



The advertising complaints process

This fact sheet provides a basic overview of the Advertising Standards Bureau (ASB) complaints process. More detailed information can be found at www.adstandards.com.au

Making a complaint

The ASB accepts complaints about advertising from consumers. All complaints must be submitted in writing. A single written complaint is sufficient to initiate a formal investigation.

The majority of complaints are submitted through the online complaints form (<https://adstandards.com.au/lodge-complaint>) although complaints can be received via post and facsimile.

Assessment of complaints

All complaints received are promptly assessed for their appropriateness before submission to the Advertising Standards Board (Board) for determination. As the Board secretariat, the ASB replies to all complainants informing them of the status of their complaint.

Notification of complaints

Once a complaint has been accepted by the ASB, the complainant is informed via email or post that his or her complaint will be considered by the Board.

The advertiser is then notified about the complaint. The advertiser is provided with a copy of the complaint and is requested to provide a written response and copies of the relevant advertising or marketing communication within sufficient time to allow the complaint to be dealt with at the next meeting of the Board.

The Advertising Standards Board

The Board includes people from a broad range of age groups and backgrounds and is gender balanced, and as far as possible representative of the diversity of Australian society. Individual Board members do not represent any particular interest group and are individually and collectively clearly independent of the industry.

Board Member profiles can be viewed at <https://adstandards.com.au/people>

Board meetings

The Board usually meets twice a month to consider complaints. The Board will also meet between meetings, usually by teleconference, if the ASB considers that a matter should be considered as a matter of urgency.

In relation to individual complaints, Board members will consider:

- the complaint(s) received
- all relevant advertising/marketing communications submitted by the advertiser/marketer
- the advertiser/marketer's response (if any)
- all relevant provisions of the Codes and Initiatives, and
- any other relevant supporting materials or other representations or submissions.

The Board is not limited, in its considerations, to issues raised by the complainant and will assess an advertisement against all relevant Code provisions.

Board determination

When the Board looks at a case it can make one of two determinations:

- Upheld - a complaint is upheld if the Board determines there is a breach of a Code or Initiative.
- Dismissed - a complaint is dismissed if the Board determines there is no breach of a Code or Initiative.

Dismissed complaints

When a complaint is dismissed by the Board complainants and advertisers are usually advised of the determination within 10 business days of the Board meeting and all case reports are made publicly available.

Upheld complaints

When a complaint is upheld the advertiser is notified of the decision and provided with a draft case report. The advertiser is requested to remove or amend the offending advertisement as soon as possible.

The advertiser then has five business days to respond to the Board's decision and confirm that the advertisement has been or will be removed. The Board's decision and the final case report, incorporating the advertiser's advice that the advertisement has been removed, is usually provided to complainants and the public within 10 business days of the Board's decision.

Independent review

An independent review process is available to the advertiser and original complainants. Requests for review must be made within 10 business days of the date of the final notification of the Board's determination.

There are costs involved for lodging a request for review, and review requests must meet certain grounds for review.

In line with international best practice, the Independent Reviewer's role is to assess the validity of the process followed by the Board, or to assess any new material provided by parties to the case.

If the review request is accepted following investigation the Independent Reviewer will make a recommendation to the Board, stating whether the Board's original determination should be reviewed or confirmed.

Competitor complaints

General complaints about the content of advertising can only be submitted by consumers. If an advertiser wishes to raise a complaint about a competitor's advertising it may be considered by the Advertising Claims Board.

The Advertising Claims Board provides a competitive complaint resolution service and is designed to determine complaints involving issues of truth, accuracy and legality of advertising under Section 1 of the AANA Code of Ethics on a user pays basis.

The Advertising Claims Board is comprised of a panel of lawyers appointed on a case-by-case basis.

For more information on competitor complaints see <https://adstandards.com.au/about/advertising-claims-board>

For more detailed information about any aspect of the complaints process see www.adstandards.com.au or call the Advertising Standards Bureau on 02 6173 1500.