



**ADVERTISING  
STANDARDS  
BUREAU**

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Dr Ian Holland  
Committee Secretary  
Senate Standing Committee on Environment, Communications and the Arts  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
[By Email]

eca.sen@aph.gov.au

23 May 2008

Dear Dr Holland,

**Advertising Standards Bureau: Response to questions taken on notice**

This letter provides information in response to questions taken on notice by the Advertising Standards Bureau (the Bureau) during the public hearing held in Melbourne on Tuesday, 29 April 2008.

The information is provided in attachments to this letter, as follows:

- A schedule showing a sample (January to December 2007) of complaints upheld by the Advertising Standards Board (Board) and the time taken to make a determination of **Attachment 1**.
- A breakdown of advertisements that have been withdrawn before board determination and those that continued while the subject of complaint (and accordingly either upheld or dismissed) of this information is located under the heading *Board Determinations (No., by Advertisement)* in the revised Attachment C to the Bureau submission, emailed to the Committee on 22 May 2008, a copy of which is provided at **Attachment 2** to this letter.

We advise that the reduction in numbers of advertisements withdrawn before board determination in 2006 and 2007 reflects a change in Board procedure in late 2005. Under the new procedure, complaints about advertising that has been withdrawn or discontinued at the time that the complaint is received may, in certain circumstances,

be referred to the Board for determination and in making this decision, the ASB will consider:

- Whether the advertisement could reasonably be regarded as current or recent at the time the complaint was made;
  - Whether there is some intention on the part of the advertiser to re-publish or broadcast the advertisement; and
  - Whether the complaint raises a significant issue of public interest.
- A summary of the Board selection process and selection criteria ó at **Attachment 3**.
  - The average running time of print, radio and television advertisements:
    - In relation to print advertisements, this information has been provided by the Australian Publisher's Bureau (in an email from Lianne Richards, Chief Executive Officer, to the Committee on 2 May 2008).
    - In relation to radio advertisements, the Bureau understands that Commercial Radio does not have statistics available on a typical radio campaign due to the versatility of radio. This means that advertisers can book a one-day campaign, one-week campaign, one month or one year. Further to this, advertisers can run several messages throughout the one campaign. So, there is no typical radio format, although research is generally based on a minimum of a one-week long campaign.
    - In relation to television advertisements, a copy of an email received from Free TV Australia has been forwarded to the Committee on 22 May 2008.
  - A breakdown of the reasons complaints fall outside the charter of the Advertising Standards Board ó this information is located under the heading *Reason Complaints Fell Outside Charter (No.)* in the revised ðAttachment Cö to the Bureau submission, emailed to the Committee on 22 May 2008, a copy of which is provided at **Attachment 2** to this letter.
  - Reasons for decisions being dismissed or upheld are provided in the case reports available on the Bureau website at [www.adstandards.com.au](http://www.adstandards.com.au).

Please contact me if any further information is required by the Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A.A.', with a long horizontal line extending to the right.

Alison Abernethy  
Chief Executive Officer

## Jan-Dec 2007 Complaints upheld and time to make determination

Advertiser/Case No.	Medium	No. of Complaints	Date earliest complaint received by ASB	Date last complaint received (before board meeting) *	Date of Determination
<b>Toys 'R' Us</b> (399/07)	Print	14	08-Nov-07	26-Nov-07	<b>11-Dec-07</b>
<b>IAG</b> (396/07)	TV	2	11-Nov-07	05-Dec-07	<b>11-Dec-07</b>
<b>BMW</b> (391/07)	Internet	1	05-Nov-07	05-Nov-07	<b>13-Nov-07</b>
<b>BMW</b> (390/07)	Outdoor	1	05-Nov-07	05-Nov-07	<b>13-Nov-07</b>
<b>McDonalds</b> (389/07)	TV	23	05-Nov-07	19-Nov-07	<b>19-Nov-07</b>
<b>Hoyts</b> (378/07)	Outdoor	1	22-Oct-07	22-Oct-07	<b>19-Nov-07</b>
<b>Novartis Consumer Health</b> (369/07)	TV	2	18-Oct-07	23-Oct-07	<b>13-Nov-07</b>
<b>THQ</b> (351/07)	TV	1	01-Oct-07	01-Oct-07	<b>13-Nov-07</b>
<b>Sony Music</b> (311/07)	TV	4	24-Aug-07	27-Aug-07	<b>11-Sep-07</b>
<b>The Hellfire Club</b> (310/07)	Internet	1	24-Aug-07	24-Aug-07	<b>11-Sep-07</b>
<b>Inghams</b> (277/07)	Outdoor	5	07-Aug-07	05-Sep-07	<b>11-Sep-07</b>
<b>Austereo</b> (268/07)	TV	2	26-Jul-07	01-Aug-07	<b>11-Sep-07</b>
<b>Peppers</b> (237/07)	Print	1	27-Jun-07	27-Jun-07	<b>14-Aug-07</b>

## Jan-Dec 2007 Complaints upheld and time to make determination

Advertiser/Case No.	Medium	No. of Complaints	Date earliest complaint received by ASB	Date last complaint received (before board meeting) *	Date of Determination
<b>Complete Portables</b> (195/07)	Print	3	04-Jun-07	15-Jun-07	10-Jul-07
<b>Sydney Breast Enlargement &amp; Cosmetic Centre</b> (193/07)	Radio	1	04-Jun-07	04-Jun-07	10-Jul-07
<b>McDonald's Australia Ltd</b> (181/07)	TV	35	25-May-07	10-Jun-07	12-Jun-07
<b>Roadshow Film Distributors</b> (174/07)	Radio	1	21-May-07	21-May-07	12-Jun-07
<b>McDonald's Australia Ltd</b> (169/07)	TV	2	17-May-07	24-May-07	12-Jun-07
<b>MasterFoods</b> (108/07)	TV	18	19-Mar-07	03-Apr-07	10-Apr-07
<b>Oporto</b> (105/07)	Radio	1	10-Mar-07	10-Mar-07	10-Apr-07
<b>Alex Perry</b> (104/07)	Print	1	13-Mar-07	13-Mar-07	10-Apr-07
<b>DaimlerChrysler</b> (100/07)	Pay TV	1	14-Mar-07	14-Mar-07	10-Apr-07
<b>Central Qld Pumps</b> (86/07)	TV	1	26-Feb-07	26-Feb-07	10-Apr-07
<b>Mazda</b> (83/07)	TV	2	26-Feb-07	28-Feb-07	10-Apr-07
<b>Medibank Private</b> (77/07)	Print	2	23-Feb-07	08-Mar-07	13-Mar-07
<b>Barloworld Volkswagen</b> (66/07)	Print	1	29-Jan-07	29-Jan-07	13-Mar-07

## Jan-Dec 2007 Complaints upheld and time to make determination

Advertiser/Case No.	Medium	No. of Complaints	Date earliest complaint received by ASB	Date last complaint received (before board meeting) *	Date of Determination
<b>Hyundai</b> (46/07)	TV	114	28-Jan-07	11-Feb-07	<b>13-Feb-07</b>
<b>Extreme Boyz Toyz</b> (27/07)	TV	1	09-Jan-07	09-Jan-07	<b>13-Feb-07</b>
<b>Novartis Consumer Health</b> (24/07)	Print	2	13-Jan-07	04-Feb-07	<b>13-Feb-07</b>
<b>Novartis Consumer Health</b> (23/07)	TV	4	11-Jan-07	04-Feb-07	<b>13-Feb-07</b>
<b>Symbion consumer</b> (6/07)	Print	1	03-Jan-07	03-Jan-07	<b>13-Feb-07</b>
<b>Just Fitness</b> (5/07)	TV	2	02-Jan-07	12-Jan-07	<b>13-Feb-07</b>
<b>Dean's Tackle &amp; Outdoors</b> (2/07)	TV	1	02-Jan-07	02-Jan-07	<b>13-Feb-07</b>
<b>Shell</b> (530/06)	TV	4	04-Dec-06	05-Jan-07	<b>16-Jan-07</b>
<b>Lion Nathan</b> (509/06)	Radio	2	11-Dec-06	12-Dec-06	<b>16-Jan-07</b>

\* Please note that some complaints were received after the Board made its determination and complainants were promptly notified of the outcome.

## Advertising Standards Bureau 2007

<b>OUTCOME OF COMPLAINTS (No., by Complaint)</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Dismissed	1349	1753	2648	1730
Upheld	55	94	164	280
Withdrawn before board determination	236	139	20	15
Outside Charter	656	970	1212	577
<b>TOTAL</b>	<b>2,296</b>	<b>2,956</b>	<b>4,044</b>	<b>2,602</b>

<b>BOARD DETERMINATIONS (No., by Advertisement)</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Withdrawn before board determination	20	33	13	5
Upheld	8	14	28	36
Dismissed	337	344	488	405
<b>TOTAL</b>	<b>365</b>	<b>391</b>	<b>529</b>	<b>446</b>

<b>GEOGRAPHIC SOURCE OF COMPLAINTS (%)</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
NSW	38.20%	32.68%	36.77%	35.63%
VIC	22.17%	21.19%	22.59%	20.18%
QLD	16.16%	24.60%	17.01%	19.79%
SA	7.10%	8.54%	10.08%	9.80%
WA	8.84%	7.98%	7.84%	9.80%
ACT	4.75%	2.47%	2.58%	2.50%
TAS	1.92%	1.84%	2.31%	1.54%
NT	0.83%	0.60%	0.84%	0.77%
Abroad	0.04%	0.10%	0.00%	0.00%
<b>TOTAL</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

<b>GENDER OF COMPLAINANTS (%)</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Couple	2.61%	2.10%	1.35%	0.92%
Unspecified	2.70%	2.13%	1.45%	1.08%
Male	37.63%	38.08%	36.75%	32.67%
Female	57.06%	57.69%	60.45%	65.33%
<b>TOTAL</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

<b>ISSUES ATTRACTING COMPLAINT (%)</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
AANA Section 2.3 - Sex, sexuality and nudity		26.49%	22.23%	37.91%
AANA Section 2.1 - Discrimination or vilification		27.13%	23.25%	28.05%
AANA Section 2.6 - Health and Safety		6.46%	9.70%	10.85%
AANA Section 2.2 - Violence		17.38%	18.01%	8.42%
AANA Section 2.7 / FCAI Code		3.38%	1.84%	4.91%
Other		14.59%	14.69%	4.86%
AANA Section 2.4 / Advertising to Children Code		0.20%	2.73%	2.95%
AANA Section 2.5 - Language		4.36%	7.55%	1.68%
Food and Beverage Code		0.00%	0.00%	0.37%
<b>TOTAL</b>		<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

<b>REASON COMPLAINTS FELL OUTSIDE CHARTER (No.)</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Outside Section 2 - Other		108	70	89
Outside Section 2 - Broadcast timing		104	118	60
Not an advertisement - Product or service		29	92	58
Within Section 1 - Misleading or deceptive		121	186	45
Not an advertisement - Other		21	48	44
Other - Other		37	38	31
Not an advertisement - TV and radio promotional material		144	186	28
Not an advertisement - Point of sale		27	29	28
Outside Section 2 - Political advertising		10	11	26
Other - Insufficient information		0	34	23
Not an advertisement - Local advertising		30	14	21
Outside Section 2 - Dislike of advertising		30	25	19
Other - Trivial complaint		4	6	16
Not an advertisement - Community service announcements		35	61	15

Not an advertisement - Program content or programming	73	126	13
Withdrawn/Discontinued - Other	13	43	12
Specific industry code - Alcoholic Beverages code	3	2	12
Not an advertisement - Internet	30	39	11
Not an advertisement - Loudness of ads	71	12	11
Within Section 1 - Legality	1	11	6
Not an advertisement - Direct mail	19	11	3
Within Section 1 - Business practices	6	6	1
Within Section 1 - Misrepresentation	1	6	1
Not an advertisement - Direct distribution to an individual	11	5	1
Not an advertisement - Label directions	2	5	1
Within Section 1 - Misleading claim about Australian country of origin/content	0	5	1
Specific industry code - Therapeutic Goods code	1	1	1
Within Section 1 - Tobacco	3	8	0
Not an advertisement - Product name or logo	5	5	0
Within Section 1 - Compliance with law	15	4	0
Specific industry code - Weight Management code	2	2	0
Not an advertisement - Informercial	1	1	0
Outside Section 2 - Phone sex	0	1	0
Within Section 1 - Harm to business	0	1	0
Other - Insufficient information	13	0	0
<b>TOTAL</b>	<b>970</b>	<b>1212</b>	<b>577</b>

<b>MEDIA ATTRACTING COMPLAINT (%)</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
TV	85.33%	84.81%	85.81%	75.10%
Outdoor	6.28%	6.67%	3.67%	12.80%
Print	5.47%	4.76%	3.85%	4.08%
Cinema	0.50%	0.60%	0.42%	2.46%
Radio	1.74%	2.11%	4.10%	2.36%
Transport	0.62%	0.45%	1.73%	1.62%
Internet	0.00%	0.00%	0.25%	1.13%
Pay TV	0.00%	0.25%	0.18%	0.44%
Multiple Media	0.06%	0.35%	0.00%	0.00%
Other	0.00%	0.00%	0.00%	0.00%
<b>TOTAL</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

<b>PRODUCT CATEGORY ATTRACTING COMPLAINT (%)</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Food and Beverages		20.85%	28.14%	33.25%
Professional services		2.56%	5.61%	10.77%
Vehicles		15.19%	8.37%	9.92%
House goods/services		11.18%	2.15%	6.03%
Restaurants		2.91%	1.17%	5.78%
Other		6.67%	5.30%	3.94%
Community Awareness		8.02%	12.29%	3.39%
Entertainment		0.00%	2.90%	3.09%
Toiletries		5.26%	2.86%	2.94%
Media		0.00%	2.22%	2.84%
Alcohol		7.07%	3.14%	2.44%
Insurance		0.00%	2.97%	2.44%
Clothing		6.22%	4.31%	2.24%
Telecommunications		4.51%	2.40%	2.24%
Leisure & Sport		1.45%	1.73%	2.14%
Mobile Phone/SMS		0.00%	2.44%	2.04%
Retail		0.00%	1.17%	1.65%
Health Products		3.46%	7.94%	1.40%
Finance/Investment		2.81%	1.80%	1.30%
Travel		1.85%	1.09%	0.15%
<b>TOTAL</b>		<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

<b>METHOD OF COMPLAINT (%)</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
E-mail	69.95%	73.08%	82.71%	84.05%
Post	25.96%	22.36%	14.47%	13.87%
Fax	4.09%	4.56%	2.82%	2.08%
<b>TOTAL</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>



# Summary of Advertising Standards Board Selection Process

## Background

In 1998, inaugural appointments to the Advertising Standards Board (the AS Board) were made by the Chairman of the Australian Association of National Advertisers (AANA).

In 2006, the Advertising Standards Bureau (the Bureau) initiated a new appointment process and policy to ensure the AS Board membership continued to be representative of the broad professional, cultural and community interests in Australian society. This process involved fixing the term of serving members and staggering new appointments every two to three years to ensure the AS Board retains a mix of strong corporate knowledge while regularly introducing people with different experience and skills.

In July 2006, the Directors of the Bureau appointed nine new members to the AS Board. Five of the existing members retired.

The new members joined the AS Board from August 2006 and were appointed for a period of three years. The incumbent members were appointed for a further period of two years from August 2006 (with their term expiring in 2008).

## Current AS Board recruitment process

The process for the recruitment of AS Board members in 2008 follows a similar process to that in 2006.

That is, AS Board appointments are made following a publicly advertised application and interview process. The new appointments are likely to be for fixed three-year terms, and along with the appointments made in 2006 provide a staggering that ensures that the AS Board retains a strong community understanding, involvement and focus and a mix of experienced and new people. Such a process is also designed to reduce any desensitising that members or the AS Board as a whole may have from long term appointments.

People sought for appointment to the AS Board ideally have an interest in, and views on, advertising and community standards. However, it is not intended that the AS Board be a team of advertising experts. The Bureau aims to ensure that the AS Board is a broad representation of the age, gender, cultural and geographic make-up of the Australian community.

The process in 2008 is described below:

- A recruitment agency was engaged to manage the initial phase of recruitment.
- Suitable applicants were sought through a public recruitment campaign comprising:
  - Press release;
  - Notification on Bureau and AANA websites;

- Advertisement in the Executive Placements section of the Weekend Australian and the Australian Financial Review (a copy of the text of the advertisement is provided at **Attachment A**); and
  - Other people considered appropriate may also be invited to submit applications, should further suitable applicants be required (to ensure that the AS Board is a broad representation of the age, gender, cultural and geographic make-up of the Australian community).
- Candidates were requested to submit short applications addressing key criteria (no more than two pages) to the recruitment agency, who also handled enquiries and shortlisting.
  - A selection panel of three members will assess the shortlisted applications and submit suitable candidates to a short interview. The panel comprises the Bureau CEO, a current member of the AS Board and one of the Directors of the Bureau.
  - The selection panel will then bring recommendations about appointments back to the Bureau Board of Directors who make the final decision on appointments.

The recruitment process commenced in March 2008 and a total of 157 applications were received by the closing date.

Following appointment to the AS Board, new members will undergo induction training before participating in their first AS Board meeting in August 2008.

AS Board members are paid an honorarium for their role on the AS Board. Currently the honorarium is set at \$700 per meeting. This figure has been agreed, taking into account the remuneration of comparable government decision making bodies and the workload of the AS Board.

### **Selection criteria**

As is made clear in the advertisement in Attachment A, applicants are required to meet the following selection criteria:

- Ability to interpret Codes in applying the standards generally accepted by reasonable adults in the public interest;
- Demonstrated involvement in the community and the ability to reflect broad community standards;
- Ability to apply reason, commonsense and sensitivity when assessing a wide variety of material; and
- Demonstrated ability to work as part of a diverse team.

Applications are short-listed by reference to applicants' claims against the selection criteria. In assessing the short-listed applications, the selection panel will consider the overall make-up of the AS Board and as noted above, will be charged with ensuring that the AS Board is a broad representation of the age, gender, cultural and geographic make-up of the Australian community. Membership of the AS Board comprises individuals who do not represent industry, consumer or special interest groups. The composition of the AS Board is designed to encourage vigorous discussion and debate about advertisements considered against the relevant Codes.

## Attachment A

### Advertising Standards Board Members (several part-time positions)

The Advertising Standards Board is responsible for considering complaints made by members of the public about advertisements. The Board considers complaints made about advertisements against the Australian Association of National Advertisers (AANA) Advertiser Code of Ethics, the AANA Code for Advertising to Children, the Federal Chamber of Automotive Industries Voluntary Code for Motor Vehicle Advertising, and the AANA Food and Beverages Advertising and Marketing Communications Code.

The Advertising Standards Board (the Board) was established by the advertising industry as a means of providing a public and transparent complaints consideration process about advertisements. The Board meets in Sydney one day per month to consider advertisements and the complaints made about them. Total remuneration of \$700 (gross) per meeting is payable and appointments are for three year terms.

Applications are encouraged from people living outside Sydney and travel expenses to and from Sydney will be met. Applications are also invited from persons with diverse cultural and professional backgrounds.

The Board operates as a team of people who reflect the opinions of ordinary members of the community, articulate their own views, and appreciate the views of other members of the Board. The Board is not intended to be a team of advertising experts. Membership of the Board is on an individual basis, not as representatives of industry, consumer or special interest groups.

Persons interested in applying should provide a statement of their work and community experience and a short application (preferably no more than two pages) addressing each of the following matters:

- 1) Ability to interpret Codes in applying the standards generally accepted by reasonable adults in the public interest,
- 2) Demonstrated involvement in the community and the ability to reflect broad community standards,
- 3) Ability to apply reason, commonsense and sensitivity when assessing a wide variety of material, and
- 4) Demonstrated ability to work as part of a diverse team.

Further information about the work of the Advertising Standards Board can be obtained from the Advertising Standards Bureau website at [www.adstandards.com.au](http://www.adstandards.com.au).

Applications will be treated in the strictest confidence and should be directed to  
Mr Ross Geddes (quoting reference number: 4481)  
Geddes Parker & Partners Pty Ltd  
Level 18, 99 Walker Street, North Sydney NSW 2060  
Tel 0299574276 / Fax 0299543159  
Email [opportunities@gpandp.com.au](mailto:opportunities@gpandp.com.au)  
Telephone enquiries are also welcome.

Closing date for applications is 12 April 2008