

Statistics : 1998 Complaints Resolved (Public and industry)

| | 1998 | | 1997 | |
|----------------------------------|---------------|------------------------------------|---------------|------------------------------------|
| | Complaints | Advertisements complained about | Complaints | Advertisements complained about |
| Carried forward from 1998 | | | | |
| <hr/> | | | | |
| Investigated cases | | | | |
| Upheld | 1,925 | 623 | 1,495 | 694 |
| Not upheld | 589 | 223 | 859 | 252 |
| Resolved informally | 871 | 654 | 953 | 789 |
| Total | 3,385 | 1,500 | 3,307 | 1,735 |
| <hr/> | | | | |
| Not investigated cases | | | | |
| No case to answer | 2,651 | 2,651 | 2,519 | 2,519 |
| Withdrawn | 894 | 894 | 696 | 696 |
| Outside remit | 1,569 | 1,569 | 1,459 | 1,459 |
| Not justified | 2,147 | 547 | 1,522 | 711 |
| Total | 7,261 | 5,661 | 6,196 | 5,385 |
| <hr/> | | | | |
| Mail order | 514 | 514 | 884 | 884 |
| Database | 384 | 384 | 281 | 281 |
| Total | 898 | 898 | 1,165 | 1,165 |
| <hr/> | | | | |
| Total | 12,217 | 8,343 | 10,676 | 8,291 |
| <hr/> | | | | |

Complaints outstanding at year end

673

284

8

6

Note: 1997 figures differ from those given in the previous Annual Report. All figures for 1997 and 1998 were correct as at 1 February 1999.

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- [Top 10 advertisers by complaints 1998](#)

Statistics : Explanation of the 1998 figures

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Complaints return to 1996 levels

Complaints in 1998 rose by **14%** on the previous year following a downturn in complaints received in 1997. **12,217** complaints were made in 1998 compared to **10,676** in the previous year. The complaints related to **8,343** advertisements, a **3%** increase on 1997. During 1998, **2,514** complaints about **846** advertisements required formal investigation: the ASA ruled that **623** advertisements should be withdrawn or amended. Overall, less than **8%** of all the advertisements attracting complaints broke the Codes..

10 advertisements attract 13% of complaints



A look at the list of the [10 advertisements](#) that attracted most complaints gives some explanation for the return to 1996 complaint levels. The highest numbers of complaints concerned advertisements that raised matters of taste and decency: **1** advertisement alone attracted **589** complaints; more than the whole of 1997's top **10**. In 1998 the **10** advertisements attracting most objections accounted for **1,650** complaints: nearly **1** in **7** of all those received. The ASA Council ruled that **6** of those advertisements went too far and were likely to cause serious or widespread offence.

Any increase in complaints is disappointing but it is useful to set these in the context of the ASA's survey which showed overall advertising standards of

97% for press and **98%** for posters in an industry that publishes an estimated **30** million advertisements and **100,000** posters each year. This research, combined with increasing requests for pre-publication advice from CAP, demonstrates that standards remain high and that the advertising industry's commitment to self-regulation and the Codes continues to be strong.

Complaints serve as a barometer of public opinion on some advertising campaigns and there are subjects, such as the portrayal of animals, sex and religion, where advertisers would do well to note the strength of feeling expressed even in those cases where the ASA did not uphold the complaints.

Complaints resolved

The ASA resolved **16%** more complaints in 1998 than in 1997. The number of complaints resolved informally fell by **15%**. The **673** complaints that were outstanding at the end of the year related to **284** advertisements and the action taken on them will be reported in the 1999 figures.

Taste and decency

Complaints on grounds of taste and decency rose by **58%** in 1998 after a fall in the previous year of **42%**. In 1998, **3,156** complaints of offence were received relating to **478** advertisements; the ASA considered that **42** were likely to cause serious or widespread offence. **1,994** complaints were received in 1997 relating to **449** advertisements: **53** broke the Codes' rules on taste and decency.

1995 saw the most complaints to the ASA when **4,402** of the total of **12,804** were made on grounds of taste and decency; one advertisement alone accounted for over **1,000** objections in that year.

Portrayal of women

Complaints made about the offensive portrayal of women in advertisements in 1998 are small compared to those received on grounds of religion or use of animals yet similar in number to last year. **487** complaints related to **167** advertisements for their portrayal of women. The ASA ruled that **11** advertisements were likely to cause serious or widespread offence and **4** await ASA rulings. These figures compare with **435** complaints made about **131**

advertisements in 1997 when the ASA asked for **12** to be withdrawn for the portrayal of women in an offensive way.

Competitive complaints

Competing advertisers keep a watch on each other and their specialised knowledge acts as an additional layer of protection for consumers. 1998 was a fiercely competitive year in a number of sectors and complaints between competing advertisers accounted for **1,368** complaints concerning **1,249** advertisements; an increase on the previous year of **14%** when **1,199** complaints were made about **1,115** advertisements. During the year, **381** competitive advertisements required investigation and **182** broke the Codes: **116** await ASA rulings.

Complaints by media type

The **14%** increase in complaints overall appears to be spread across the non-broadcast media categories. Of particular note are the following changes:

Complaints by media type : Posters

Complaints against posters rose **82%** from **1,049** to **1,910** in 1998 but this increase is due largely to the **763** complaints about **3** posters featured among the top **10** complaints. The poster industry is to be commended for introducing a new CAP pre-vetting procedure in June 1998 which should deter those advertisers who set out to exploit irresponsibly the high profile nature of the medium.

Complaints by media type : Cinema

Complaints against cinema commercials fell **76%**: down from **177** in 1997 to **42** complaints in 1998. One of the most tightly regulated of the non-broadcast media, cinema complaint figures in 1997 had been inflated by almost **100** not upheld complaints made against a high profile anti-gun campaign

Complaints by media type : Internet

Although still a drop in the ocean compared to the amount of advertising that appears on-line, complaints to the ASA about Internet advertisements have risen steadily since the first **8** complaints received in 1996. Complaints in 1998 jumped to **49** following **14** in 1997.

After investigation, **5** advertisements were found to break the Codes and **4** await rulings. The ASA has found to date that problems under the Codes have been resolved without the need for additional sanctions but many advertisers may still be unaware that the Codes also apply to non-broadcast electronic media such as UK advertising on the Internet.

- [Complaints for 1998](#)
- [Top 10 advertisers by complaints 1998](#)

Statistics : Top 10 advertisers by complaints : 1999

Of the 12,217 complaints received by the ASA in 1998, 1,650 (13%) related to 10 advertisements. 6 of these broke the Codes:

| | | |
|---|-----|----------------|
| • AG Barr (Irn Bru) | 589 | Not justified* |
| • Pfizer (TCP) | 171 | Not justified* |
| • The Sunday Times | 142 | Upheld |
| • International Paper | 131 | Upheld |
| • Food Brokers (Nicky Clarke) | 131 | Not Upheld |
| • LRC Products (Durex) | 125 | Not justified* |
| • Audi UK | 109 | Upheld |
| • Diesel Publicity | 95 | Upheld |
| • Talk Radio UK | 79 | Upheld |
| • Sony Computer Entertainment | 78 | Upheld |

**Not justified complaints are those where, after consideration, the ASA Council has ruled that the complaints do not justify an investigation under the Codes. In these cases no adjudication is published. Summaries of these decisions together with those that were published appear by each advertisement.*

- [Complaints 1998](#)
- [Explanation of the 1998 Figures](#)

Statistics : Top 10 advertisers by complaints - 1998

A G Barr Plc



Adjudication

A G Barr Plc
1306 Gallowgage
Glasgow
G31 4DS

Complaint:

Objections to a poster for Irn Bru, that featured a cow. The text on the poster read "When I'm a burger, I want to be washed down with Irn Bru". The complainants believed that the advertisement was offensive, and challenged the implication that the cow would enjoy becoming a burger.

Decision:

After consideration, the ASA felt that the majority of people seeing the advertisement would not be seriously offended by it. The complaints were not justified and therefore no adjudication was published by the ASA.

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Statistics : Top 10 advertisers by complaints - 1998

Pfizer Consumer Healthcare



Adjudication

Pfizer Consumer Healthcare
Wilson Road
Alton
Hampshire
GU34 2TJ

Complaint:

Objections to a national press advertisement for TCP throat lozenges that featured a man painting a wall. He had a tiger curled around his body, and

biting his neck. The advertisement was captioned "Numb the pain of a sore throat".

The publication of the advertisement initially preceded but then coincided with widespread media coverage of the mauling of a circus trainer by a tiger. Many of the complainants felt that it was distasteful to publish the advertisement in the light of this incident.

The advertiser arranged to delay the publication of the advertisement where media production schedules allowed them to do so to limit its appearance during press coverage of the accident

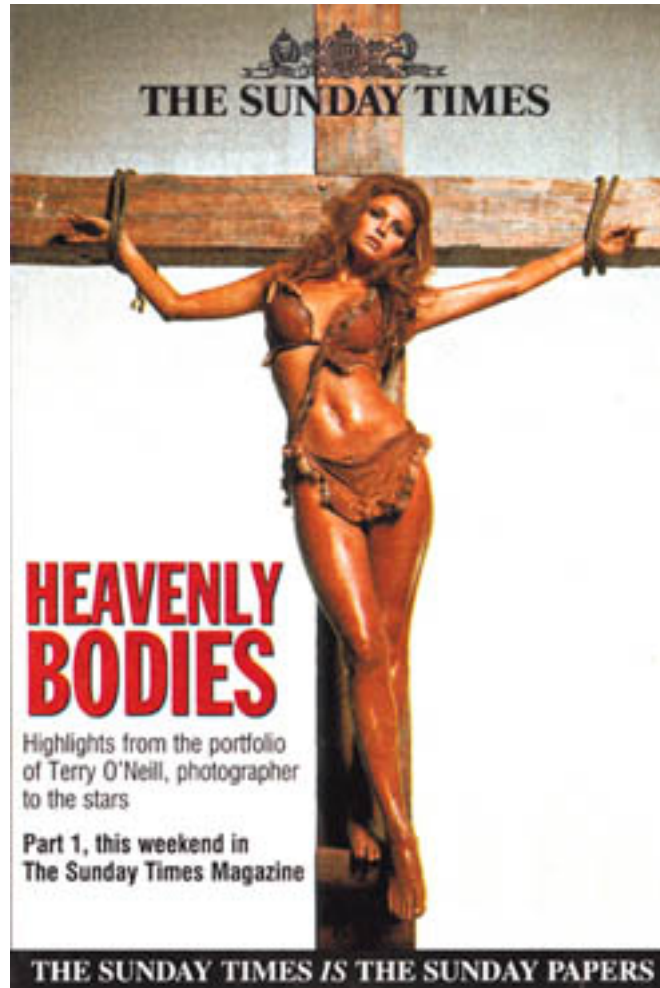
Decision:

The ASA considered that the advertiser had taken reasonable steps to limit its appearance during the unforeseen press coverage of a tragic accident. In normal circumstances the advertisement would be seen as light hearted and unlikely to cause serious or widespread offence. The complaints were felt to be not justified and no adjudication was published by the ASA.

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Statistics : Top 10 advertisers by complaints - 1998

Times Newspapers Ltd



Adjudication

Times Newspapers Ltd.
t/a Times
1 Virginia Street
London
E1 9XT

Complaint:

Objections to an advertisement in The Times for the first part of a six-part photographic series in The Sunday Times magazine. The series was called 'Heavenly Bodies' and contained examples of the work of Terry O'Neill. The

photograph the advertisement featured from Terry O'Neill's portfolio was of a woman who was wearing a leather bikini and was tied to a wooden cross. The complainants objected that the advertisement was tasteless, provocative and blasphemous to Christians.

Decision:

Complaints upheld.

The advertisers said they had intended not to offend or alienate their audience but to reach out and inform them. They said they had chosen this photograph because it illustrated the breadth and power of Terry O'Neill's work and they therefore hoped it would attract readers enough to entice them to seek more information. They argued that it was important to understand the context and period in which the photograph was taken and how it reflected Terry O'Neill's view that the 1960s was a decade that "crucified" the ideal of womanhood because it valued them only for their sexuality. They stated that the cross was used as a symbol of martyrdom outside the Christian faith. The advertisers acknowledged that, with hindsight, they might have done better to devote more space to explaining the origin and motivation behind the photograph. The Authority considered that most readers would be unaware of the origin and motivation behind the photograph and concluded that the advertisement was likely to cause serious or widespread offence. It asked the advertisers to avoid this type of approach in the future.

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Statistics : Top 10 advertisers by complaints - 1998

International Paper (UK) Ltd

Agency: Mitchell Patterson Grime Mitchell



Adjudication

International Paper (UK) Ltd
t/a Rey & Co
The Mill House
6 Station Road
Wheathampstead
Hertfordshire
AL4 8BY

Complaint:

Objections to a series of national press advertisements for Rey & Co, a

stationery manufacturer. The advertisements used ecclesiastical lettering and carried the line "Rey & Co. Born Again Paper".

- a. One was headlined "Praise the Board" and claimed "Next time that you're presenting to a company, praise them, praise them. Praise them with documents printed on Rey & Co paper. For Rey & Co is the way...It'll make you a believer too..." It showed people at a board meeting raising their arms, and looking upwards.
- b. Another was headlined "It's a sign. It's a sign." and claimed "Behold! The King of paper is born... Every kind of paper to make all your communications divine... You'll see it's a revelation." The advertisement showed a man holding up an 'Out to Lunch' sign outside a barber's shop.
- c. Another was headlined "I've seen the light and the dark and the gloss coated paper". It claimed "Come brothers and sisters, welcome Rey & Co. into your lives. Feel the power of digital photo paper ... Then, rejoice as all your communications are filled with a wholly new spirit ... Just the thing for spreading the word." The advertisement showed a man holding coloured paper in his hands and looking skywards.
- d. Another was headlined "Jesus he loves me" and claimed "Feel the power of His love - or hers. Enchant them with a loving message you've designed and printed on a Rey & Co greetings card. For Rey & Co is the range of papers wholly, wholly, wholly designed to set your creativity free. Come fill your letterbox with joy as well ... The perfect way to prove your devotion." The advertisement showed a woman standing in front of a stained glass door.
- e. A fifth was headlined "Behold the chosen one" and claimed "Thou shalt not make badly graven images of thyself, for they shall not be worshipped ... For the sleek shall inherit the contract ... So come resurrect your image, too ... Your ticket to the laughter life." The advertisement showed a man standing looking aghast at a mature woman.

The complainants objected that the advertisements were blasphemous and offensive to Christians.

Decision:

The advertisers argued that the advertisements were a light-hearted and

humorous way to express their enthusiasm for their new range of papers. They said they did not wish to offend and had taken advice from Christian friends and relatives to gauge people's sensitivities. They said their informal research had shown the advertisements should be well received. The advertisers acknowledged that their use of the word "Jesus" could be offensive and said they would not run (d) again. The Daily Telegraph thought the advertisements were humorous and unlikely to offend. The Sunday Times thought they were on the boundary of good taste; the Sunday Times had received complaints but they believed the advertisements were unlikely to offend their readers.

Complaints not upheld

a, b, c and e. The Authority considered that the advertisements would be seen to be humorous and not seriously mocking the Christian faith. It concluded that the advertisements were unlikely to cause serious or widespread offence.

Complaints upheld

d. The Authority considered that this advertisement was less likely to be seen as humorous, because of the reference to Jesus in an advertisement for paper, and was likely to cause serious or widespread offence. The Authority welcomed the advertisers' decision to withdraw the advertisement.

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Statistics : Top 10 advertisers by complaints - 1998

Food Brokers Ltd



Adjudication

Food Brokers Ltd
t/a Nicky Clarke
Food Brokers House
Northarbour Road
Portsmouth
Hampshire
PO6 3TD

Complaint:

Objections to several advertisements for Nicky Clarke Sports shampoo:

1. An advertisement in Chemist & Druggist and The Grocer that was headlined "Sports Results by Nicky Clarke" and included six photographs. The first was called "TranSport" and showed a naked woman sitting on a naked man's shoulders and massaging shampoo into his hair. The second was called "Spoil Sport" and showed a naked man in a shower as someone else turned the water heat down to cold. The third was called "Synchronised Sport" and showed a naked man and woman with their legs intertwined and massaging shampoo into each other's hair. The fourth was called "Sports Supporter" and showed a naked man stretching a prostrate woman's G-string with his teeth. The fifth was called "Aprés Sport" and showed a naked woman in a bath nuzzling a naked man in the same bath with three other men. The sixth photograph was called "Sportsmanship" and showed two naked men massaging shampoo into each other's scalps.

In all the photographs, the groin areas and the women's breasts were obscured from view and they were captioned "The Rules. 1. Remove clothing. 2. Remove partner's clothing. 3. Grab a pack of Nicky Clarke Sport Protein Shampoo from the new Sport range. 4. Massage into wet hair for the rich, nutritifying combination of Vitamin E, Wheat Protein and Pro Vitamin B5. 5. Rinse. 6. Enjoy. (Don't get carried away)";

2. An advertisement in the Daily Mail, The Guardian, The Independent and The Times that featured the first photograph only; and
3. An advertisement in The Guardian, The Independent and The Times that featured the fourth photograph only. The complainants objected that the images were gratuitous, explicit and offensive.

Decision:

Complaints not upheld

The advertisers believed the advertisements were light-hearted and fun. They believed the photographs were not explicit and were relevant to shampoo. They explained that the trade advertisements showed the six advertisements in the forthcoming campaign; for the national press and magazine advertisements they chose one of the six visuals to suit the publication in which they appeared. They pointed out that the advertisements referred to

"partners", which would be understood to put the couples in the context of a committed relationship. Chemist & Druggist thought the trade advertisement contained information that was relevant to their readers' businesses and thought the advertisement was suitable for those readers. The Grocer said it had accepted the advertisement because Publicis had told them the advertisement was already running in several other publications and had not generated complaints. The Daily Mail explained that they had deemed the first advertisement acceptable before publication but, once it had generated a few complaints, they had decided to refuse it. The Independent said they had decided that the semi-nakedness in the advertisement was unlikely to offend their readers, who they considered to be broad-minded. The Times thought the advertisements had a youthful, exuberant appeal and were neither indecent nor tasteless. The Guardian did not respond. The Authority accepted that the nudity was delicately portrayed and the images were somewhat relevant to shampoo. It considered that the advertisements would be seen to show adults having harmless fun, in keeping with the sporting theme. The Authority concluded that the advertisements would not cause serious or widespread offence and were therefore acceptable in these media.

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LRC Products Ltd (Durex)



Adjudication

LRC Products Ltd (Durex)
London International House
Turnford Place
Broxbourne
Hertfordshire
EN10 6LN

Complaint:

Objections to a national press advertisement for Durex which featured a man and a woman kissing in the shower. The accompanying text read, "At least their

condom is comfortable." It continued, "NEW DUREX COMFORT is our most comfortable condom ever. Its unique shape and design mean you won't find a better fitting condom. So, no matter how confined the space, you can always make love in Comfort." The complainants objected that the advertisement was offensive and unsuitable in national newspapers.

Decision:

The ASA considered that the advertisement was unlikely to cause serious or widespread offence to the readers of the newspapers in which it appeared. The complaints were felt to be not justified and no adjudication was published by the ASA.

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Audi UK

Agency Bartle Bogle Hegarty



Audi TDI. Keeps on going.

2.8 litre, 198 Turbo, 150 bhp, 62.3 mpg*. No other diesel looks like it or feels like it.



Adjudication

Audi UK
Yeomans Drive
Blakelands
Milton Keynes
MK14 5AN

Complaint:

Objections to a national press advertisement for the Audi TDI. The advertisement showed an open road with a squashed pink toy rabbit on one side and the rabbit's drumkit on the other. Underneath it stated "Audi TDI."

Keeps on going. No other diesel looks like it or lasts like it". The complainants believed the advertisement:

1. was offensive and condoned irresponsible behaviour because it implied that a child had been run over by a car; and
2. placed undue emphasis on speed.

Decision:

1. *Complaint upheld:*

The advertisers argued that Duracell's pink drumming bunny had been used to demonstrate the staying power of battery-powered toys for over 25 years and that the advertisement showed the soft toy coming off second best, having been out-performed by the Audi TDI. The advertisers said the advertisement did not encourage irresponsible behaviour; they believed most of their audience would recognise and appreciate the advertisement's humorous reference to a long-standing advertising theme. They acknowledged that people had misinterpreted the advertisement as a hit and run accident, with the toy bunny belonging to a child. They withdrew the advertisement because of those complaints. The Authority welcomed the advertisers' decision to withdraw the advertisement. It considered that the use of the squashed bunny was ambiguous and that the advertisement was likely to be misinterpreted and could therefore cause serious or widespread offence or condone irresponsible behaviour. It asked the advertisers not to repeat the approach.

2. *Complaint not upheld:*

The advertisers said they were trying to communicate the economical fuel consumption figures and the staying power of the car; they believed they had not placed undue emphasis on speed and pointed out that they did not mention the speed or the acceleration of the car. The Authority considered that the emphasis of the advertisement was on the fuel consumption and durability of the car and that the empty road showed that the car could keep going longer than the Duracell bunny. It concluded that the advertisement did not place undue emphasis on speed.

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Statistics : Top 10 advertisers by complaints - 1998

Diesel Publicity

Agency Lowe Howard-Spink



Adjudication

Diesel Publicity
7 Via dell Ôindustria
Molvena (VI)
Italy

Complaint:

Objections to magazine advertisements and posters for Diesel jeans.

a. One advertisement, in i-D magazine, featured a photograph of the back view of a man wearing jeans and gloves and sawing the hand off an arm. Near him

arms and legs were in a dustbin and burning in a furnace. On the floor were fingers protruding from black plastic and several bodies, including one wrapped in black plastic, were hanging from the ceiling. The advertisement featured four pairs of jeans and claimed "Loose fitting pants, cut low on the waist. Triple stitched for extra strength. Our workwear suits labourers, clubbers, murderers, or anyone else who needs lots of odd shaped pockets."

b. Another, in Sky magazine and on posters, featured a photograph of four young women dressed as nuns from the waist up, wearing jeans and holding rosaries. Behind them was a statue of the Virgin Mary, also wearing jeans. The advertisement claimed "Pure virginal 100% cotton. Soft yet miraculously strong. Our jeans are cut from superior denim, then carefully assembled by devoted Diesel followers. The finest denim clothing. This is our mission."

c. The other poster, on the London Underground, featured a photograph of four young women dressed as nuns from the waist up, wearing jeans and holding rosaries. The poster claimed "Superior Denim".

1. Two complainants, who realised that advertisement (a) featured mannequins, objected that parodying violent murders and the dismemberment of women was highly offensive and unacceptable.
2. Other complainants objected that the use of religious imagery in advertisements (b) and (c) was deeply offensive.
3. Some also objected that the use of the Virgin Mary in advertisement (b) was deeply offensive.

Decision:

The advertisers said the campaign parodied scenarios using fun, tongue-in-cheek visual puns to emphasise features of their jeans and were not intended to be taken seriously. They explained that they had targeted 18-25-year-olds by placing some of the advertisements in style magazines. They thought readers of those magazines would not find the advertisements offensive.

1. *Complaints upheld*

1. The advertisers said the advertisement was more sinister at first glance than on closer inspection. They maintained that it was not deliberately shocking but innocent, ironic and humorous. The publishers

believed the advertisers' target audience was similar to their readers, who they believed were well-educated, style-conscious, creative 20-25-year-olds. They believed their readers were familiar with and enjoyed the advertisers' creative, often surreal advertisements and would not be offended or distressed by them. The Authority considered that to depict dismemberment in advertisements, even if it was intended to be ironic, was unacceptable. The Authority concluded that the advertisement was likely to cause serious or widespread offence and asked the advertisers not to repeat the approach.

2. *Complaints upheld*

2. & 3. The advertisers explained that the advertisements focused on the superior quality of their denim and were a humorous pun on the term "superior". They said they had consulted leading members of the Church before running the advertisements. The magazine publishers explained that they had run the advertisement because: they believed neither the imagery nor the copy was indecent; the copy was humorous and did not attack or belittle Christianity; and their readers, whose average age was 22, were highly sophisticated. The advertisers said the Virgin Mary image did not appear on posters in London, Belfast or Dublin. The Authority considered that to depict nuns as sexual beings was unacceptable. It was concerned by the way the advertisers had used the Virgin Mary on posters, a medium that would be seen by a wide, untargeted audience. The Authority concluded that the advertisements were likely to cause serious or widespread offence and asked the advertisers not to repeat them or use the approach again.

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Statistics : Top 10 advertisers by complaints - 1998

Talk Radio UK

Agency Walsh Trott Chick Smith



Adjudication

Talk Radio UK
PO Box 1089
London
W1A 1PP

Complaint:

Objections to a poster for a radio talk show. It was headlined “Lorraine Kelly. Prostitution. Weekdays 11am”. It pictured a bar code stamped on a woman’s naked buttocks. Beneath, a caption read “Talk Radio 1053/1089 am”. The complainants objected that the poster was offensive.

Decision:

Complaints upheld:

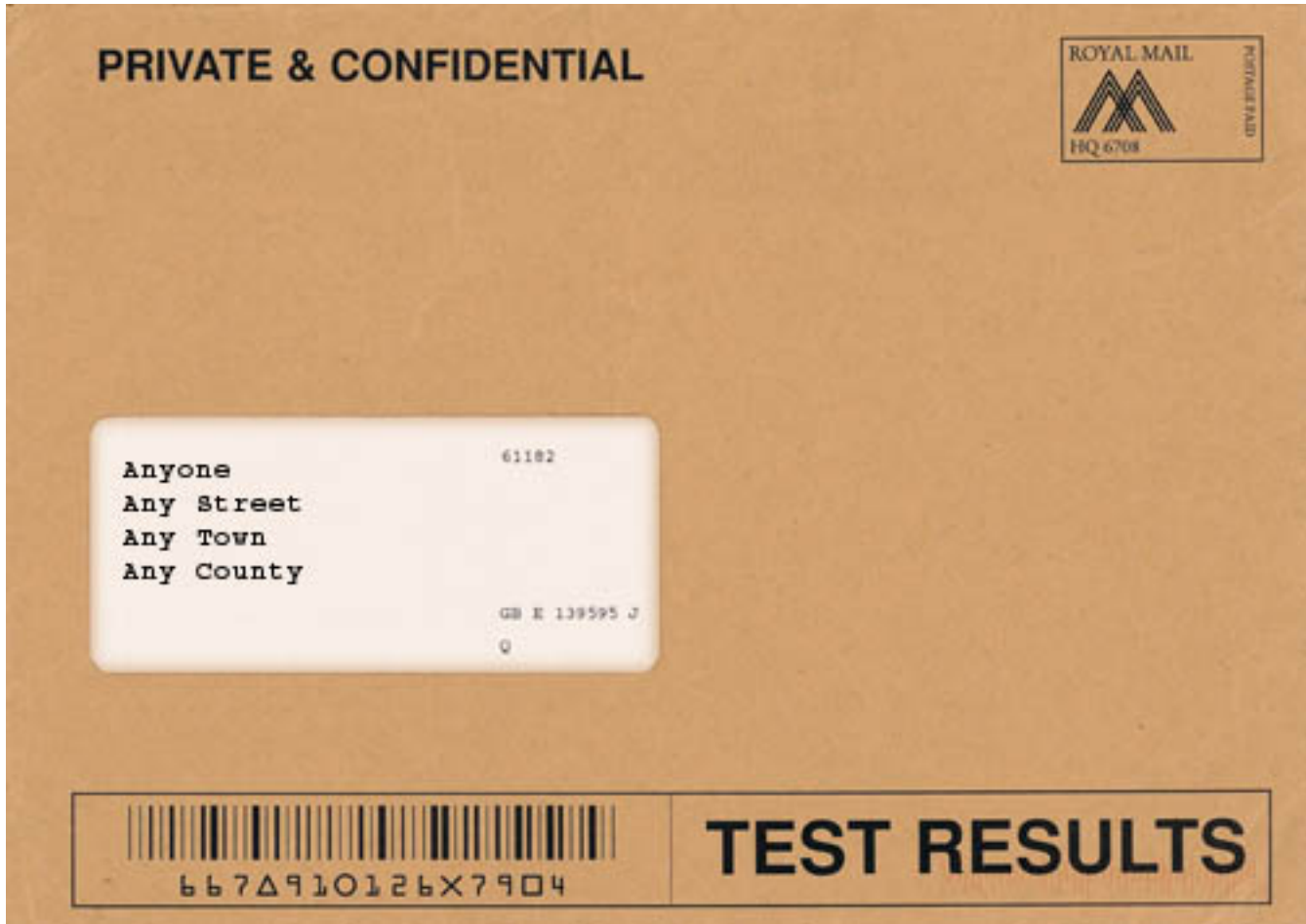
The advertisers said the poster was one of a series designed to publicise the

Talk Radio discussion programmes, which covered a wide range of topics. They explained that the poster highlighted a forthcoming discussion on the morality and legality of prostitution, subjects they believed few listeners would expect Lorraine Kelly to cover. They asserted that the image was relevant to the topic, was visually arresting and was likely to provoke thought and debate before the programme. The Authority considered that many consumers were likely to regard the nudity as unnecessarily shocking and that the bar code on a woman's bare buttock in this context would cause serious or widespread offence. The Authority asked the advertisers to remove the poster.

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Sony Computer Entertainment



- [Click here to see the second image](#)
- [Click here to see the third image](#)

Adjudication

Sony Computer Entertainment UK Ltd
13 Marlborough Street
London
W1V 2LP

Complaint:

Objections to a direct mailing for computer games. The brown manila envelope

was marked "PRIVATE & CONFIDENTIAL" and stated "TEST RESULTS" in large type in the lower right corner. The mailing included a card headed "This is your Medical Card" with the recipient's name and address on it. The other side of the card stated "Dear (recipient's name) I am writing as a matter of urgency with your scan results - they reveal early stages of a progressive condition for which I am prescribing immediate treatment ... Acute lack of stimulation of the sensory organs has resulted in a marked deterioration of digi-colour (thumb/eye) co-ordination, this is potentially serious but treatable with any of the three non-prescription options detailed on the enclosed X-rays ...". The statement "This is not a piece of genuine medical communication" appeared under the terms and conditions on the reverse of the card. The mailing included four mock X-ray films. One depicted a human skull and the others, with the headings "Treatment #1", "Treatment #2" and "Treatment #3" depicted characters from three different computer games. The mailing included a page headed "OFFICIAL MEDICAL SUPPLIES LATEST PRICES" with pictures and prices of various computer games hardware. Another card gave details of two accessories, one of which was a hand conditioning device in the shape of a brain, that were free if either an existing games system owner persuaded a friend to buy one or if one of the games, referred to as "treatments" in the mailing, was ordered. The complainants, many of whom were waiting for the results of medical scans, objected that the mailing was misleading and offensive.

Decision:

Complaints upheld:

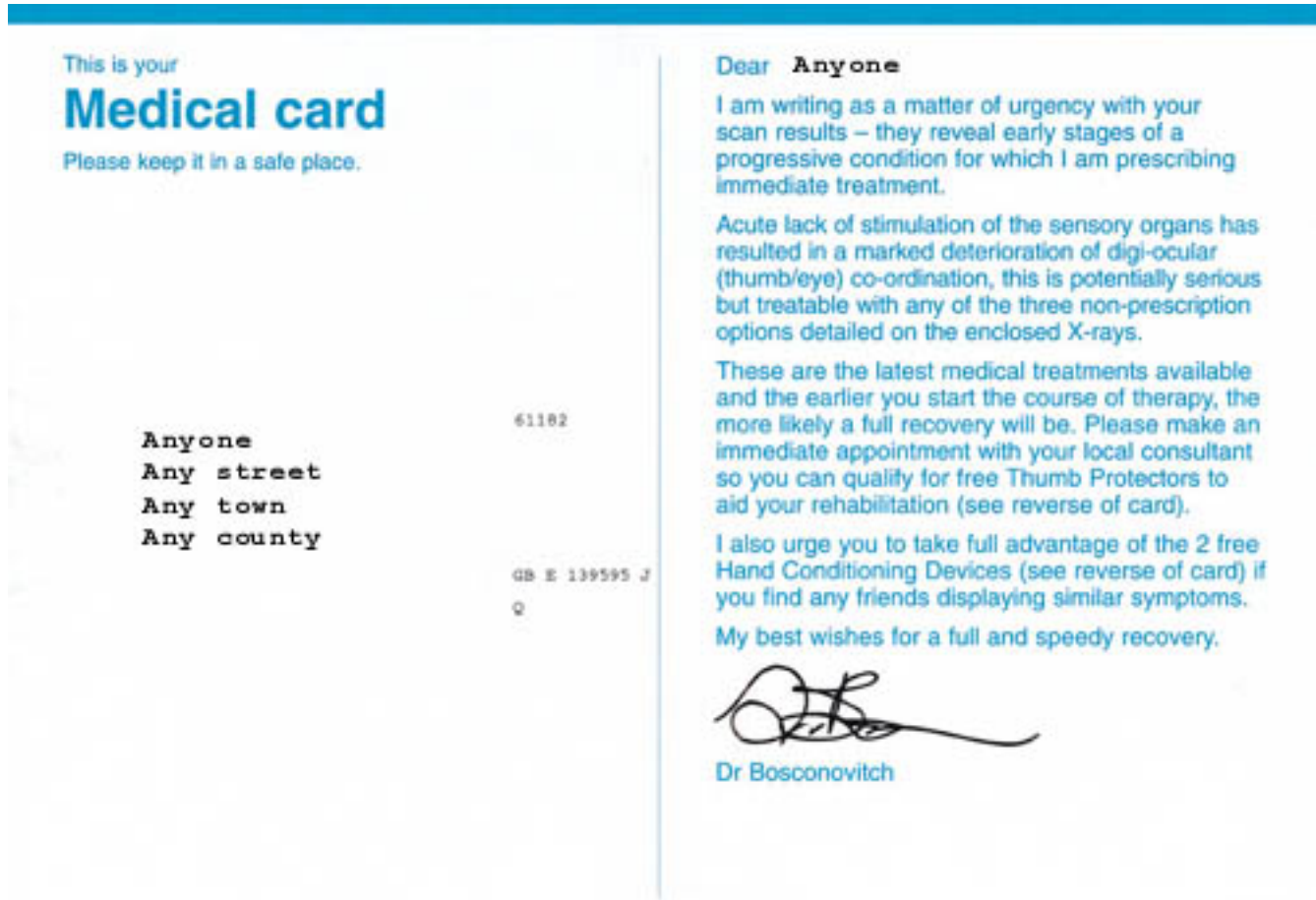
The advertisers stated that the mailing was sent only to PlayStation owners over 15 years old who had consented to receive more information. They said they had taken copy advice and had consulted their solicitors and the Direct Marketing Association about the suitability of the mailing for minors. They believed the mailing was suitable for young adult PlayStation users, most of whom they believed would need only a few seconds to realise that the mailing was for PlayStation. The advertisers said they had tried to avoid misleading recipients by including the statement "this is not a genuine medical communication" on one of the inserted cards. They pointed out that PlayStation identification appeared on every part of the mailing and some parts of the mailing were very clearly advertising PlayStation games and equipment.

They admitted, however, that the mailing had been poorly targeted, because many registered PlayStation owners were parents or other older relatives of young PlayStation users; therefore the recipients were not necessarily familiar with PlayStation branding. They apologised for the offence they had caused, although they believed it had resulted only from poor targeting. The Authority was concerned that, because the advertisers had not targeted the mailing effectively, the mailing was likely to offend particularly those awaiting the results of medical tests. It considered that, although recipients who were PlayStation users would realise quickly that the mailing was for PlayStation, the approach was unsuitable even for those recipients. The Authority noted that the Copy Advice team had advised against making the claims "PRIVATE & CONFIDENTIAL" and "TEST RESULTS" on the envelope and was concerned that the advertisers had not followed that advice. The Authority welcomed the advertisers' apology but asked them to ensure that they followed copy advice and honed their targeting of future mailings.

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Statistics : Top 10 advertisers by complaints - 1998

Sony Computer Entertainment



- [Click here to see the first image](#)
- [Click here to see the third image](#)

Adjudication

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London
W1V 2LP

Complaint:

Objections to a direct mailing for computer games. The brown manila envelope

was marked "PRIVATE & CONFIDENTIAL" and stated "TEST RESULTS" in large type in the lower right corner. The mailing included a card headed "This is your Medical Card" with the recipient's name and address on it. The other side of the card stated "Dear (recipient's name) I am writing as a matter of urgency with your scan results - they reveal early stages of a progressive condition for which I am prescribing immediate treatment ... Acute lack of stimulation of the sensory organs has resulted in a marked deterioration of digi-colour (thumb/eye) co-ordination, this is potentially serious but treatable with any of the three non-prescription options detailed on the enclosed X-rays ...". The statement "This is not a piece of genuine medical communication" appeared under the terms and conditions on the reverse of the card. The mailing included four mock X-ray films. One depicted a human skull and the others, with the headings "Treatment #1", "Treatment #2" and "Treatment #3" depicted characters from three different computer games. The mailing included a page headed "OFFICIAL MEDICAL SUPPLIES LATEST PRICES" with pictures and prices of various computer games hardware. Another card gave details of two accessories, one of which was a hand conditioning device in the shape of a brain, that were free if either an existing games system owner persuaded a friend to buy one or if one of the games, referred to as "treatments" in the mailing, was ordered. The complainants, many of whom were waiting for the results of medical scans, objected that the mailing was misleading and offensive.

Decision:

Complaints upheld:

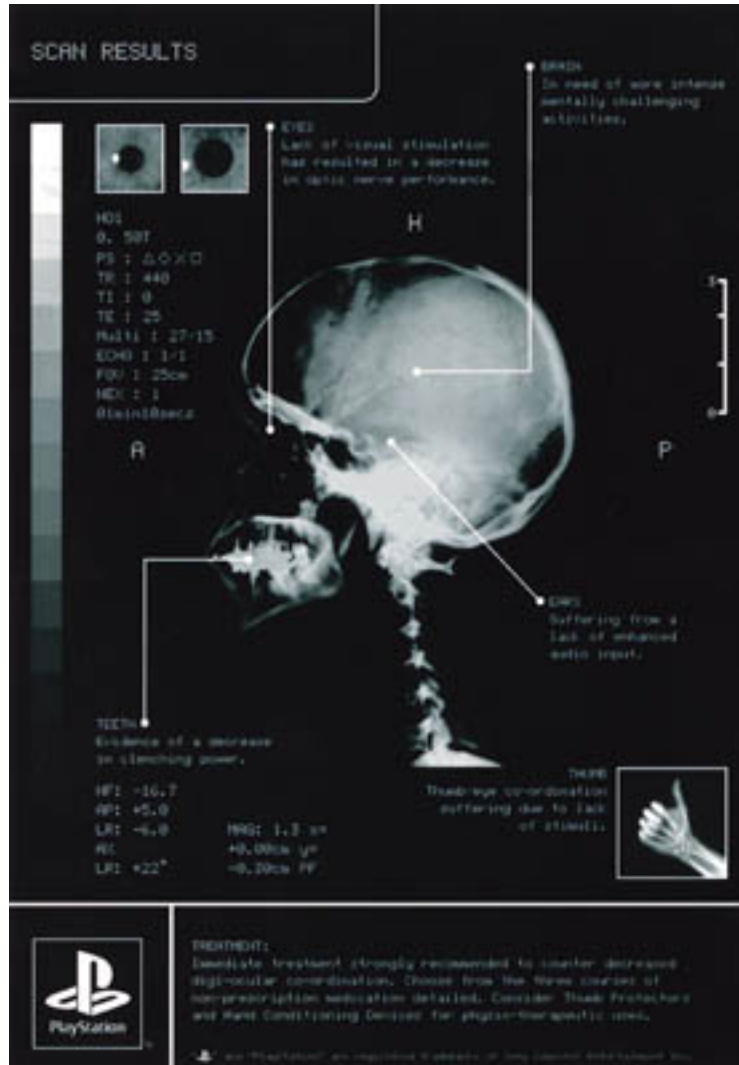
The advertisers stated that the mailing was sent only to PlayStation owners over 15 years old who had consented to receive more information. They said they had taken copy advice and had consulted their solicitors and the Direct Marketing Association about the suitability of the mailing for minors. They believed the mailing was suitable for young adult PlayStation users, most of whom they believed would need only a few seconds to realise that the mailing was for PlayStation. The advertisers said they had tried to avoid misleading recipients by including the statement "this is not a genuine medical communication" on one of the inserted cards. They pointed out that PlayStation identification appeared on every part of the mailing and some parts of the mailing were very clearly advertising PlayStation games and equipment.

They admitted, however, that the mailing had been poorly targeted, because many registered PlayStation owners were parents or other older relatives of young PlayStation users; therefore the recipients were not necessarily familiar with PlayStation branding. They apologised for the offence they had caused, although they believed it had resulted only from poor targeting. The Authority was concerned that, because the advertisers had not targeted the mailing effectively, the mailing was likely to offend particularly those awaiting the results of medical tests. It considered that, although recipients who were PlayStation users would realise quickly that the mailing was for PlayStation, the approach was unsuitable even for those recipients. The Authority noted that the Copy Advice team had advised against making the claims "PRIVATE & CONFIDENTIAL" and "TEST RESULTS" on the envelope and was concerned that the advertisers had not followed that advice. The Authority welcomed the advertisers' apology but asked them to ensure that they followed copy advice and honed their targeting of future mailings.

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Sony Computer Entertainment



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Adjudication

Sony Computer Entertainment UK Ltd
13 Marlborough Street
London
W1V 2LP

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