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Date: 22/02/16

Dear E. Goodman

Thank you for your letter, 5 February 2016. I'm sorry about the delay in responding to you.

Further to your queries, the Advertising Standards Authority (ASA) is the independent body responsible for regulating UK advertisements. We administer the Advertising Codes which apply across media and require that ads do not contain anything that is likely to be misleading, harmful or **offensive** [my emphasis].

On that latter point, the ASA bases its judgments on the content of the ad and the medium, audience, product type and prevailing standards in society. Complaints about offence often require difficult judgements but we don't intervene where advertising is simply criticised for being in poor taste. Apart from freedom of speech considerations, even well-intentioned and thoughtful people will have different and sometimes contradictory opinions about what constitutes 'bad taste', or what should be prohibited. We can only act if the ad, in our or the ASA Council's judgement, poses a realistic risk of harm or offends against widely accepted moral, social or cultural standards. It's probably worth adding that, in the context of the specific ruling you mentioned, the rules surrounding alcohol advertising are deliberately strict.

Our judgments are open to judicial review, so an advertiser or a complainant who considers we have breached the Human Rights Act can seek to challenge us in court. Indeed, in 2011, one of our rulings was challenged on those grounds in the High Court in Belfast. Mr Justice Treacy found that the Advertising Code rule which requires that advertising should not contain material that would cause, or would be likely to cause, serious or widespread offence is prescribed by law and satisfies a legitimate aim under the European Convention on Human Rights.

Kind regards

A handwritten signature in black ink, appearing to read 'Matt Wilson', is written over a light blue horizontal line.

Matt Wilson

Press Officer  
Advertising Standards Authority

Legal, decent, honest and truthful