

In Reply Please Quote
Our Ref: ASAI/C/85/7.mc

By post & email to Siobhan.Toomey@centralbank.ie
By email: code@centralbank.ie

26th July 2011

Consumer Protection Codes Division,
Central Bank of Ireland,
PO Box 559,
Dame Street,
Dublin 2.

To whom it may concern,

The Advertising Standards Authority for Ireland (ASAI) is the independent self-regulatory body set up and financed by the advertising industry (advertisers, advertising agencies, and media). The ASAI is committed to promoting the highest standards of advertising in all media in the interest of consumers.

The ASAI welcomes the overall approach for the protection of consumers being adopted by the Central Bank. There are however, two areas, where from the experience of operating the provisions of our own Code, we feel that a different approach and emphasis might be considered in relation to the presentation of information in different media.

Our Code provides at Section 1.6(c) that:

Compliance with the Code is assessed in the light of a marketing communication's probable effect when taken as a whole and in context. Particular attention is paid to:

- the characteristics of the likely audience,
- the media by means of which the marketing communication is communicated,
- the location and context of the marketing communication,
- the nature of the advertised product and the nature, content and form of any associated material made available or action recommended to consumers.

This provision allows the Secretariat and the Complaints Committee to take account of the circumstances and format of the information in the advertisement in deciding if it is "legal, decent, honest and truthful." This flexibility is a facility that we are finding all the more important as the character of advertising in marketing communications changes in digital media.

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The second point I would like to mention is that in a number of recent discussions, where the advertising related to meaningful contractual obligations e.g. utilities, the Complaints Committee accepted that it was acceptable for some of the detail involved to be provided from a second source such as a helpline or website.

I trust that the foregoing is of some assistance. I realise that to a large extent the Code is circumscribed by legal requirements. It is however, a reality that advertising is evolving and in order for regulation to remain effective, it requires a facility for flexibility.

If I can provide any function please contact me. You might also note that the International Chamber of Commerce will publish the latest edition of their Consolidated Code of Advertising and Marketing Communication Practice in September.

Yours sincerely,


Franks Goodman
CHIEF EXECUTIVE