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A content analysis of official complaints

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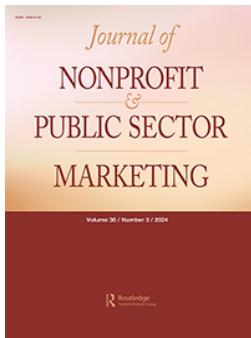
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Offensive and Harmful Advertising: A Content Analysis of Official Complaints

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ABSTRACT

This study presents an analysis of 9,055 complaints about offensive and harmful advertising, using archival data from the UK Advertising Standards Authority (ASA). The aim is to identify what advertising is actually complained about and contrast these findings with the field's previous focus on potential offense. Due to its moral calculus, growing presence in the marketplace, and higher proportion of offense and harm-based complaints, the noncommercial sectors (not-for-profit, third, and public sectors) have been selected for study. Key findings are used to propose a new typology of offense elicitors and raise questions about the effectiveness of a self-regulatory system.

KEYWORDS

Advertising regulation;
complaint behavior; harmful
advertising; offensive
advertising

Introduction

In a world where increasing calls are made for more accountability in advertising, particularly within the digital media landscape (Stewart, 2019), where advertising practices continue to be debated not just for their effectiveness but also for their ethics (e.g., Carter et al., 2017; Jones & van Putten, 2008; Moraes et al., 2020; Singh et al., 2020), and where younger generations, in particular, are labeled “too sensitive,” “too emotional,” “easily offended,” or “snowflakes” (Filipovic, 2020; Haslam-Ormerod, 2019; Lock, 2016), it is imperative that organizations understand what elicits offense amongst their audiences. Surprisingly, while there is a plethora of research exploring potential attitudinal and intentional behavioral responses (e.g., Chan et al., 2007; Fam et al., 2008; Waller, 1999, 2002), there is an acknowledged lack of research on, and understanding of, actual offense and related behaviors (Beard, 2008b; Liu et al., 2019). Despite many organizations making efforts to avoid offending their audiences, others deliberately use shocking, offensive, and controversial tactics in order to attract attention, connect with their audiences, and/or stand out from the advertising clutter (Cockrill & Parsonage, 2016; Dahl et al., 2003; Parry et al., 2013; Waller, 2005). Interestingly, this is particularly the case for noncommercial sector¹ organizations, where shock appeals appear to be more

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tolerated (Parry et al., 2013), and where, as this study will demonstrate, such tactics result in considerably more complaints.

Offense and/or harm, elicited by advertising messages and imagery, can spark a range of negative reactions, even public outrage and/or regulatory action (Gurrieri et al., 2016; Waller, 2005) and thus necessitate deep understanding. For consumers who wish to complain about advertising perceived as harmful, offensive, misleading, or untruthful, the various regulatory systems offer a formal route of amplified voicing (Volkov et al., 2002a, 2002b), where the ad is assessed against the existing advertising laws and/or codes. While those who formally complain are understood to be a vocal minority (Crosier & Erdogan, 2001), they represent an important segment of the audience who are prepared to take on the task of formally raising issues which they perceive to transgress not only their personal standards but also those of the wider social, cultural, and moral norms of their society. It is thus crucial for advertisers and regulators to understand what the public perceives to be offensive and/or harmful and for the regulatory system to have in place effective processes for dealing with such complaints. Yet, little research is available on such formal complaints and the associated regulatory responses highlighting the need for investigations into what the community standards around offense and harm are and how they align with the regulatory code and practice.

This study aims to develop a comprehensive understanding of offensiveness and harm in noncommercial advertising by analyzing actual complaints submitted to the UK's Advertising Standards Authority (ASA) and the associated regulatory response in the form of the ASA's adjudications. We focus specifically on complaints about noncommercial advertising due to the unique moral calculus the noncommercial sector presents, balancing the organizations' inherently moral values with the risks of offense and/or harm caused by their advertising approaches (Charry et al., 2014; Jones & van Putten, 2008; Parry et al., 2013; Pratt & James, 1994). Inspired by and expanding on Beard's (2008a, 2008b) studies on offense-based complaints in New Zealand, a longitudinal research design is adopted to examine actual complaint behaviors and regulatory assessments to better understand what concerns are most prominent amongst the public who complained and how the regulator responds. The findings provide practical insights for advertising creatives, marketing practitioners, and regulators, in the form of a comprehensive typology of issues to avoid, or (re)consider from a regulatory perspective, in order to reduce possible backlash against, and complaints about, noncommercial campaigns.

Theoretical background

While early advertising regulation focused on honesty and competition, matters of social responsibility, opinion, and particularly of morality and good

taste have been brought to the attention of academics, regulators, and practitioners since the 1980s (Boddewyn, 1982). Contemporary advertising regulation thus also covers matters of offensiveness and harm.

Offensive advertising

Academics define offensive advertising as one that generates feelings of offense in the audience based on one or all of its dimensions: the inherently offensive product/service/issue, the advertising execution (Barnes & Dotson, 1990), and/or the choice of media (Phau & Prendergast, 2001). Offense can be intentional or unintentional and is often studied in relation to controversial products or appeals (Fam & Waller, 2003; Sabri, 2017), shock appeals (Dahl et al., 2003), sexual objectification (Zimmerman & Dahlberg, 2008), nudity (Terlutter et al., 2022), violence (Gurrieri et al., 2016), humor in advertising (Beard, 2008a; Förster & Brantner, 2016; Freeman et al., 2023), and/or broader advertising ethics (Förster & Brantner, 2016; Treise et al., 1994). While there are inconsistencies in the use of this terminology, what is clear is that offense is triggered by the violation of personal values or societal, cultural, religious, or moral norms and standards (Dahl et al., 2003; de Run et al., 2010; Pope et al., 2004; Waller & Fam, 2002). Existing frameworks of offensive advertising include Dahl et al.'s (2003) seven possible offense elicitors: disgusting images, sexual references, profanity/obscenity, vulgarity, impropriety, moral offensiveness, and religious taboos, and Waller's (2005) controversial elements of advertising execution that can cause offense: antisocial behaviors, controversy, delicacy, decency, fear, morality, racism, sexism, or sexual imagery. Interestingly, the norm transgression underpinning most definitions is not explicit in existing typologies of offensive advertising and is often mixed in with the advertising elements causing offense.

Offensive advertising literature predominantly focuses on measuring the effectiveness of, attitudinal responses to, and potential behaviors stimulated by, tactics which potentially elicit offense. Whilst there is little consistency across these studies, with attitudinal and behavioral responses rather mixed (e.g., Barnes & Dotson, 1990; Chan et al., 2007; Phau & Prendergast, 2001), studies of cognitive outcomes do suggest higher cognitive processing and increased attention, recall, recognition, and retention triggered by norm violation (e.g., Dahl et al., 2003; Huhmann & Mott-Stenerson, 2008; Veer & Rank, 2012). Attitudinal and behavioral outcomes vary by specific type and intensity of the appeal studied and by audience's socio-demographic and psychographic moderating factors, with offense observed more often among women, older generations, conservative cultures, those highly religious, and the more educated (e.g., Barnes & Dotson, 1990; Chan et al., 2007; Fam et al., 2008). However, little is known about actual audience offense (Beard, 2008b),

its underlying reasons, and/or how offense-eliciting appeals are interpreted by consumer audiences (Parry et al., 2013) or other key stakeholder groups, such as creative advertisers, marketers, regulators, or media (Charry et al., 2014). Much of this existing research relies upon self-reported data and the way that offense is framed, defined, and coded is heavily influenced by the researcher and the questions they pose to their participants. Furthermore, such perceptual and effectiveness studies are rarely conducted in the context of real advertisements, and also tend to use extremes rather than a spectrum of offensiveness. Our research uses formal complaint data that allows us to observe actual complainant responses to a breadth of real advertisements which elicited offense (and/or harm) from the public. This data allows us to better understand the community standards of offense and harm and how the regulatory codes align with the regulatory practices and with the community standards.

Harmful advertising

Harm is seen as more difficult to conceptualize and to grasp for the public and is often associated with the product being advertised, particularly if advertised to children (Advertising Standards Authority [ASA], 2012). Indeed, Millwood Hargrave and Livingstone (2009) argue that research focused on advertising to literate adults tends to be more focused on offense, whilst research studying the impact of advertising on children is more concerned with harm due to their naivete and lack of understanding of advertising. While the ASA itself does not offer a clear definition, their research into public perceptions of harm (and offense) identified two types of harm – harm to individuals, particularly vulnerable people, and harm to wider society (ASA, 2012). Academic research into harms in advertising has tended to focus on product harmfulness and target vulnerability (N. C. Smith & Cooper-Martin, 2006). Advertising of Direct to Consumer (DTC) drugs (Lurie, 2009), gambling (Rossi et al., 2021), alcohol (L. A. Smith & Foxcroft, 2009), or high fat, salt, and sugar foods to children (Cairns et al., 2009) have received particular attention. Further types of harm from advertising include promotion of unhealthy, unsafe, and/or irresponsible behaviors (e.g., overconsumption, copy-cat behavior), pester-power (Millwood Hargrave & Livingstone, 2009), and portrayal of stereotypes which misrepresent society and create harmful perceptions of one's self (e.g., body image (Betz et al., 2019)) and/or of groups of people (e.g., women as sex objects (Stankiewicz & Rosselli, 2008), racial stereotypes (Davis, 2020), or negative portrayals of older consumers (Carrigan & Szmigin, 1999)) – what Millwood Hargrave and Livingstone (2009) call the “reality-defining effects.” Similar to the studies on offense in

advertising, little research explicitly studied actual responses to, or complaints about, advertising perceived or deemed harmful.

Offensive and harmful advertising in noncommercial sectors

Existing research is predominantly focused on the commercial sector with only limited consideration given to public sector campaigns primarily through studies of social marketing campaigns (e.g., Waller & Fam, 2011). However, our understanding of the public and/or nonprofit sector remains very limited despite charitable and other noncommercial organizations increasingly using tactics that shock, provoke, offend, or disgust their audiences (Dahl et al., 2003; Pope et al., 2004), thus potentially causing harm. Interestingly, given their ultimate goal of social betterment, the use of such appeals appears to be more tolerated in a noncommercial context (Parry et al., 2013). Consequently, views diverge regarding the ethics of using offensive themes in noncommercial marketing, questioning whether the same standards should be enforced within this context, or whether public and nonprofit organizations should be free to use such themes to support their causes and contribute to the greater good (Jones & van Putten, 2008). By studying complaints about noncommercial advertising, we delve deeper into the community standards for offense and harm in this particular context as well as explore how the regulatory codes and practices align with these standards. Such complaints thus provide particularly interesting insights into the unique moral calculus, playing off the organizations' inherently moral values and ultimate goals of social betterment with the risks of private and/or public offense and/or harm caused by their advertising approaches (see also Charry et al., 2014; Jones & van Putten, 2008; Parry et al., 2013; Pratt & James, 1994).

The non commercial context also raises the ethical question of how victims, beneficiaries, or service users are portrayed. MacQuillin et al. (2023) explore the way service users are framed, using either the "fundraising" or "values" frame. Often referred to as "poverty porn" (Ong, 2016; Plewes & Stuart, 2007), the fundraising frame draws on negative imagery, such as starving children, to drive fundraising (see e.g., Dean & Wood, 2017; Small & Verrochi, 2009). The "values frame," on the other hand, focuses on portraying service users with dignity and respect. Arguably, the fundraising frame exploits those that are suffering (Plewes & Stuart, 2007), "rob[s] them of their dignity" (MacQuillin et al., 2023), demeans the person in the ad and those like them (van der Gaag, 2007), and perpetuates stereotypes and destructive myths by portraying those in need as helpless victims (Breeze & Dean, 2012; Plewes & Stuart, 2007). This focus on the short-term emotional impact seriously risks undermining the goals of noncommercial organizations and may in fact harm those it aims to help. Numerous calls have been made to include the voices of victims, beneficiaries, and service users in the development of advertising and fundraising

campaigns to address these concerns and minimize associated harms (Breeze & Dean, 2012; Burt & Strongman, 2005; MacQuillin et al., 2023). This further reinforces our focus on formal complaint data, which allows for a better understanding of the complexity of how victims, beneficiaries, and service users submit complaints about their representations in noncommercial advertising.

Complaining behavior

Broadly, complaining can be defined as “an expression of dissatisfaction, whether subjectively experienced or not, for the purpose of venting emotions or achieving intrapsychic goals, interpersonal goals, or both” (Kowalski, 1996, p. 180). In consumer research, complaining is generally understood as a behavioral response to dissatisfaction with a product or a service (Day et al., 1981; Gilly & Gelb, 1982; Hunt, 1981; Kowalski, 1996). Indeed, it is one of the several behavioral responses consumers can undertake when dissatisfied. Others include boycotting the product, product class or brand, seeking redress, retaliation, exiting, and other forms of voicing, whether private, direct to the seller or manufacturer, or to various third parties (Day et al., 1981; Hunt, 1981; Kerr et al., 2012). In an advertising context, audiences that find an advertisement offensive can respond with three types of negative action: 1) exiting, 2) direct voicing, and 3) amplified voicing (Volkov et al., 2002b). Exiting occurs on an individual level where the audience can ignore the message, boycott the product or brand, or engage in negative word-of-mouth (Boddewyn, 1992; Kerr et al., 2012; Waller, 2005). Voicing then occurs when they share their feelings of offense with others: direct voicing constituting of complaints directly to the advertiser or the media that published or broadcasted the incriminated ad, and amplified voicing representing complaints to third parties, including consumer protection agencies, media, government agencies, or industry self-regulatory bodies (Boddewyn, 1992; Kerr et al., 2012; Volkov et al., 2002b; Waller, 2005). Voicing, both direct and amplified, is particularly important to understand as it is a highly active strategy of coping with dissatisfaction (Gyung Kim et al., 2010; Hirschman, 1970).

Based on Crosier and Erdogan’s (2001) psychographic and geographic analysis of the vocal minority of complainants, this activist group is identified as well-educated, older, well-off, likely to live in the suburbs, with bohemian tendencies and most likely living in the south of England and specifically the greater London area. Volkov et al. (2002b) arrive at similar conclusions about Australian complainants, further describing them as generally having more resources to help them resolve their dissatisfactions and as more involved in their communities. The propensity to complain is also influenced by the seriousness of the dissatisfaction or (perceived) damage caused, as well as

their attitudes toward complaining, with the more serious issues being more likely to be at the root of a complaint (e.g., Day & Landon, 1976). In the context of UK advertising regulation, whilst complaints to the ASA are encouraged for the sake of the advertising industry as a whole and could be seen as the primary route to voicing one's complaint, they are likely to represent issues perceived as more serious or more personally relevant to the complainants. However, existing research on advertising complaints primarily focuses on identifying who the complainants are, rather than the reasons for their complaints (with the exception of Beard, 2008a, 2008b; Jones and van Putten, 2008; Lawson, 1985). Building on these studies, we explore the complaints formally submitted to a regulatory body allowing us to study the issues deemed serious enough by the complainants to warrant such amplified voicing.

Advertising regulation

There appears to be a common agreement that advertising should be truthful, fair, not misleading, informative, socially responsible, and in good taste (Boddewyn, 1985, 1992). To achieve this, the advertising industry adopts various regulatory models for its activities across the world. Boddewyn (1992) categorizes these as follows:

- (1) *laissez-faire* system based on self-discipline and natural control from competitors,
- (2) statutory regulation with mandated governmental rules and legal penalties, and
- (3) self-regulation based on voluntary control by the advertising industry itself.

Hybrid forms are also prevalent and may combine industry-led regulation with government intervention, i.e., co-regulation (Dacko & Hart, 2005), or may include outsiders such as consumers or public-interest representatives (Boddewyn, 1983). Arguably, these three main forms of regulation, representing natural, governmental, and self-regulatory forces, may not oppose each other in a modern regulatory state, and instead can work as “part of an interconnected whole” to achieve public interest (Bartle & Vass, 2007, p. 890; see also Rotzoll et al., 1990). Additionally, further forces are involved in regulating advertising or protecting the consumer and the industry: 1) media forces, controlling what is published or broadcast, and 2) organized market forces (groups of concerned consumers, organizations, charities, or lobby groups) who come together to voice their views on a campaign (Rotzoll et al., 1990).

The *laissez-faire* approach works because of peer-competition, self-discipline on personal and moral values, community standards and norms, and self-interest for commonly held fears over potential negative impact on corporate image, consumer retaliation, and additional regulation (Boddewyn, 1992). Here, consumers vote with their wallets (Rotzoll et al., 1990). However, this approach has been criticized for its lack of rules and penalties. Conversely, *statutory regulation* relies on judicial processes, mandated rules, and legal penalties. Its benefits include universal reach and compulsion, while its drawbacks consist of ineffectiveness, high costs, rigidity, weak enforcement, and hostility on the part of the advertising industry (Boddewyn, 1992), as well as curtailing consumer access to information and subverting consumer sovereignty (Ringold, 2016). Various deregulatory movements have given rise to *self-regulation* in advertising, an approach based on voluntary control of advertising activities by the industry itself (Boddewyn, 1982, 1985). Despite this claim of self-regulation being “voluntary,” many such systems include various levels of statutory involvement (Bartle & Vass, 2007) as is the case with advertising self-regulation. Whilst perceived as faster, cheaper, more flexible, and better suited to dealing with issues of taste, decency, or opinion, self-regulation often reaches beyond minimal legal prescriptions (Boddewyn, 1992; MacQuillin et al., 2019), and can work both in the interest of industry and the public as it does not require proof of injury. Advertisers are more likely to respect both the letter and spirit of self-imposed rules, thus diminishing conflicts between the public and advertisers (Boddewyn, 1992). Finally, self-regulation benefits from the intermediary role of the media who generally agree to withdraw non-compliant ads and help publicize advertiser wrongdoings (Boddewyn, 1992; Brown, 2006). In contrast, criticisms of self-regulation revolve around the industry “marking their own homework” (Bowen, 2019), restricting business competition due to self-serving restraints, antitrust and lack of reach, lack of effective judicial tools, rules, and penalties, lack of financing, transparency, and promotion, and limited inclusion of consumers, complainants, and other public representatives in the processes (Auxtova et al., 2021; Boddewyn, 1992; MacQuillin et al., 2019). More recently, the suitability of the self-regulatory model to regulate digital advertising has also been questioned (Dickinson-Delaporte et al., 2020; Medzini, 2022).

While some research explored specific regulatory issues, e.g., regulation of native advertising (Wu et al., 2022) or regulation of discrimination in online targeted advertising (Corrêa, 2022), regulatory responses to specific issues, such as that of offense and harm, have received scant attention thus far. The available studies explored regulatory responses in relation to racism (Rodrigues et al., 2023), swear-vertising (Antoniou, 2022), stereotypical gender portrayals in light of the Advertising Standards Authority (ASA 2019) new rules (Antoniou & Akrivos, 2020), and in relation to the use of offense and/or harm in noncommercial advertising (Auxtova et al., 2021). They all studied the

adjudication reports published by the regulator and focused on the self-regulatory model, argued to be most appropriate for dealing with issues of offense, taste, decency, and harm as they are difficult to regulate by law (Boddewyn, 1992). By exploring the complaints submitted to the self-regulatory model, we are afforded a more detailed look at all complaints received, rather than just those that were deemed problematic enough to take forward for formal or informal investigations by the regulator and for which there is an adjudication report available. We thus contribute to this existing body of work and delve deeper into how offense and harm are construed by the complainants and how the community standards are upheld by the self-regulator.

The case of the UK and the Advertising Standards Authority (ASA)

This study focuses on the UK regulatory context and the complaints received by the ASA UK, a regulatory body often regarded as exemplary (Boddewyn, 1992; Feenstra & González Esteban, 2019; Nevett & Miracle, 1986; Petty, 1997). The UK's regulatory system is comprised of three bodies under the models of self- and co-regulation: the Committee of Advertising Practice (CAP), the ASA, and the Advertising Standards Board of Finance (ASBOF). CAP is responsible for writing the advertising codes, ASA supervises and enforces the CAP codes, and ASBOF collects a levy to finance the system. The system is an example of delegated self-regulation, where, in the case of broadcast advertising, the ASA has been contracted out by Ofcom to undertake this regulatory work (Bartle & Vass, 2007). The ASA is viewed by the public as “a one-stop shop for advertising complaints” about advertising perceived as not legal, decent, honest, and truthful (Advertising Standards Authority [ASA], 2021a). The ASA assesses all complaints against the CAP codes, bringing some forward for formal or informal investigations which can require input and justifications from the advertisers involved. The ASA Council is ultimately responsible for deciding whether the advertisement breaches the CAP codes (for more details see Advertising Standards Authority [ASA], 2021b).

The UK and its advertising self-regulator, the ASA, have been selected for this study for several reasons. First, the UK noncommercial sector boasts a long history of pushing advertising boundaries with the use of shocking and offensive tactics. Some examples include Barnardo's 1999 campaign depicting a baby appearing to inject heroin, their 2003 campaign portraying a cockroach crawling out of a newborn's mouth, or Pancreatic Cancer Action's 2014 campaign “Giving a voice to a silent killer” where pancreatic cancer patients express a wish to have other types of cancer. Second, the UK advertising industry adopts a self-regulatory model, which, as previously argued, is the most suitable for regulating issues of offense and harm, thus offering

a fruitful context for this investigation. Third, whilst the ASA has long-standing experience of investigating complaints based on offensiveness and harm in advertising, incidences have been rising (approx. 2% year-on-year growth) over the past decade (14% rise in 10 years) (calculated from ASA annual reports (ASA, 2019)).

Methodology

Given that this study aims to develop a comprehensive understanding of offensiveness and harm in noncommercial advertising, the authors obtained, on request from the ASA UK, a rich archive of complaints made to the ASA along with their associated adjudication reports. Specifically, this dataset includes all complaints and reports that the ASA attributed to the noncommercial sector (charities, governmental organizations, trade associations, pressure groups, etc.) and classified as offensive and/or harmful for the 6-year period from October 2009 to September 2015. Of the total 14,682 complaints about noncommercial sector ads received during this period, 9,055 (62%) included complaints about potential offense or harm. As such, this sub-set of complaints (9,055) is the focus of, and sample for, this study. The information obtained for each complaint includes the advertising organization, type of media in which the ad was published or broadcast, name of media, enquirer type, issue and sub-issue of concern, the date complaint was received, complexity of the investigation, resolution status, and the adjudication publishing date (if applicable). To further complement, the type of noncommercial organization and advertising agencies involved were identified through desk research of the organizations' websites, various ad catalogs (e.g., adforum.com, adage.com, coloribus.com, campaign.com, adsofttheworld.com), creative agency websites, the records of the Institute of Practitioners of Advertising, YouTube, and Google. Due to privacy issues, the authors did not have access to the full word-by-word complaints.

The approach adopted in this study is inspired by the few existing studies of advertising complaint data (Beard, 2008a, 2008b; Jones and van Putten, 2008; Lawson, 1985). Due to the different formats of data available in different national (self-)regulatory bodies and at different time periods, we could not replicate any of their methods in their entirety. Rather, we drew inspiration from these and adopted an exploratory approach to the data obtained. This allowed us to develop an understanding of what is officially complained about when it comes to offense and/or harm in noncommercial advertising – the issues, types of organizations, and media channels, and the outcomes of the investigations into complaints received. Categories for coding were developed based on the information available from the ASA, the CAP advertising codes, further research about specific campaigns, and existing offensive and harmful

advertising academic literature. The coding categories were grouped as follows:

- (1) *identifiers of the advert* (ad title);
- (2) *identifiers of the advertiser* (organization’s name; organization type);
- (3) *advertising format* (media channel; media title);
- (4) *complaints* (enquirer type; grounds of complaint – issues & sub-issues, summary of issues);
- (5) *regulatory process* (date complaint received/adjudication published; complexity of investigation);
- (6) *regulator’s assessment* (final adjudicated assessment); and
- (7) *advertising agencies* (agency involved in ad creation).

A descriptive statistical analysis was conducted to identify organizations and issues most complained about, the type of investigations undertaken following the complaint submission, and the outcome of the investigations.

Findings

Out of the 14,682 complaints received by the ASA for noncommercial sector adverts between October 2009 and September 2015, 62% ($n = 9,055$) were complaints about ads classified by the ASA as potentially harmful (9%; $n = 782$) or offensive (84%; $n = 7,607$), or both harmful and offensive (7%; $n = 666$). Within this set of 9,055 harmful and/or offense-based complaints, 71.1% ($n = 6,438$) included a TV campaign, followed by posters (9.3%; $n = 839$), the internet (7.2%; $n = 654$), press (6.2%; $n = 559$), radio (4.5%; $n = 404$), transport (4.2%; $n = 377$), and others

Table 1. Types of organizations complained about.

Type of organization	# of complaints	% of complaints
Charity	3,426	37.8%
<i>Medical</i>	1,459	42.6%
<i>Children</i>	1,203	35.1%
<i>Animals</i>	269	7.9%
<i>Development (poverty, disaster, human rights)</i>	162	4.7%
<i>Water</i>	125	3.7%
<i>Environment</i>	63	1.8%
<i>Lesbian, Gay, Bisexual, and Transgender</i>	44	1.2%
<i>Religious</i>	33	1.0%
<i>Other</i>	68	2.0%
Governmental body	2,644	29.2%
Mixed status (company & registered charity)	1,355	15.0%
Pressure group	346	3.8%
Religious organization	275	3.0%
Trade association	259	2.9%
Political organization	197	2.2%
Other	553	6.1%
TOTAL	9,055	100%

(6.3%; $n = 571$). Interestingly, a slow upward trend is observed for internet-based complaints whilst the overall trend, led by TV-based complaints, is in decline. Almost all complaints came from the public (98.8%) with the remainder being from nonpublic enquirers (e.g., public figures, associations, doctors, or the ASA itself).

Regarding the types of organizations who prompt the most complaints (Table 1), charities appear to produce the most complained-about ads (38%; $n = 3,426$), followed by governmental organizations (29.2%; $n = 2,644$). Looking deeper at the causes these charities support, it is particularly medical and children's charities whose campaigns trigger offense or harm-based complaints (42.6%; $n = 1,459$ and 35.1%; $n = 1,203$ respectively). More specifically, Marie Stopes International, a pregnancy clinic of mixed status as a company limited by guarantee and a registered charity, was the most complained-about advertiser with 1,355 complaints (15%). Other top offenders (200+ complaints) included the Department of Health ($n = 809$; 9%), the Save the Children Fund ($n = 777$; 9%), the Home Office ($n = 591$; 7%), the Department of Energy and Climate Change ($n = 390$; 4%), the British Heart Foundation ($n = 385$; 4%), Cancer Research UK ($n = 382$; 4%), St John Ambulance ($n = 277$; 3%), National Society for the Prevention of Cruelty to

Table 2. Top complained-about issues.

Issue	Harmful and/or Offensive		Harmful	Offensive
	# of instances	% of 9,055	#	#
Depiction of children	2,348	25.93	172	2,176
No sub-issue mentioned	2,038	22.51	214	1,824
Graphic portrayals	1,836	20.28	176	1,660
Children	1,809	19.98	619	1,190
Scheduling	1,079	11.92	349	730
Health	802	8.86	287	515
Depiction of men	791	8.74	77	714
Depiction of violence	667	7.37	119	548
Depiction of women	609	6.73	78	531
Depiction of racism	519	5.73	51	468
Depiction of animals	466	5.15	61	405
Depiction of bad language	432	4.77	72	360
Depiction of crime	382	4.22	47	335
Fund-raising	362	4.00	65	297
Depiction of age	334	3.69	4	330
Depiction of world events	300	3.31	35	265
Depiction of religion	289	3.19	81	208
Location	217	2.40	38	179
Sex	173	1.91	31	142
Omission	163	1.80	43	120
Environment	157	1.73	10	147
Safety	154	1.70	93	61
Emulation	115	1.27	48	67
Other	643	7.10	126	517
TOTAL	16,685		2,896	13,789

^aThe numbers represent instances of each issue, which were often multiple in each complaint thus reaching above the 9,055 complaints. The percentages represent the proportion of the particular issue within the 9,055 complaints made to highlight how prevalent each issue was across the complaints made.

Children (NSPCC) ($n = 252$; 3%), and the Church of Scientology International ($n = 204$; 2%).

Multiple reasons for offense or harm (potentially) caused by the complained-about ads were identified (see [Table 2](#)), with the depiction of children, and harm or offense potentially caused to children accounting for 26% ($n = 2,348$) and 20% ($n = 1,809$), respectively. Concerns over harm to children and/or to those directly affected by the issues advertised were highlighted and reinforced in the summaries of the grounds for complaint (though we note this is based on a list of keywords the ASA used for the actual complaints and given its limited systematicity and depth, we have not analyzed this part of the data beyond exploring this particular idea). Graphic portrayals also appear highly problematic accounting for a further 20% ($n = 1,836$). Notably, some categories reveal reasons for offense previously not identified in the academic literature on offensive advertising such as depiction of crime and weapons, depiction of animals, or depiction of world events. Unfortunately, as no previous studies have investigated complaints by media channel, the authors were unable to determine statistically (due to the lack of a baseline comparator) whether different media channels are statistically more likely to dampen or heighten complaints. Instead, limited descriptive analysis identified emerging trends that indicate for some reasons for offense or harm the media channel(s) used may indeed be dampening or heightening the likelihood of complaints made especially where the reason for offense or harm is associated with the depiction of children, racism, violence, men, and animals; graphic portrayals; and scheduling. Additional comparator data sets are urgently needed to extend this work and statistically determine whether media channel(s) used are impacting the likelihood that an ad may be complained about.

Of the 9,055 complaints, 143 were withdrawn during the process, one was suppressed, and 266 were deemed outside of remit. No investigation was undertaken for 3,093 complaints, and further 2,819 complaints were vetted and deemed by the Council as “no investigation needed,” a procedure and outcome used particularly for complaints related to offense. These cases were judged not to have breached the Code or were informally resolved. Additional 54 complaints initially put forward for investigation were converted to informal investigations and resolved. Formal standard investigations were conducted on 1,109 complaints, while complex investigations were conducted on 1,499 complaints. [Table 3](#) provides details of the complexity of these investigations and their resolutions. Overall, 138 complaints (1.5%) were upheld (deemed to be breaching the Codes) and 629 (6.9%) upheld in part. Of the 309 formally or informally investigated cases, 41 were upheld, and 7 upheld in part, with all but two decisions occurring in formal investigations ($n = 72$), where 40 cases (55.5%) were upheld and 6 (8.3%) upheld in part. While it appears that the number of cases upheld is dropping over the time period studied, this is largely influenced by two peak periods (4th quarter of 2009 and 3rd quarter of 2013), where large numbers of complaints (445 and 222, respectively), linked to a small number of particularly

Table 3. Complexity of investigations undertaken and their resolutions.

Complexity of investigation (and resolution)	# of complaints		# of formal rulings (published)	# of informal records of investigation (unpublished)
	#	%		
Broadcast Complex Investigation	1,463	16.2%		
<i>Upheld</i>	3	0%	1	
<i>Upheld in part</i>	394	4.4%	2	
<i>Not Upheld</i>	1,066	11.8%	8	
Non-Broadcast Complex Investigation	33	0.4%		
<i>Upheld</i>	3	0%	3	
<i>Upheld in part</i>	6	0.1%	1	
<i>Not Upheld</i>	24	0.3%	7	
Broadcast Standard Investigation	182	2.0%		
<i>Upheld</i>	1	0%		
<i>Not Upheld</i>	39	0.4%	4	
Non-Broadcast Standard Investigation	923	10.2%		
<i>Upheld</i>	21	0.2%	5	
<i>Upheld in part</i>	229	2.5%	3	1
<i>Not Upheld</i>	598	6.6%	5	
Broadcast Informal Investigation (converted)	7	0.1%		
<i>Upheld</i>	5	0.1%	4	
<i>Not Upheld</i>	2	0%		1
Non-Broadcast Informal Investigation (converted)	45	0.5%		
<i>Upheld</i>	33	0.4%	24	
Complaints Informal Investigation	2	0.0%		
<i>Upheld</i>	2	0%	2	
Broadcast Radio Pre-Clearance	1	0.0%		
<i>Upheld</i>	1	0%		1
Action Without Investigation	69	0.8%		
<i>Upheld</i>	69	0.8%	1	
No (additional) Investigation after Council Decision	2,819	31.1%		1
<i>Not upheld</i>	2,739	30.2%		217
No (additional) Investigation <i>Not upheld</i>	3,093	34.2%		4
<i>Not investigated</i>	11	0.1%		
<i>Outside the remit</i>	2,900	32.0%		5
<i>Outside the remit</i>	178	2.0%		
<i>Outside the remit</i>	266	2.9%	1	1
Withdrawn	143	1.6%		6
Suppressed	1	0.0%	1	
Pre-assessment	8	0.1%		
TOTAL	9,055		72	237

^aResolution was at times left blank in the dataset, either due to poor-recording or because the investigation was ongoing. Rather than eliminating these cases, we report the full number of cases. This may mean not all resolutions are fully accounted for.

^bThe broadcast investigations refer to ads appearing on TV and radio, non-broadcast refers to electronic and printed material, posters, and other promotional media in public places, cinema, video, electronic media, advertorials. Complex Investigations = reserved for serious issues, justifications sought from all parties, ASA may seek expert advice. Standard Investigations = Formal investigation, response from all parties sought. Informal investigations = Working with the advertiser through guidance and persuasion. No additional Investigation after Council Decision = Council is presented with a case believed to not warrant investigation but where views may differ. No additional Investigation = complaint turned down at Executive level.

controversial campaigns, were upheld in full or in part. If these are disregarded, there is little to no change observed in terms of the final assessment of complaints, with most quarters having 0–10 complaints upheld in full or in part.

Discussion

Our focus on complained about advertising deemed offensive or harmful by complainants stems from the recurrent notion that there is an increasing use, overuse, and/or inappropriate use of offense or harm-inducing appeals by the noncommercial sector. Indeed, our findings highlight the prevalence of offense and harm-based complaints (62% of all complaints received by the sectors over a period of 6 years) compared to the commercial sector where complaints about misleadingness prevail (73% (Advertising Standards Authority [ASA], 2018)). These differences highlight the importance of this overlooked sector-specific issue and indicate potential sector-specific practices that warrant further investigation.

Our investigation of actual reasons for complaint reveals numerous points of interest. First, focusing on offense, which comprised the vast majority of the complaints in our study, we identified several noncommercial sector specificities. While many of the identified reasons are accounted for in the current academic literature on offensive advertising, the existing typologies were found to be missing certain elements. Particularly, graphic portrayals are found to be highly problematic (20% of complaints concerned graphic portrayals) but are not included in the most commonly used list of reasons for offense (Waller, 1999, 2005). While Dahl's et al. (2003) typology of offense elicitors includes disgusting images, a category which, to an extent, resembles the notion of graphic imagery, this only focuses on blood, bodily secretion, diseases, and death, thus excluding graphic portrayals of sexual acts, or violence. Beard (2008b) has previously identified the need to include graphic imagery as its own reason for offense which this study supports. Additionally, while gender and even age portrayals are heavily discussed in existing literature (e.g., Carrigan & Szmigin, 1999; Stankiewicz & Rosselli, 2008), our findings reveal that depictions of animals, crime, world events, weapons, drugs, and the human mind are also sources of offense and/or harm. This reinforces that societal concerns change, and thus advertising and regulatory practices and codes need regular review in order for advertisers to avoid causing offense and for the regulators to be able to respond to and regulate issues of contemporary concern.

The authors thus propose a noncommercial sector-specific typology of offense elicitors grounded in actual complaint data from the ASA archive studied helping us to fully understand the breadth of sources of offense in advertising (Table 4). Our typology draws on, though is not bound to, previous work classifying offense in advertising, particularly Dahl et al.'s (2003) offense elicitors comprising of disgusting images, sexual references, profanity/obscenity, vulgarity, impropriety, moral offensiveness, and religious taboos, as well as Waller's (2005) controversial elements of advertising execution that can cause

Table 4. Proposed typology of offense elicitors in noncommercial sector advertising.

Offence elicitor	Description	Example
Graphic portrayals	Explicit imagery of blood, bodily harm, death, disease, sexual acts, violence	Ad showing a small tumor in a man's beer glass. The tumor grew as the man drank more of his beer, until it entered his mouth (alcohol awareness charity linking alcohol to cancer).
Offensive/harmful person/group portrayals	Stigmatization, discrimination & stereotyping, e.g., vulnerable group portrayals (children, victims, beneficiaries, disabled persons), stereotypical gender or age portrayals, racism. This includes damaging depictions of the mind or religious beliefs.	Ad for a children's hearings panel depicting a father figure about to beat a small boy (stereotyping the male as abuser).
Offensive/harmful depictions of non-human objects	Depictions of animals, crime, world events, weapons, drugs, religious symbols	An ad where an individual vividly describes how (s)he was raped (police services ad). Ad showing polar bears falling from the sky smashing into skyscrapers and onto streets – reminiscent of 9/11 (campaign against short-haul flights).
Obscenity & vulgarity	Bad language, obscene gestures, crude acts	A cancer charity ad where cancer sufferers and survivors address cancer with "Cancer, you prat" and "Up yours, Cancer," and an x-ray of hand is showing the "V" sign.
Sexual references	Nudity, masturbation, implied sexual acts	Ad for a sexual health initiative showing three rolled-up condoms and stating "Ready to Roll." A breast cancer charity ad featuring a naked woman showing pictures of breasts in front of her.
Undue fear/shock	Elements developing high fear or tension	A road safety campaign where a car rolls over an entire class of school children who were having a picnic.

offense, including antisocial behaviors, controversy, delicacy, decency, fear, morality, racism, sexism, or sexual imagery. However, rather than mapping our data onto these existing categorizations which were developed predominantly for the commercial context, we develop our typology based on what we observe in the noncommercial context. The proposed typology similarly focuses only on offensive advertising execution, rather than offensive advertising matter, as the dataset studied reveals little regarding the offensiveness of advertised products/services/ideas. The limited number of complaints based on advertising matter, where possible to ascertain, is due likely to the fact that advertising matter does not provide grounds for judging the ad itself in breach (CAP, 2018).

Furthermore, while we draw inspiration from these existing works categorizing offensive advertising, we also recognize their limitations. Existing research has primarily explored offense at an individual level; however, an individual's understanding and perceptions are shaped by societal, cultural, moral, and religious norms and values. In fact, Dahl et al. (2003) suggest that offense can be triggered by "*transgressions of custom or law (e.g., indecent sexual references, obscenity), breaches of a moral or social code (e.g., profanity,*

vulgarity), or things that outrage the moral or physical senses (e.g., gratuitous violence, disgusting images)” (p. 268). Yet, as can be seen in the example of “moral offensiveness” (Dahl et al., 2003) and “morality” (Waller, 2005), these are generally considered as elements or elicitors of offense itself, rather than being the grounds for offense through the transgression of moral norms. One might find it immoral to portray nudity which both these frameworks categorize elsewhere as sexual references/imagery; another might find this offensive on religious grounds. Hence, we distinguish between the offense elicitors identified in our data, i.e., what element of the ad itself is found offensive, and the grounds for this offense stemming from the transgression of personal, societal, cultural, moral, and/or religious norms (see Figure 1). Importantly, given the complexity of real-life ads, a typology that is both collectively exhaustive and mutually exclusive may in fact be a myth rather than a realistic ambition. We therefore note that this typology, despite our best efforts, is not mutually exclusive and recognizes that real-life ads may contain multiple offense elicitors and be offensive on multiple grounds, and this will vary with the subjective experiences of the audiences.

Second, in relation to harmful advertising, we observe a strong concern for children from the complainants, both in terms of how they are depicted and the harm or offense that viewing the complained about advertisement may cause them. This is perhaps unsurprising given research suggests that images of children in charity ads are more effective in evoking emotional responses and ultimately generating donations (Burt & Strongman, 2005). Concern for other vulnerable groups and those directly affected by the issues advertised was also present, though interestingly this is not directly categorized by the ASA. This reinforces the calls made for not othering beneficiaries and instead involving them, and including their voices, in designing advertising about

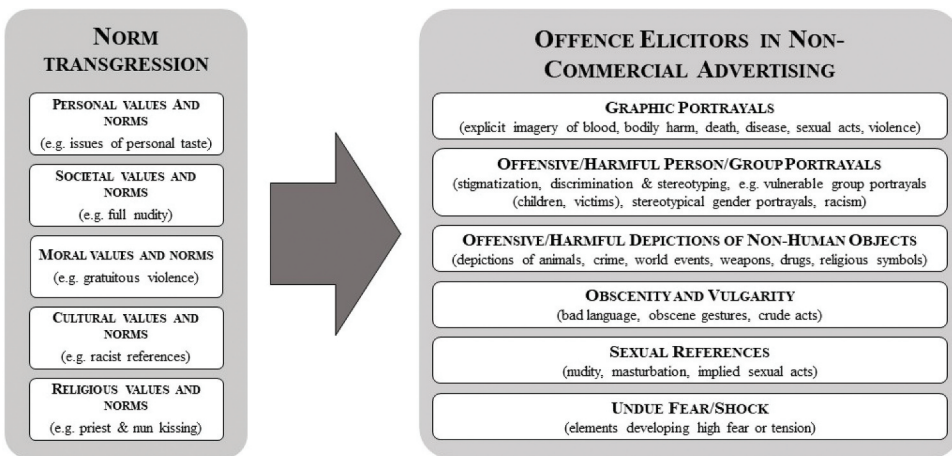


Figure 1. The role of norm transgression in offensive advertising.

them (MacQuillin et al., 2023). These apparent concerns for the well-being of children and other vulnerable groups also highlight how complainants consider others to be more negatively affected by the ads than themselves, strongly pointing to a third-person effect (Jensen & Collins, 2008), which predicts support for restricting offensive and harmful advertising. Unfortunately, despite this presenting a certain bias (Ringold, 2016) of the complaining minority, the authors cannot fully explore this theory without the word-by-word complaints. It would be a fruitful endeavor to examine this in future research provided access to such data could be obtained.

This study also reveals interesting patterns in complaint behaviors in relation to the media complained about and the intended and unintended audiences. Overall, push media received significantly more complaints, with over 71% relating to TV advertising alone (unlike the commercial sector where internet-based complaints have now surpassed TV-based complaints (Advertising Standards Authority [ASA], 2017)). While this may be explained primarily by the media of choice, it may also suggest that push media, or indeed an integration across all types of media channels, may not be appropriate for noncommercial sector ads *if* the aim is to avoid potential offense or harm. This suggestion is further supported by the strong concern for children, as well as concerns over scheduling (11.9%) and location or placement (2.4%) identified amongst the complaints made. The authors thus argue for more careful development of communication channel strategies which explicitly consider the potential that children may inadvertently view ads despite not being the intended target. Whilst this may be difficult for noncommercial organizations due to external pressures, multiple objectives, and resource constraints, the authors argue that it is time for noncommercial organizations who wish to use bold and shocking tactics to minimize unintended effects on unintended audiences by moving away from wide-reaching mass media channels. While recognizing that some advertisers fully intend to shock and offend and see this approach as one where the end justifies the means (aligning with what MacQuillin et al. (2023) label the fundraising frame), we caution against the harm some such campaigns may cause to unintended audiences and in particular children. A move toward more careful targeting of intended audiences through more specific media channel selection such as radio and/or social media, as well as more careful scheduling and ad placement when using TV and other push media, particularly for the intentionally offensive content, is strongly recommended.

In terms of the outcomes of the complaints, the analysis also reveals that only a small number of complaints are taken forward for formal investigation and an even smaller number result in an outcome in favor of the complainant(s). When considering how processes are developed to protect the public from offense and/or harm caused by advertising and how the ASA is charged with ensuring a fair process for all parties involved (ASA, 2021b), the situation

observed appears less than optimal and conducive to further scrutiny. Our findings reveal a clear need to further explore how, and by whom, decisions are made within the regulatory complaints process, and to delve deeper into the roles, and relative contribution, of all parties involved.

Conclusions

This study contributes to our understanding of offensive advertising, specifically our understanding of what, for complainants, actually elicits offense and harm in noncommercial sector advertising, and how it is consequently assessed by regulators. By looking for patterns in complaints, this study contributes to the understanding of actual, rather than potential, offense and harm caused by advertising (Beard, 2008b) and provides a new typology, which reflects contemporary societal concerns in noncommercial sector advertising. By exploring the investigations and their outcomes, the authors also raise questions about the media channels used and whether current regulatory practices protect the public or instead serve the industry they are designed to regulate.

Practical implications

This study offers valuable insights for practitioners, advertising regulators and public policymakers. First, whilst advertisers face a continuous trade-off between ensuring their campaigns reach their goals and the morality of using transgressive tactics, this study reveals what the main issues complained about in the UK regarding noncommercial advertising are, thus helping advertisers understand what tactics or themes to avoid if they wish to avoid causing offense. Unintentional offense may be difficult to avoid, especially as the interpretation of various portrayals is very subjective. However, meticulous pre-testing with intended and unintended audiences, including any relevant (vulnerable) groups and parents, given the serious concerns for children, may help identify any potential concerns regarding execution. For advertisers who wish to use transgressive and potentially offensive tactics, careful scheduling and media channel selection are crucial to avoid backlash from unintended audiences. Avoidance of this collateral damage (Crosier et al., 1999) will require a refocus on more targeted media and greater use of segmentation practices, traditionally not commonly deployed by noncommercial sector organizations. Closer collaboration with clearance centers and the ASA copy advice service will also help advertisers limit undesired effects or manage unnecessary harm. The best solution to addressing unintentional offense and harm is increasing professionalism and ethical awareness amongst advertisers (Beard, 2008a). The authors thus encourage all advertising practitioners, in the light of the findings presented and typology proposed, to reflect

on the ethicality of their creative, and ad planning and communication channel, decisions.

Second, for advertising regulators and/or public policymakers, this study serves as a platform for highlighting issues of concern to the UK public in relation to noncommercial sector advertising. The issues identified, particularly the concern for children and graphic portrayals, may warrant a reconsideration, and a possible redesign, of relevant existing advertising codes and assessment and judgment processes and practices. The very limited number of cases upheld also raises questions about potential imbalances in the power structures between stakeholders, thus indicating the regulator's possible bias toward the advertiser, namely the noncommercial sector organizations and/or their advertising agencies (where applicable). This bias is likely based on the idea of "the end justifies the means" where noncommercial organizations themselves adopt transgressive and offensive approaches (see also Auxtova et al., 2021). While further research is necessary to better understand this situation, the authors recommend that the regulators consider the noncommercial sector specificities and how regulation for these contexts may need to be different from the commercial contexts. Others exploring noncommercial applications of ethics to self-regulation, as well as to fundraising, argue that a stakeholder approach, going beyond the typically narrow focus on the donor, and inclusive of beneficiaries, wider public, and those who raise the complaint, is needed (Auxtova et al., 2021; Hansen, 2023; MacQuillin et al., 2019). This thus highlights the complexities of the diverse audiences of noncommercial advertising and their reasons for complaint.

Limitations and research avenues

Undeniably, this study has some limitations. Firstly, our analysis was based on an archive and categorization produced by the ASA drawn from complainants rather than on direct speech or text produced, and submitted by complainants, i.e. the word-by-word complaints. This meant that the authors could only analyze the categories as presented and interpreted by the ASA suggesting a certain bias and casting a shadow over the original meanings of the complaints as well as the underlying motives and emotions involved. However, by analyzing what was available, exploring the issues complained about and how these were ultimately assessed, the authors have uncovered key concerns that should be of interest to both advertising practitioners and regulators. Secondly, despite revealing a possible imbalance in the power structures between stakeholders, our study did not analyze the regulatory processes and practices (but see Auxtova et al., 2021). Future research should address both these limitations by gaining access to the verbatim, word-by-word complaints and by exploring the power structures between all associated

stakeholder groups (regulator, complainant, advertising organization) through investigating the regulatory processes, practices, and key actors.

Thirdly, this study was limited to the UK advertising regulatory system, which has a rich history in, and experience of, advertising regulation, and to the noncommercial sector known for its use of shocking and transgressive tactics that can cause offense and harm. It would be interesting to investigate these issues in other countries, with different regulatory systems, cultural and social norms, and noncommercial advertising practices. Finally, whilst our dataset covered 6 years of complaints and associated rulings, no change in the regulatory practices was observed. Data from a longer period may be needed to explore the effects of societal change on regulatory practice.

Note

1. The authors adopt ASA's own usage of the term "noncommercial" to represent the wider not-for-profit and public sectors. Per the dataset obtained, the ASA's classification of "noncommercial" advertisers includes charities, governmental and non-governmental organizations, trade associations, community, religious, and political organizations, and pressure groups.

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