

Do advertising self-regulatory organizations oversee non-commercial ads?

Advertising self-regulatory organizations (SROs) typically ensure that advertising and other messages of a commercial nature are responsible i.e. honest, truthful, decent, etc., depending on local market rules.

In practice however, the definition of what constitutes “advertising” varies slightly from market to market. Non-profit making institutions such as non-governmental organizations (NGOs), governments, and other public sector organizations, increasingly tend to use the same marketing techniques as commercial enterprises to convey messages to consumers and citizens.

As a result, **advertising SROs in some markets have included non-commercial ads in the scope of their activities.** Like for commercial ads, they assess whether non-commercial ads comply with the applicable (self-regulatory) principles and seek to obtain corrective measures where this is not the case.

In order to support a better understanding of this issue from a global perspective, this paper presents an overview of the remit of SROs in relation to non-commercial ads. It is based on a survey carried out among ICAS members in July 2019, to which 16 SROs responded¹.

1. In which markets is the SRO competent to assess non-commercial ads?

For the purpose of this paper, **non-commercial advertising refers to ads and other forms of marketing communications issued by non-profit making institutions** (e.g. NGOs and public sector entities). The main goal of non-commercial ads is not to sell a product or service but to raise awareness about an issue, collect funds for a cause, or promote an idea. Examples include the fundraising campaign of an NGO, a government-sponsored public health awareness campaign, and electoral ads of political parties.

Among respondents to the ICAS survey, **more than 2/3 of SROs (69%) handle complaints about non-commercial ads.** In five markets (India, Peru, the Philippines, Romania and the US), non-commercial ads are out of scope for the SRO. This is usually because the definition of “advertising” excludes communication messages by non-profit making organizations.

¹ Ad Standards (Australia), JEP (Belgium), CONAR (Brazil), Ad Standards (Canada), ARPP (France), ASCI (India), ASAI (Ireland), IAP (Italy), ASA (New Zealand), SRC (Netherlands), CONAR (Peru), ASC (Philippines), RAC (Romania), AUTOCONTROL (Spain) and ASA (UK), BBB National Programs (USA).

However, a non-commercial message sponsored or supported by a commercial brand may be considered to be in scope. In the Philippines for instance, such marketing messages must be cleared by the ASC. Moreover, non-commercial marketing messages aired on TV, radio, or in the cinema, also have to be cleared by the ASC, which is competent to issue a Certificate of Exemption that can be presented to the TV station, radio station or movie theater.

2. Are all types of non-commercial ads equally covered?

Like advertising itself, “non-commercial advertising” is defined slightly differently from market to market. Among those SROs which oversee non-commercial ads:

- **The majority of SROs are competent both for ads issued by NGOs (advocacy and special interest groups) and for ads issued by government and public sector entities;**
- One SRO (AUTOCONTROL in Spain) is only competent for marketing messages issued by private entities (meaning that ads by the government and other public sector entities are out of scope). This is because there is no legal or deontological definition of non-commercial advertising in Spain. Only “institutional advertising” is legally defined, and subject to a specific regime;
- **Only one SRO, the ASA in New Zealand, is competent to handle complaints about political ads (including during elections).**

In Italy, IAP oversees social ads defined as ads for charity campaigns or messages aimed at raising the awareness of the public on issues of social relevance such as road safety or drugs use.

In some countries like the UK and Spain, political advertising in broadcast media is banned by law. For non-broadcast media, despite the absence of a legal ban in the UK, the ASA stopped regulating political advertising many years ago.

In many countries, the **decision to exclude political ads** and ads by religious or “philosophical” organizations from the scope of SRO activities was made to avoid endangering the neutrality of the SRO. Decisions on such ads may indeed involve – or at least be presumed to involve – ideological choices. The exclusion is often explicitly stated in the self-regulatory code or in the SRO’s Statutes. Special public bodies are typically tasked with overseeing political ads during election campaigns.

Few the respondent SROs are considering changes to definition of (non-commercial) advertising and to their scope of activities in relation to non-commercial ads in the near future, although in Canada there is a debate on whether Ad Standards should extend its remit to cover political ads.

3. Find out more

Here are some interesting examples from individual markets on the role played by SROs in relation to non-commercial advertising:

- [JEP Rules on non-commercial ads](#) (2015, available in French);
- [ASA \(NZ\) Guidance Note on Advocacy Advertising](#) (2019);
- [ASA \(UK\) article](#) explaining why the SRO does not handle political ads during elections (2017).



If you are interested to find out more or wish to share further examples not included in this paper, please contact the ICAS Secretariat at info@icas.global.