



**Opening Statement from ASAI to the
Joint Committee on Media, Tourism, Arts,
Culture, Sport and the Gaeltacht**
2nd June 2021

Chairperson, Members of the Committee,

The Advertising Standards Authority for Ireland (ASAI) would like to thank the Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht for the opportunity to meet with you to discuss the Online Safety and Media Regulation Bill.

ASAI, the recognised advertising regulator with 40 years' experience, covers advertising that appears on radio, linear and non-linear broadcast, digital (web, social, mobile, in-game ads, influencer marketing (user-generated commercial content), vlogs and blogs, etc.) as well as print, outdoor, direct mail, SMS and cinema. ASAI remit is extensive because ASAI mirrors where advertising goes.

User generated material containing advertising content is a good example of ASAI's continuing and evolving remit. We continue to extensively engage with social media influencers to ensure that in this space, as elsewhere, advertising is 'legal, decent, honest, and truthful'.

ASAI's sectoral remit is very broad, covering most of the areas mentioned in the AVMSD, protection of minors, recognisability, human dignity, discriminatory content, health and safety, environmental concerns, control of alcohol advertising. These are all addressed by the 18 sections of the ASAI Code, and more. The essence of the Code is that all advertising must be 'legal, decent, honest and truthful'.

ASAI takes a proactive approach to areas where there can be greater synergies across rules. As part of this, we will be incorporating rules relating to marketing communications for HFSS (High fat, salt and sugar foods)¹ into our Code in June 2021.

The ASAI, and its Code, are accepted by the main stakeholders² in the Irish advertising industry, with the clear objective of ensuring the highest standards in advertising. In addition, the ASAI's approach is to collaborate and engage with State Agencies and Government departments, and more recent engagements include :

- Food Advertising and Marketing (Department of Health | British and Irish parliamentary Association | Joint Oireachtas Committee on Children and Youth Affairs)
- Future Licensing and Regulation of gambling in Ireland (Department of Justice)
- Influencer Marketing (CCPC) – the ASAI's 2021 webinar had in excess of 260 participants
- Mobile and Broadband Taskforce (Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, and the Department of Communications, Climate Action & Environment) which led to the development of guidance on advertising claims for telecommunications companies
- Political advertising (Department of An Taoiseach)
- Food Safety Authority of Ireland (ASAI support's the FSAI's Guidance Note on The Use of Food Marketing Terms)

¹ Non-Broadcast Media Advertising and Marketing of Food and Non-Alcoholic Beverages, including Sponsorship and Retail Product Placement: Voluntary Codes of Practice. ASAI was a member of the Working Group set up to develop the Voluntary Codes. As the Codes monitoring and guidance processes have not as yet been developed by the Department of Health, the ASAI Board has decided to incorporate relevant rules into the ASAI Code, to ensure the highest standards of advertising across all media.

² Appendix I details the main ASAI Stakeholders.

Advertising self-regulatory Codes in 28 European countries cover the areas set out in the AVMSD, providing independent assessment, investigation, and adjudication of complaints. In Ireland, we have nominees from both the BAI (Deputy CEO) and the CCPC (Senior Consumer Protection Manager).

The scale of advertising across the European Union is such that no single advertising regulator could operate an effective complaints handling mechanism. An additional complexity is that advertising in individual countries will be in the language of that country. EU citizens currently can have their complaints addressed by their local advertising self-regulatory body, in their own language.

We are engaged with the European Advertising Standards Alliance on the network's support of the implementation of the AVMSD and the continuing involvement of our complaints handling for individual EU citizens. Allied to this, while ASAI has proactively monitored 29,000 ads to date, we will be assessing compliance in the online space by actively engaging artificial intelligence for widescale monitoring of advertising content.

We welcome that the Bill provides latitude for the Media Commission to enter into cooperation agreements with other bodies as it sees fit [Head 29] and, in furtherance of this collaborative approach, have a number of suggestions:

- The AVMSD explicitly encourages the use of self-regulation, an area in which the ASAI is a subject matter expert. We consider that the Bill should provide at Head 73 that the Commission not only provide assistance in setting up standards but also may cooperate with or give assistance to an existing self-regulatory system who apply standards in respect of audiovisual or audio content or related electronic media.
- We also consider that, at Heads 13 and 50A, the Commission should be required to take account of established non-statutory mechanisms as part of the regulatory framework.
- We further consider in relation to funding at Head 40, that legislation should provide for the Commission to direct funds to systems that it supports.

I thank the Members for their time and the opportunity to discuss the General Scheme and look forward to answering any questions that members may have on our submission and appendices.

Orla Twomey,
CHIEF EXECUTIVE.

Appendix A to Opening Statement from ASAI to the Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht, 2nd June 2021

ASAI – Stakeholders and our Reach

We have working relationships with a broad range of stakeholders including |

Government Departments and State Agencies

- BAI (Broadcasting Authority of Ireland)
- Department of Health
- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
- ComReg (Commission for Communications Regulation)
- CCPC (Competition and Consumer Protection Commission)
- FSAI (Food Safety Authority of Ireland)
- HPRA (Health Products Regulatory Authority)

Key Industry Stakeholders

- Association of Advertisers (AAI)
- Cinema (Wide Eye Media)
- Digital (IAB Ireland; Google; Facebook)
- Independent Broadcasters of Ireland
- Institute of Advertising Practitioners in Ireland (IAPI)
- Irish Pharmaceutical Healthcare Association
- Outdoor Media (OMA)
- Print (national and local)
- Radio (all main broadcasters)
- TelCos (eir, Three, Virgin, Vodafone, Tesco Mobile)
- TV (all main broadcasters)