concerts and educational workshops with children living in metropolitan and regional Australia.

Born in Canberra, Sophie was raised in Brisbane, recently enjoyed three years in Melbourne and now lives in Sydney.



JOHN LEE *Appointed August 2006*

John Lee has worked in senior roles in both the public and private sectors. He is currently consulting to ASX companies and Governments on strategic issues and delivery/performance metrics.

John's previous roles include Director General of the NSW Department of Premier and Cabinet, Department of Commerce, CEO of the NSW State Transit Authority, Director-General of Transport (NSW) and Head of Communications and Marketing at CityRail. He was a key member of the team that successfully delivered transport for the Sydney 2000 Olympic Games.

John has spent most of his life based in western Sydney where he has been involved in numerous community and charity projects.

John is married and his family includes two daughters and a son.



JANEMAREE MAHER *Appointed August 2008*

JaneMaree Maher is Director of the Centre for Women's Studies and Gender Research, in the School of Political and Social Inquiry, at Monash University in Melbourne. She has degrees in Law and Arts (Hons) from the University of Melbourne (1991) and gained her PhD in 1999 from La Trobe University.

JaneMaree's research focuses on birthing, pregnancy, women, family life and work. She is currently involved in research focused on how families manage working and caring.

JaneMaree teaches media and popular culture studies, focusing on gender and power.

JaneMaree has experience as a board member in girls' education and recently participated in the Victorian Government Centenary of Suffrage Reference Group, celebrating women's right to vote.

She has three teenage daughters who share her passion for the Essendon Football Club.



PAUL McCARTHY *Appointed August 2006*

Paul McCarthy grew up in Queensland before moving to Sydney to work for the Office of Film and Literature Classification in January 2003.

A career public servant, Paul has worked in human services policy (health, disability, education, community services) arts policy, liquor and gaming policy, censorship policy and media regulation, and privacy and complaints handling. His work for Commonwealth, State and local governments has included consulting with industry and the community on a range of projects. While at the Office of Film and Literature he advised on the statutory framework for the application of community standards to films, computer games and publications.

Paul's first professional job was as a child guidance therapist in a child psychiatry clinic and he has been a member of the Speech Pathologists Board of Queensland.

Paul is a vegetarian with interests in spiritism, holistic health, fitness, and the arts, particularly film.



PAULA McNAMARA *Appointed August 2008*

Growing up with parents in the hospitality industry, Paula made her first coffee at 15 and has worked in a variety of restaurants and cafes in Melbourne, London and Sydney. Preferring to work in cafes Paula loves the sense of community and familiarity that builds up over time between the regular customers and staff. 'In a big city that can be quite anonymous, cafes can be a small haven.'

Paula is also involved in her daughter's school community and sports club, which keeps her involved in the community as well as busy while she isn't studying.

Paula is completing her Arts Degree at Sydney University, majoring in English Literature and has a strong interest in theatre, film and television. 'Time constraints have made television my main form of entertainment and I love documentaries, particularly stories about real people and the challenges life throws our way.'



GARY RICE *Appointed August 2008*

Formerly Managing Director and CEO of Seven Network Limited, Gary Rice had a career of nearly 30 years in the television and radio industries.

Before taking on the role at Seven, he was Managing Director and CEO of the Australian Radio Network (formerly Wesgo Limited) and before that he was Managing Director and CEO of Network Ten. Gary was with the Nine Network for several years in both Sydney and Melbourne which culminated in him becoming Managing Director of the Network. He began his television career in Ballarat.

In a move away from television Gary became involved in the hospitality industry. He has had continued success with accommodation complexes in Mooloolaba and now Noosa on Queensland's Sunshine Coast, where his family-owned company, Oceans Queensland Pty Ltd is based.

Gary is also active in the tourism industry and has been a judge for the Queensland Tourism Awards.

Gary has completed the Program for Management Development at Harvard Business School, is a Fellow of the Advertising Institute of Australia and an Associate of the Australian Marketing Institute.



GRAHAM RIXON *Appointed August 2008*

Graham Rixon is currently engaged in part-time educational consultancy work. He stepped down as Principal of Penrhos College, Perth, Western Australia at the end of 2007 - a position he held since September 1986.

Graham is a passionate educator and has worked on a number of state and national committees aiming to improve the quality of education in both government and non-government schools.

He regularly presents workshops, seminars and papers about middle schooling, technology in education and strategic planning at state, national and international conferences.

Graham grew up in Melbourne where, along with his career in education, he was active with Lifeline and his local Uniting Church. He moved to Perth in 1986 with his wife, Meredith and two children. Graham and Meredith share interests in travel, reading, cycling and kayaking.



NATASHA STOTT DESPOJA *Appointed August 2008*

Natasha Stott Despoja is a former Senator for South Australia (1995-2008) and former Leader of the Australian Democrats.

Natasha has made a significant contribution to a wide range of policy debates.

She was a spokesperson on portfolios including foreign affairs, higher education, science and biotechnology, Attorney-General's, privacy, women, work and family.

Natasha is an Honorary Visiting Research Fellow at The University of Adelaide and is a columnist for *The Advertiser* and *The Business Spectator*.

She is also a Director of beyondblue, the Burnet Institute and the South Australian Museum.

Natasha lives in Adelaide with husband Ian and their two children.



JOSEPHINE TIDDY *Appointed August 2006*

Dr Josephine Tiddy is the Managing Director of JTCT Consultants specialising in dispute resolution and organisational wellness. She provides strategic, legislative and policy advice to organisations in all sectors and investigates, mediates and resolves disputes.

She has worked with people since her early years as a nurse, which was followed by the establishment and management of the first Australian Nurse Counselling Service at the South Australian Women's and Children's Hospital.

As Commissioner for Equal Opportunity, Josephine managed and promoted controversial and complex legislative and social changes throughout South Australia and nationally - changes which have been accepted as common practice and integrated into the Australian community. She held the post for 16 years, making her Australia's longest serving Equal Opportunity Commissioner.

An expert in discrimination law, she has an in depth knowledge of the disadvantages people experience and the services they require. Josephine has written widely on equality, fair treatment and discrimination. Her book, *It's Just Not Fair*, describes the personal stories of Australians, supported by the law, who confronted and changed the way our society thinks, works and lives. She was awarded an honorary doctorate by The Flinders University of South Australia in recognition of her national contribution to administrative law, public policy, dispute resolution and legislative reform.

Josephine is actively involved with the community. She is a Justice of the Peace, a member of The Rotary Club of Adelaide and a Fellow of the Australian Institute of Company Directors and serves on various boards and statutory committees.



CRAIG WHITE *Appointed August 2008*

Craig has served as a Queensland police officer for almost 20 years.

He has been awarded both the National Service Medal for 15 years Police Service and the Queensland Police Service Medal for good conduct.

Craig has served throughout Queensland including 10 years working in remote communities in Far Northern and Central Western Queensland. During that time he was involved in implementing a number of publicly funded projects aimed at reducing substance abuse and domestic violence.

As well as being a serving member on numerous boards and committees, Craig is currently involved in a number of community organisations. He holds a Masters Degree in Business, Graduate Diploma in Human Resources and a Diploma in Public Safety (Policing).

Craig is married and has three children and enjoys spending spare time with his family.



HELEN WICKS *Appointed 2006*

Helen Wicks is a full-time mother of three children who has a long association with community organisations in professional and volunteer capacities.

Helen has been a member of the Australian Breastfeeding Association since 1998. In 2005, she qualified as a breastfeeding counsellor and now conducts information and discussion groups for new mothers as well as providing her expertise on the Helpline telephone advisory service. She works at a national level coordinating Breastfeeding Welcome Here venue registrations.

Helen is a past president of Playgroup NSW and although her children are beyond playgroup, she is returning to Playgroup as a facilitator of My Time Playgroup for children with disabilities.

Helen also has an active role in the church and school communities in Armidale, NSW.



The review process

If people who originally complained about an advertisement or the advertiser are unhappy about a Board determination regarding a particular advertisement, they may ask for a review of the determination.

Who can ask for a review?

People who originally complained about an advertisement and the advertiser are the only people who may request a review. If the complaint was made by an organisation, an advertiser or an industry complainant, the request for review should be signed by a person who, in the opinion of the Independent Reviewer, has the right to bind that organisation.

Requests for review received from people who were not original complainants will not be submitted to the Independent Reviewer and payment will be returned.

Time frame for requesting a review

Requests for review of a Board determination must be received within 10 business days of the date of the ASB's final letter of notification of a determination and must relate to a determination taken by the Board within the previous month.

Grounds for review

Reviews may be undertaken if the request is about at least one or all of the following grounds.

- Where new or additional relevant evidence which could have a significant bearing on the determination becomes available. An explanation of why this information was not submitted previously must be provided.
- Where there was a substantial flaw in the Board's determination (determination clearly in error having regard to the provisions of the Code, or clearly made against the weight of evidence).
- Where there was a substantial flaw in the process by which the determination was made.

Since no review will proceed if the point at issue is the subject of legal action between anyone directly involved, requests for review should make plain that no such action is underway or contemplated.

Cost of making a request

The cost of lodging a request for review is \$500 for complainants, \$1000 for complainants from Incorporated Associations and \$2000 for advertisers. This payment must accompany a request for review and is not refundable if the Independent Reviewer decides that the request does not meet the grounds for review.

Making the request

Requests for a review must be lodged via the ASB's online complaints system and must:

- contain a full statement of the grounds
- be in writing
- be accompanied by relevant payment.

Role of Independent Reviewer

In line with international best practice, the Independent Reviewer's role is to assess the validity of the process followed by the Board, or to assess any new material provided by parties to the case.

The Independent Reviewer does not provide a further merit review of a case. Their role is to recommend whether the Board's original determination should be confirmed or be reviewed. It is inappropriate to set up one person as a decision maker in place of a 20 member Board that makes determinations on the basis of community standards.

The Independent Reviewer will first consider whether the application for review sets out a prima facie case for review and will decide to accept or not accept the request.

If the Independent Reviewer decides to accept the request, the Independent Reviewer will undertake appropriate investigation. The investigation will include an invitation for other parties in the case (ie either the complainant(s) whose views were considered by the Board or the advertiser) to comment on the submission provided by the party requesting the review.

If the Independent Reviewer decides not to accept the request because they consider that it does not meet any of the required grounds, the person making the request will be informed.

Following investigation the Independent Reviewer will make a recommendation to the Board, stating whether the Board's original determination should be reviewed or confirmed.

During the review process, the original determination (and any subsequent remedial action or withdrawal of the advertisement) will stand. The ASB will not delay publication of the relevant determination pending the outcome of the review.

What happens after a review

The Independent Reviewer can recommend:

- the Board's determination should be **confirmed**. There is no further investigation and the Board's original determination remains in place.
- the Board should **review** its determination. In this situation the case will be referred back to the Board at its next meeting along with the Independent Reviewer's recommendation and any material submitted during the independent review process. The Board must then review its determination in line with any recommendations from the Independent Reviewer. The Board can then either uphold or dismiss the original complaint/s.

The case report for the original case will be revised to include details of the Independent Reviewer's recommendation and, where necessary, the outcome of the Board's review of its determination.

The Board's determination on reviewed cases is final. No further review is possible.

The ASB will inform all parties of the Board's final determination. Determinations that are revised or amended following a review will be published on the ASB website.

Attachment D - Advertising Standards Bureau - OUTLINE OF REQUESTS FOR INDEPENDENT REVIEW

CASE	INITIAL BOARD DETERMINATION	INDEPENDENT REVIEWER RECOMMENDATION	BOARD DETERMINATION ON REVIEW (if appropriate)
Trading Post Australia Pty Ltd Case number - 133/08	Complaints <i>Upheld</i> May 2008	Initial Board determination <i>confirmed</i> by Independent Reviewer June 2008	
Insurance Line Pty Ltd Case number - 157/08 and 158/08	Complaints <i>Upheld</i> May 2008	Initial Board determination <i>confirmed</i> by Independent Reviewer May 2008	
Mitsubishi Motors Australia (Pajero – Daniel’s birthday) Case number - 289/08	Complaints <i>Dismissed</i> August 2008	Independent Reviewer recommended Board <i>review its initial determination</i> October 2008	Dismissed
Yum Restaurants (KFC – Hot ‘n’Spicy fillets – the boyfriend) Case number - 312/08	Complaints <i>Upheld</i> September 2008	Independent Reviewer recommended Board <i>review its initial determination</i> September 2008	Dismissed
Government of Western Australia (Rethink your last drink) Case number - 108/09	Complaints <i>Upheld</i> April 2009	Initial Board determination <i>confirmed</i> by Independent Reviewer May 2009	
Advanced Medical Institute (SMS “TRY” - Making Love? Do it longer) Case number - 419/09	Complaints <i>Dismissed</i> September 2009	Independent Reviewer recommended Board <i>review its initial determination</i> November 2009	Dismissed
Telstra (Next G network) Case number - 474/09	Complaints <i>Upheld</i> October 2009	Independent Reviewer recommended Board <i>review its initial determination</i> November 2009	Upheld

CASE	INITIAL BOARD DETERMINATION	INDEPENDENT REVIEWER RECOMMENDATION	BOARD DETERMINATION ON REVIEW (if appropriate)
Land Rover (Range Rover Sport) Case number - 511/09	Complaints <i>Dismissed</i> January 2010	Independent Reviewer recommended Board <i>review its initial determination</i> April 2010	Dismissed
Crazy Domains (Pamela Anderson) Case number – 22/10 & 24/10	Complaints <i>Upheld</i> February 2010	Initial Board determination <i>confirmed</i> by Independent Reviewer April 2010	
Hyundai (ix35) Case number – 182/10	Complaints <i>dismissed</i> May 2010	Independent Reviewer recommended Board <i>review its initial determination</i> July 2010	Dismissed
Lexus (LFA Supercar) Case number – 215/10	Complaints <i>dismissed</i> May 2010	Initial Board determination <i>confirmed</i> by Independent Reviewer July 2010	
Diageo Australia (Bundaberg Rum) Case number – 467/10	Complaints <i>dismissed</i> November 2010	Initial Board determination <i>confirmed</i> by Independent Reviewer December 2010	

Attachment E – Advertising Standards Board complaints process

Receipt of complaints

The Advertising Standards Board (**Board**) will normally only accept written complaints – by post or facsimile or via the online complaints form on the Advertising Standards Bureau (**ASB**) website.

All complaints received are promptly assessed as to their appropriateness for submission to the Board for determination. As the Board secretariat, the ASB replies to all complainants informing them of the status of their complaint.

If the information provided in the letter of complaint is insufficient (in particular, if it fails to adequately identify the advertiser or marketer, product or nature of complaint) then more information is sought from the complainant.

Complaints are not forwarded to the Board if:

- The commercial communication complained about has been previously considered – however all complaints are referred to the advertiser or marketer for its consideration.
- The commercial communication complained about does not constitute an Advertising or Marketing Communication for the purposes of one of the codes ASB administers being section 2 of the AANA Code of Ethics, the AANA Food & Beverages Advertising & Marketing Communications Code, the AANA Code for Advertising & Marketing Communications to Children or the Federal Chamber of Automotive Industries' Voluntary Code of Practice for Motor Vehicle Advertising (**Codes**).
- The complaint would involve determining questions of law or questions of truth and accuracy (other than as provided for under clause 2.2 of the AANA Code for Advertising & Marketing Communications to Children and under clauses 2.1, 2.4 and 3.1 of the AANA Food & Beverages Advertising & Marketing Communications Code).
- The complaint involves trivial issues.
- The complaint involves public advocacy issues.
- The commercial communication complained about is local advertising.
- The commercial communication complained about is the subject of litigation or an order by a court or government agency.
- The complaint is about unlawful business practices.
- The commercial communication complained about has been withdrawn or discontinued before challenge.
- The complaint is about highly technical issues.
- The complaint is about label directions or basic performance of products and services not related to advertising or marketing claims.
- The complaint involves issues covered by specific industry codes, such as:
 - slimming/weight management products and services;
 - therapeutic goods;
 - alcoholic beverages; except in the case of motor vehicles.

An anonymous complaint is not sufficient to initiate a formal complaint. It can however be included as part of a complaint that has already been raised or is subsequently raised. To facilitate this, anonymous complaints are kept on file.

Initiating complaints

A single written complaint is sufficient to initiate a formal complaint.

Advising Advertiser/Marketer of complaints

Once a complaint has been accepted by the ASB, the advertiser/marketer is notified about the complaint, provided with a copy of the complaint and is requested to provide a written response and copies of the relevant advertising or marketing communication within sufficient time to allow the complaint to be dealt with at the next meeting of the Board.

If an advertiser/marketer fails to provide a response to the complaint within the specified period or any extension of it, the Board may consider the complaint and the advertising or marketing communication in question without the advertiser/marketer response.

Complaint resolution

The Board meets twice a month to consider complaints received. The Board also meets between meetings, usually by teleconference, if the Secretariat considers that a matter should be considered as a matter of urgency.

The position of Chair is rotated among Board members on a meeting by meeting basis. The Chair for each meeting during a year is generally determined at the beginning of each year but can be varied to accommodate changes in individual schedules.

Board members must disclose any personal interest in a matter that is the subject of a complaint. The member concerned must withdraw from contributing to the debate and decision or case report approval in relation to those complaints.

If a Board member's duties to another board or organisation require that they breach their duty of loyalty or confidentiality to the Board for a period of time, then the member must disclose this position to the Board.

A general conflict with the Board would require that the member withdraw from their duties to the Board during the period that the conflict continues.

The Board reaches its decision by way of simple majority. In the event of a tied vote, the Chair has a casting vote.

In relation to individual complaints, Board members will consider:

- the complaint(s) received;
- all relevant advertising/marketing communications submitted by the advertiser/marketer;
- the advertiser/marketer's response (if any);



- all relevant provisions of the Codes; and
- any other relevant supporting materials or other representations or submissions.

The Board considers complaints in light of all of the Codes and accordingly may apply any part of those Codes in reaching a determination. The Board is not limited, in its considerations, to issues raised by the complaint.

If the Board is unable to reach a decision until it is in possession of additional information, it can defer its determination until a future date.

Decisions the Board can make

Determination – complaint upheld

A complaint is upheld if the Board determines there is a breach of one of the Codes.

Determination – complaint dismissed

A complaint is dismissed if the Board determines there is no breach of any of the Codes.

Notifying advertisers/marketers and complainants of the Outcome of the Board's decision

Following the Board's determination, a draft case report is promptly prepared by the ASB and submitted to the Chair for approval. Following receipt of Chair approval, the ASB notifies the advertiser/marketer of the outcome and sends the advertiser/marketer a copy of the draft case report. This usually occurs between 8 and 10 business days of the Board decision. The advertiser/marketer is requested to advise the Board whether it agrees to modify or discontinue the advertising or marketing communication (**Advertiser Statement**) within 5 business days of the covering letter advising of the outcome and enclosing the draft case report. The advertiser/marketer is also advised of the opportunity to include an Advertiser's Statement in the case report.

If an advertising or marketing communication is found to breach a provision of the Codes and the advertiser/marketer does not respond to the opportunity to modify or discontinue the advertising or marketing communication within the allowed time frame, the Board will:

- If appropriate, refer the case report to the appropriate government agency;
- Include the advertiser/marketer's failure to respond in the case report;
- Forward the case report to media proprietors; and
- Post the case report on the ASB's website.

Publish case report

Within 10 business days of the Board's decision, all finalised case reports are made publicly available.

Review

If a complaint is upheld, the advertiser/marketer can ask for a review of the Board's decision. If a complaint is dismissed, the original complainant can ask for a review of the Board's decision. There are 3 grounds on which a request for review may be made:

- Where new or additional relevant evidence which could have a significant bearing on the decision becomes available;
- Where there is a substantial flaw in the Board's decision; or
- Where there was a substantial flaw in the process by which the decision was made.

Any request for review should contain a full statement of the grounds, be addressed to the Independent Reviewer of ASB decisions c/o the ASB and be sent within 10 business days of the date of the ASB's letter of notification of a decision. The non-refundable cost of a review is \$500 for complainants, \$1000 for complainants who are Incorporated Associations and \$2000 for advertisers/marketers.

Requests for review will be considered by the Independent Reviewer. If the Independent Reviewer accepts the request for review, the Independent Reviewer will invite further comments on the review from the party who did not request the review.

Unless exceptional circumstances apply, within 10 business days of receipt of the request, the Independent Reviewer will make a recommendation (including reasons for the decision/recommendation and copies of any material relevant to the recommendation) to the Board, stating whether the decision should be reviewed, amended or confirmed. This recommendation will remain confidential until the Board's decision is published.

The Board must consider, but is not obliged to accept the Independent Reviewer's recommendation. Following reconsideration by the Board, a new case report will be prepared. The Board's decision in the new case report is final and not capable of further review.

Determination summary

Portrayal of gender in advertising¹

Interpretation guide

- This document provides a general overview of Board determinations on complaints about the portrayal of men and women (gender) in advertising.
- It is not a “how to” guide, nor does it cover all situations which require care in gender portrayal.
- It is designed to assist the advertising industry, the self-regulatory body, consumers and others interested in ensuring that portrayal of women and men in advertising is positive, responsible, suitable for general viewing and contributes to the elimination of systemic discrimination based on gender.
- The Board seeks to ensure that the overall impression of any communication does not violate the spirit of gender equality even though the elements may not violate any particular guideline.
- Humour, works of art and historical settings can all be positive elements in advertising. However, the Board will consider whether in its opinion, these techniques are used as an excuse to stereotype men or women or to portray behaviour which it considers unacceptable today.
- This document refers to specific ASB case numbers to provide practical examples of the issues under discussion. These were current at the time of writing and should be used as a starting point only – please refer to the ASB website for more up to date examples.

Relevant sections of the *AANA Code of Ethics*:

- 2.1 *Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.*
- 2.3 *Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.*

Definition

The AANA Code of Ethics prohibits advertisements containing discrimination or vilification on account of ‘sex’. The Board has consistently interpreted this term to include not just the physical characteristics of being a man or a woman (such as having breasts or being pregnant), but to also include discrimination or vilification on the basis of gender.

This Summary acknowledges that both men and women are at risk of being portrayed in an inappropriate or potentially harmful way. However, while the Summary is applicable to both women and men, some issues are particularly relevant to the portrayal of women (for example, sexualised images of women).

¹ This Summary is based on an issues paper “Portrayal of Gender in Advertising” produced by the European Advertising Standards Alliance, February 2009

Specific guidelines

Serious and widespread offence

In areas of subjective judgement and often strongly-held beliefs, it is impossible to say that no single advertisement should ever offend anyone. In practice, the Board would normally interpret rules of this sort to mean that an advertisement should not cause serious offence to the members of the group in question or the general or wider community.

Example: [9/09 – Jamba](#)

Research conducted by the Advertising Standards Bureau in 2010 clearly indicates that a significant proportion of the community highly objects to strong and explicit sexual depiction in advertising, especially when the sexual depiction is irrelevant to the product.

Stereotypes of role

In the Board's view it is important to avoid the confusion often made between discrimination and stereotyping (which can be negative, but is not in itself necessarily degrading). It is unrealistic to expect advertisements to avoid showing women and men in traditional roles e.g. carrying out household tasks, caring for children or working on a car. However, the Board would carefully consider suggestions that such activities are 'women's work', or work of little value, or that those who have those attributes are unintelligent or interested only in domestic trivia.

The Board has expressed disappointment in advertising that presents stereotyped representation of gender roles including a narrow or unrepresentative view of women's or men's roles, occupations, professional status, power in the community and level of intelligence. The Board would normally consider acceptable advertising where men or women are portrayed in traditional roles which are not seen as integral to the advertisement, and where the major focus of the advertisement is on the product not the role portrayed.

Examples: [Kellogg's 234/09](#); [Ricoh 355/08](#); [Hybrid TV Services 353/08](#); [Telstra 323/08](#); [30/09 Kellogg's](#); [277/09 Super Cheap Auto](#); [150/09 ANZ Bank](#); [307/09 Virgin Airlines](#); [Woolworths 168/10](#); [Napisan 196/10](#); [Unilever 336/10](#); [VIP Home Services 417/10](#).

Nudity and sexual innuendo

Discreet portrayal of nudity and sexuality in an appropriate context e.g. advertisements for toiletries and fashion, is generally accepted by the Board (especially in certain magazines, but less so on billboards). By contrast, blatant or gratuitous use of nudity or sexuality in contexts where it has little or no relevance to the product advertised, or merely to gain attention, is likely to cause offence and provoke complaints. This would particularly be the case where advertisements featuring scantily clad women appear in very public places such as on billboards to sell items such as trucks, tools etc. The Board has upheld complaints on the basis that such depictions amount to discrimination and breach section 2.1.

Examples: [420/08 – Jamba](#); [249/09 Girls Gone Wild](#); [568/09 Waterson Diesel](#); [139/09 Jim Beam](#); [229/08 Harvey Norman](#); [120/09 Bottom Line Control](#); [Coca Cola 583/09](#); [Lovable 387/10](#).

Nudity may be considered acceptable by the Board, but this would depend on the product and level of sexualisation (e.g. [Ballarat Art Gallery \(411/08\)](#), [Aussie Bum \(31/09\)](#), [Pacific Plastic Surgery \(34/08\)](#)).

ASB's 2010 community research strongly confirms these views demonstrated by the Board in its determinations since 2008. While not applicable under the Code of Ethics at the time of publication of this summary (and thus not able to be considered by the Board), respondents to the 2010 research expressed strong concern at advertisements showing nudity which is irrelevant to the product or which is excessively sexually explicit.

Exploitation as sex objects/objectification

Objectification of a person is to present them as an object to be looked at and acted upon rather than as a person with thoughts and feelings. The Board generally considers it unacceptable for advertisements to exploit people as “sex objects”, or to objectify bodies merely to attract attention. This applies equally to men and women. The Board has noted that use of women and men as sex objects does not necessarily amount to discrimination that would breach section 2.1, but has upheld complaints where the female or male are depicted in an objectified and demeaning manner. A clear example of this would be an advertisement in which a woman’s body is specifically used to sell a product that is unrelated to the presence of the woman in the advertisement. Explicit sexual activity in this context is of particular concern.

Examples: [278/09 – Pharmacare Laboratories](#); [10/09 Jimmy Tools](#); [32/09 – Planbuild](#); [395/09 Target](#); [121/09 Pacific Brands](#); [177/09 Lion Nathan](#) ; [568/09 Waterson Diesel](#); [404/09 MUK](#); [Tiaro Industrial Centre 31/10](#); [Pharmacare 164/10](#); [Unilever 238/10](#); [Kraft 278/10](#); [Unilever 287/10](#)

Age

The Board pays particular attention to age in a sexualised situation. Complaints often relate to how old the model *appears*, rather than how old he or she actually *is*, and the Board will take this into account. Similarly, when older people are depicted, the Board considers it important that women and men are portrayed in similar manner – portraying older women in a less positive light to older men would generally be unacceptable to the Board.

Examples: [197/08 Langham Hotel](#); [72/08 Sex Kitten Boutique](#); [382/09 Bonds](#).

Denigration

Situations where women or men are portrayed as generally inferior to the other sex and/or their role belittled or criticised in a derogatory manner are generally considered to be unacceptable to the Board.

Examples: [167/09 – AMI](#); [214/07 RTA](#); [295/09 Nestle](#); [Allpest 30/10](#); [Australian Egg Corporation 56/10](#); [AMI 220/10](#); [QBE Insurance 249/10](#).

Language

The Board considers that language should be inclusive of both women and men, and that the use of language that is likely to denigrate, insult or offend is likely to be considered unacceptable. The Board considers some obviously offensive words unacceptable, and also that the addition of certain words or phrases could add an inappropriate impact to an image and lead to a perception of objectification e.g. “tight arses”, “how tight are your nuts?”, “wait ‘till you see our inclusions”.

Examples: [125/08 – Mortgage Now](#); [452/08 – Statewide Steel](#); [33/09 – Moorilla Wines](#); [83/09 - Jamba](#); [CQ Frames and Trusses 149/10](#).

Other considerations

In addition to the specific issues outlined above, the Board will also consider the nature of the media used when developing campaigns, and the times in which advertisements are placed.

Respondents to ASB's 2010 community research expressed significant concern about these issues, in line with the views of the Board.

- **Outdoor advertising:** Outdoor advertising is in the public domain and has a broad audience. The Board believes that messages and images presented in this medium need to be developed with a general audience in mind and has given particular attention to the placement of such advertising e.g. close to schools and churches.

Examples: [163/09 – Dreams Gentlemen's Club](#); [218/09 – Thomas William Productions](#); [190/09 Guess](#); [261/09 Custom Security Services](#); [Calvin Klein 411/10](#).

- **Digital media:** Given the global reach of electronic networks and the variety and diversity of recipients, the Board believes that it would be wise for digital advertisements to respect the potential sensitivities of a global audience with particular reference to principles of social responsibility and the possibility of causing offence.

Examples: [283/09 – Brothers Ink](#); [American Apparel 141/10](#); [Vic Roads 148/10](#).

- **Timing:** Advertising on television is prescribed by the Broadcasting Act and classified by Free TV. The Board is particularly concerned that only material that is suitable for a particular classification zone is broadcast in that zone.

Examples: [420/08 Jamba](#); [137/09 Coca Cola](#) ; [315/08 Cartridge World](#)

Level of community concern about this issue

Community activity and political sensitivity about gender portrayal in advertising has been reflected in complaints to the Advertising Standards Bureau [**and was of particular concern to respondents to the ASB's 2010 community research on this topic**]. Such complaints comprised 41% of all complaints received in 2009 (average of 31% of all complaints 2005-2009) and the ASB and the advertising industry have demonstrated their responsibility and commitment to good practice in this area by developing a coherent and responsible approach to the issue. This approach is grounded in ensuring that advertisements are legal, decent, honest and truthful and are prepared with a sense of obligation to the consumer and society.

October 2010

Links to Community Standards Research Reports:

[*Community perceptions of sex, sexuality and nudity in advertising*](#)

[*Community perceptions of violence in advertising*](#)

Hard copies of these papers will be provided to Committee members at the hearing.

Link to Community Standards Research Report:

[Discrimination and Vilification in Advertising](#)

Hard copies of this research paper will be provided to Committee members at the hearing

EASA Best Practice Principles:

- The consumer should benefit from the self-regulatory system and should be the focus of attention
- Self-regulation must be, and be seen to be impartial and independent of government, specific interests and interest groups
- The self-regulatory system must be transparent and accessible
- Self-regulation must be effective, rapid, flexible, current and applied in a non-bureaucratic manner
- Self-regulatory rules and procedures should be applied in both the spirit and the letter and should be regularly reviewed
- Consumer complaints should be handled free of charge
- A self-regulatory system must have adequate sanctions which can be enforced
- Self-regulation must always be in compliance with the law
- Self-regulatory systems must be sufficiently resourced and supported to be able to meet their objectives

EASA Best Practice Recommendations

The following Best Practice Recommendations have been issued by EASA to assist members and potential members:

- Advertising monitoring
- Code drafting and consultation
- Complaints handling
- Confidentiality of identity of the complainant
- Copy advice
- Digital marketing communications
- Jury composition
- Publication of decisions
- Self-Regulatory Organisation (SRO) communications
- SRO funding
- SRO standards of service
- Substantiation of claims



ASB Releases World First Research

New
Findings

Attachment J - Community Standards Research - 2007

In a world-first, the Advertising Standards Bureau has conducted research to determine if its Board's decisions are in-line with prevailing community standards on advertising in Australia. Although many other countries support advertising self-regulatory systems, none have tested their Board's decisions against the views of their community.

The Advertising Standards Board has occasionally faced criticism that its decisions are out of step with prevailing community standards. The research examined the validity of these claims and demonstrated that they are generally unfounded.

The research was designed to survey and report on the decisions community members would have made on a range of advertisements across different media, including television, radio and print. All advertisements shown were the subject of complaints that had been before the Board.

Methodology

The research was undertaken by Colmar Brunton Social Research.

The research involved 3 stages:

- 12 focus groups in capital cities and regional areas across the ACT, NSW, Victoria, and Queensland. Participants were shown 12 TV, radio and print advertisements.
- 4 online focus groups to cognitively test the online survey questions and gather further qualitative feedback. Respondents commented on 5 five advertisements.
- A national online survey of n=1263 respondents, also showing five advertisements.

The advertisements that participants were shown raised issues under the five main areas of the Code of Ethics. They were asked whether the advertisements should be shown, considered the Code of Ethics, and then asked again if, according to the Code, they thought the advertisement should be shown.

To ensure the survey results were representative of the target population, they were weighted using 2006 Census population information on age and gender within each State from the Australian Bureau of Statistics.

The Advertising Standards Bureau and Board welcomed the research findings which complement results from previous research. All members place great importance on keeping in touch with community attitudes and standards and recognise the need to test Board decisions.

The research demonstrated that Board decisions generally reflect community standards on the key provisions of the AANA Code of Ethics including portrayal of violence, use of language and health and safety.

However, there were two sections of the Code on which the Board and community opinion differed. The Board is out of step with the community who are more broadminded about politically incorrect statements when used with humour.

The research also suggests that when compared to the Board the community is more conservative in their attitude towards sex, sexuality and nudity.

Board members have embraced the community feedback and will be taking the results into account in their consideration of complaints under the Code from its next meeting. The Board has already discussed the need for its decisions to more accurately reflect the community's standards on advertisements that portray sex, sexuality or nudity.

The research also explored the factors that influenced respondents' decision-making process.

The five main factors which influence the acceptability of advertising are:

- **Personal views or morals** – what community members perceive to be right or wrong.
- The extent to which an advertisement is perceived to be **relevant to the target audience** and the product or service.
- The extent to which **community members can relate to the scenario** depicted in the advertisement – the more they can relate to or sympathise with the situation the more likely they are to find it acceptable.
- The use of **humour** – community members tend to find advertisements that use humour more acceptable.
- **Timing** – the time of day or night an advertisement is played has an influence on its perceived acceptability.

Further findings of the research indicated that the Advertiser Code of Ethics could be improved in a number of minor ways. The ASB has provided this information to the AANA who are responsible for the wording of the Code.

Community agreement with and support of the Code of Ethics

The research confirmed that there are high levels of public support for the concept of the Australian Association of National Advertisers (AANA) Code of Ethics, the system which administers it and for the specific sections of the Code.

Section 2.1 Discrimination:	agreement 81%
Section 2.2 Violence:	agreement 83%
Section 2.3 Sex, Sexuality and Nudity:	agreement 88%
Section 2.5 Language:	agreement 88%
Section 2.6 Health and Safety:	agreement 84%

This research forms part of the ASB's ongoing commitment to best practice in advertising self-regulation.

The ASB will undertake similar research every 2-3 years in order to gauge changes, if any, in community standards.

The research will also be used to inform the ASB's 2008 public education campaign with our focus clearly being on the ASB's role, accessibility and independence.

ADVERTISING STANDARDS BUREAU

Misleading and deceptive advertising

Our responsibility

Under sections 2.1 of the AANA Food and Beverages Advertising and Marketing Code, Section 2.2 of the AANA Code for Advertising and Marketing to Children, and Section 1 (i) of the AANA Environmental Claims in Advertising and Marketing Code, the Advertising Standards Board must consider whether advertisements:

- are truthful and honest,
- are or are designed to be misleading or deceptive, and
- mislead or deceive children

The Board's role and the test it applies

The role of the Complaints Board is different from the role of the court, the ACCC, or the Claims Board (which adjudicates truth in advertising disputes under the Code between competitors).

The Board has a special role given the broad principles in the various Codes and its role as set out in the Complaints provisions of the Codes and other sources such as the Food and Beverage Practice Note. The Board reflects community standards and expectations and these necessarily change over time.

The Board does not determine as a legal matter whether an advertisement is misleading nor does it reach a legal opinion. The Board's task is to deal with complaints, not including truth in advertising disputes between competitors. In such dealings the task is to reflect the community's attitude - to assess whether the advertisement meets current community expectations for truthfulness given what the advertisements conveys to ordinary consumers and in light of the relevant circumstances and given the grounds of the complaint.

By upholding or rejecting a complaint, the Board determines whether the community considers an advertisement acceptable or not. In this way, it provides guidance to advertisers and assists in maintenance of confidence in advertising.

The Board is well placed to determine such complaints given the wide experience and understanding of its members in relation to the community

Bureau procedure

Complainants and advertisers each put their own submissions about what the community believes and understands but it is for the Board to assess what the community would take from an advertisement and whether reasonable members of the community would consider the advertisement misleading.

Obtaining expert advice

If a complaint is made that an advertisement is misleading or deceptive it is the responsibility of the advertiser to provide the Bureau with sufficient information to enable the Board to assess the accuracy of claims or statements made in an advertisement. In relation to food products, the information requested will usually be substantiation of the composition or nutritional profile of the food, but this will depend on the claims and statements made in the advertisement.

On occasions the information provided by the advertiser will be highly technical and it will be beneficial for the Board or Bureau to obtain independent expert advice on the information so that it is able to be presented to the Board in ‘lay’ terms. In such circumstances the Bureau will engage the assistance of an independent expert.

The Bureau has appointed Dr David Roberts, a member of the Australia New Zealand Food Standards Authority, as its advisor on food science matters. Other advisors will be engaged should issues raised be outside Dr Roberts area of expertise.

Process for complainants

Generally, complainants are not required to provide any evidence in their complaints about advertisements. However, in relation to complaints concerning the truth and accuracy of claims about an advertisement the ASB will now require people who make complaints of this sort to provide information about:

- which specific statements in the advertisement they consider are untrue, and
- what evidence there is to suggest that this information is incorrect.

ASB hopes that this process will provide a more robust procedure for the adjudication of complaints about this issue and will deter frivolous or vexatious complaints.

Advertiser’s responsibilities

Following receipt of a valid complaint that an advertisement is misleading or deceptive, ASB will contact the advertiser and ask the advertiser to provide substantiation for any claims (references and argument rather than source documents) in the advertisement. Advertisers must address all claims made in the advertisement, not just those the subject of complaint. Such information should be provided within the usual time for advertiser response (7 days) as claims should not be made without substantiation readily available.

Following receipt of the advertiser response, the ASB will request the assistance of the independent advisor should the CEO or Board consider that independent scientific advice would be of assistance in helping the Board to:

- understand the information provided in order to assess whether it is ‘truthful’, and
- understand the information in order to consider whether the message is likely to be considered misleading or deceptive.

The independent advisor will be asked to provide advice on the advertisement, the complaint and the advertiser substantiation in particular:

- whether the substantiation for claims made is robust,
- if not robust, what areas of the claim are not scientifically supported, and
- whether there is scientific consensus on the issue or debate.

It is not the advisor's role to comment on the message that a consumer might take from the advertisement or to provide advice on whether the advertisement is misleading or deceptive.

The independent advisor will provide advice as quickly as practicable, but a strict timeframe will not always be possible as the advisor has other employment.

Following receipt of the independent advice, the ASB will furnish a copy of the request for advice and the advice to the advertiser and provide a reasonable time for response. What is reasonable will depend on the complexity of the matter, bearing in mind the importance of speedy resolution of complaints.

The Board will consider:

- the advertisement,
- all complaints,
- the advertiser response,
- the independent advice where obtained,
- the advertiser response to the independent advice, and
- any other information provided by the Bureau.

In accordance with usual practice the Board will consider the advertisement in its entirety and is not restricted to the issues raised by the complainant.

Any confidential commercial information identified by the advertiser in its substantiation will not be included in the case report. The conclusions of the independent advisor will be published in the case report but not necessarily the entire analysis.

Usual procedures will be followed after the Board's determination on the complaint.

Advertising Standards Bureau - Attachment L

Statistics relating to complaint adjudication with emphasis on outdoor advertisements

Table 1 – Outcome of Complaints

OUTCOME OF COMPLAINTS (ALL Media)	2007	2008	2009	2010
Dismissed	1730	2263	2278	1692
Upheld	280	477	521	361
Withdrawn before board determination	15	57 ⁽³⁾	56	53
Sub-total	2,025	2,797	2,855	2,106
About already considered cases ⁽¹⁾				708
Not Proceeding to a Case ⁽²⁾	577	799	941	712
TOTAL	2,602	3,596	3,796	3,526
 % of Complaints Upheld – All Media	 10.76%	 13.26%	 13.72%	 10.24%

Note:

- (1) Up to and including 10 March 2010, complaints about already considered cases were aggregated with “Dismissed” complaints. From 11 March 2010 ASB has been able to separately measure and report on complaints about advertisements that have previously been considered by the Board.
- (2) Includes complaints relating to issues outside the charter of the ASB (from 11 March 2010 also includes complaints about matters that have been consistently dismissed by the Advertising Standards Board)
- (3) Includes 47 complaints relating to AMI Billboard (Bonk Longer). Billboard withdrawn following complaints received.

OUTCOME OF COMPLAINTS (Outdoor Only)	2008	2009	2010
Dismissed	231 ⁽¹⁾	676 ⁽³⁾	281 ⁽⁴⁾
Upheld	141 ⁽²⁾	26	156 ⁽⁵⁾
TOTAL	372	702	437
 % of Complaints Upheld – Outdoor Only	 37.90%	 3.70%	 35.70%

Figures include:

- (1) SSL Durex Outdoor advertisement -32 complaints
- (2) AMI Billboard (Longer Lasting Sex - 113 complaints)
- (3) GASP Denim Billboard 302 complaints, including 250 form letter complaints; BConfidential Billboard (Tell your wife you will be home late - 60 complaints) and AMI Billboard (Making Love, Do it longer - 56 complaints).
- (4) Sexpo Billboard – 70 complaints; Fernwood Fitness Billboard (Join now for fox sake – 50 complaints).
- (5) Ashley Madison Billboard - 60 complaints, Calvin Klein Billboard - 44 complaints, AMI Billboard (Be a man, hold your load - 32 complaints).

Table 2 –Board Determination of Cases

BOARD DETERMINATIONS (ALL Media)	2007	2008	2009	2010
Withdrawn before Board determination	5	10	11	29
Upheld	36	62	81	49
Dismissed	405	477	503	442
TOTAL	446	549	595	520

% of Cases Upheld – All Media	8.07%	11.29%	13.61%	9.42%
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BOARD DETERMINATIONS (Outdoor Only)	2008	2009	2010
Upheld	16	17	15
Dismissed	71	81	75
TOTAL	87	98	90

% of Cases Upheld – Outdoor Only	18.39%	17.35%	16.67%
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Table 3 – Upheld cases allocated by section of code breached – Media = Outdoor only

Nature of Code Breach	2008	2009	2010
S 2.1 – Discrimination	27%	9%	13%
S 2.2 – Violence	0%	5%	9%
S2.3 – S/S/N	53%	71%	64%
S2.5 – Language	13%	5%	9%
S2.6 – H&S	7%	5%	5%
All Other (Food Codes, Children’s code)	0%	5%	0%
TOTAL	100%	100%	100%

Note: Figures reflect where cases have been upheld under more than one section of the Code.

Table 4 –Code issues attracting complaint – all media

Section of Code	2007	2008	2009	2010
Section 2.1 - Discrimination or vilification	28.05%	22.76%	16.31%	19.58%
Section 2.2 - Violence	8.42%	17.67%	7.93%	9.62%
Section 2.3 - Sex, sexuality and nudity	37.91%	25.61%	40.54%	45.23%
Section 2.4 - FCAI Code	2.95%	0.49%	0.63%	1.13%
Section 2.5 - Language	1.68%	7.24%	5.35%	4.85%
Section 2.6 - Health and Safety	10.85%	6.04%	8.38%	9.62%
Section 2.7 - Advertising to Children Code	4.91%	3.09%	1.19%	2.34%
Other	4.86%	15.84%	17.04%	3.12%
Food and Beverage Code	0.37%	1.26%	2.47%	3.08%
AFGC RCMI	0.00%	0.00%	0.00%	0.87%
Quick Service Restaurant Initiative	0.00%	0.00%	0.16%	0.52%
Green Code	0.00%	0.00%	0.00%	0.04%
TOTAL	100.00%	100.00%	100.00%	100.00%

Note: Information derived from possible code breaches identified once complaints have been assessed as within charter.

Table 5 –Media attracting complaint

MEDIA	2007	2008	2009	2010
TV	75.11%	68.69%	59.84%	62.35%
Outdoor	14.42%	20.02%	26.38%	20.75%
Radio	2.36%	2.77%	3.12%	1.66%
Print	4.08%	4.73%	1.92%	3.56%
Pay TV	0.44%	1.46%	5.61%	2.42%
Internet	1.13%	1.13%	2.58%	7.55%
Cinema	2.46%	0.80%	0.11%	0.43%
Mail	0.00%	0.00%	0.29%	1.28%
Other	0.00%	0.40%	0.15%	0.00%
TOTAL	100.00%	100.00%	100.00%	100.00%

Note: Outdoor includes Billboards, Posters and Transport