

# **Amplified voices, but they are speaking to the wrong people. Why the complaint system for unacceptable advertising in Australia is not working.**

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## **Abstract**

This exploratory study highlights the lack of public awareness of the role of the Advertising Standards Board (ASB) in the process of handling complaints about unacceptable advertising in Australia. Results show that only a small proportion of Australian adults know that the ASB are the appropriate complaints handling body. This lack of awareness is evident even among those who have made a complaint about advertising (generally to a less appropriate body). This highlights the need for an education campaign to inform the general public how to make a complaint about inappropriate advertising, and who to make a complaint to. Empowering the general public in relation to this issue, has the potential to result in a complaints handling system that is accessible and equitable to all members of the community.

## **Background**

Advertising in Australia currently operates under a national system of self regulation administered by the Advertising Standards Bureau. A component of the Advertising Standards Bureau is the Advertising Standards Board (ASB), which was established to provide an avenue for complaint resolution for the general public and “to maintain high standards of advertising” (Advertising Standards Bureau, 2006 p 1). The ASB adjudicates complaints from the community within the framework of the AANA Code of Ethics. Currently, Section 2 of the Code contains eight clauses against which complaints from the general public about offensive or unacceptable advertising are assessed. These eight clauses are: 2.1: Discrimination/Vilification, 2.2: Violence, 2.3: Sex, Sexuality and Nudity, 2.4: Children’s Code, 2.5: Language, 2.6: Health and Safety, 2.7: Federal Chamber of Automotive Industries Motor Vehicle Code (FCAI) and 2.8: Food and Beverage Code (Advertising Standards Bureau, 2008). Between 2007 and 2004, the ASB received 11,898 complaints about advertising from the public, however 3,415 of these (28.7%) were defined as ‘outside the charter’ of the AANA Code of Ethics (for example, complaints about misleading advertising or the timing of advertisements) and therefore were not adjudicated by the ASB. Of the remaining 8,483 complaints, 7,480 (88.2%) were dismissed, 593 (7.0%) were upheld and 410 (4.8%) were withdrawn before the board had a chance to review and make a determination (ASB, 2007).

The Equity Theory of Dissatisfaction outlines the three alternatives for action that consumers can choose to follow in a complaint situation (Volkov, 2003). The first action that can be taken is Exit, where the consumer commences a personal boycott against the seller or manufacturer of the product or service that lead to the dissatisfaction. The second action is Direct Voicing, where the consumer chooses to complain directly to the seller or manufacturer. The final alternative for action for the consumer is Amplified Voicing, where the consumer elicits the help or support of a third party such as a journalist, consumer protection agency or regulatory body to deal with the complaint (Volkov, 2003). To follow the third alternative of amplified voicing, consumers in Australia can do a number of things.

However, to have their complaint heard by the appropriate body, they have to lodge their complaints about offensive or unacceptable advertising with the ASB.

Volkov (2003) states that individuals who complain to the appropriate body – that is utilise amplified voicing - have set personal characteristics; for example, are older, have higher education levels, possess greater amounts of wealth, are more involved in the community, have more resources and more intrinsic abilities (e.g., self confidence and perceived self worth). Research highlighting the characteristics of complainants to the ASB has a tendency to place labels on people that arguably do not have any significance to real life situations. For example, Volkov, Harker, and Harker (2005, p 305) argued that complainants in Australia are typically “white collar affluents, independent young achievers and suburban singles and sharers”, contradicting Volkov’s previous statement that complainants tend to be older, whilst Harker, Harker and Svensen (2005, p 260) state that concern about gender portrayal in advertisements is only an issue to a small sample of young female white collar workers of a feminists orientation classified as “Feminist Pessimists”. However, given that these studies have utilised ASB complaint databases as a significant component of their research population, it can be suggested that these studies are not representative of the population at large, but only of those who are aware that the ASB are the appropriate complaint handling body for advertising and know the appropriate process required to make a formal complaints.

During a review of the FCAI Code in December 2003, the FCAI raised questions about the general public’s knowledge of the role of the ASB in terms of its complaint handling procedures and the complaint system in general (FCAI, 2004). This lack of knowledge was highlighted when a social research company, commissioned by the ASB, undertook community research during 2007. This research found that of the 600 participants who took part in telephone interviews, only 10% were aware of the ASB without being prompted and then increased to 65% after prompting (ASB, 2007). However, the ASB have been reluctant to release any further results, or make public the specific questions that were asked in the ‘prompt’. Due to the lack of transparency in their research findings and methodology, it is difficult not to question the validity and reliability of their results. The ASB did however acknowledge that there is a need to increase the level of public awareness about the ASB and stated that this was to be addressed through a public education campaign during 2007. Community awareness of the complaints body, and the Codes that are used to adjudicate complaints, are a necessary part of the self regulation system for advertising and promotion of this should be ongoing and widespread (Harker, and Harker, 2000; Boddewyn, 1989).

## **Method**

The purpose of this paper is to report on an exploratory investigation of the general public’s awareness regarding the rules surrounding advertising in Australia and who they believe is responsible for adjudicating complaints about objectionable or unacceptable advertising. To achieve this data was collected through a questionnaire administered to 4000 randomly sampled households in the Illawarra Local Government Area. The survey was addressed ‘To the Householder’ and any member over the age of 18 years was invited to participate. The survey included both quantitative and qualitative questions exploring a range of issues relevant to advertising, including those related to the rules associated with advertising, as well as advertising complaints in Australia. Basic frequency and percentage analysis was carried out on the quantitative data and the qualitative responses were manually analysed to identify the agencies participants believed were responsible for advertising complaints in Australia.

Responses that could be classified together were done so to ensure that the large numbers of responses with a similar focal point were grouped together. Examples of this include ‘media outlet’ and ‘something similar to ASB’ (see footnote 2). This paper reports on the questions regarding awareness of the regulatory system and previous complaining behaviour.

### Results

From the 4000 surveys distributed, there were 122 households that were non-contacts; and a total of 838 valid responses were received (a return rate of 22.5%). When asked “Are any rules about advertising in Australia?”, 90% of participants answered ‘yes’, 1% ‘no’ and 9% ‘I don’t know’. When asked “Who could you complain to about an advertisement you object to?”, there were a range of responses (see Table 1). The 838 participants gave a total of 943 responses, as some participants provided more than one answer. It can be seen that the most common response to this question was ‘I don’t know’ with 26.7% of total responses. The second most common response was ‘Media Outlet’ which encompasses all responses related to the specific media in which the advertisement was seen or heard, such as the television station, radio station or publisher. These two answers totalled more than half of all responses. Interestingly, it can be seen that only 12.6% named the ASB or gave a response similar to this (with only 4.9% of responses correctly naming the ASB).

Table 1: Who participants believed they could complain to about advertising

Who participants believed they could complain to about advertising	Number of Mentions	% of total responses
I don't know <sup>1</sup>	252	26.7
Media outlet	230	24.4
Something similar to ASB <sup>2</sup>	73	7.7
The company advertising	71	7.6
The Ombudsman	52	5.5
ASB	47	4.9
“Broadcast” Tribunal/Control/Commission/Authority <sup>3</sup>	41	4.3
Other	37	3.9
Member of Parliament	22	2.3
Government Department	19	2.1

When asked, only 70 of the 838 respondents (8.4%) stated that they had made a complaint about advertising. Of the 70 participants who said that they had made a complaint, 36 were female, 33 male and one did not state their gender. It can be seen that those who had made the most complaints were aged 35-44 years, 45-64 54 years and 55-64 years (see Table 2). However, when complainants were examined as a percentage of the study population, it was found that those aged 35-44 years, 55-64 years and 65-74 years were the age groups more likely to have made a complaint.

Table 2: Age break down of complainants

<sup>1</sup> This category includes 123 respondents who answered the questions before and after, but skipped this one, which was assumed to mean that they did not know the answer.  
<sup>2</sup> This category was included as a number of participants wrote answers such as “Advertising Standards Australia” or “Advertising Complaints Board”.  
<sup>3</sup> This category was included as a number of participants wrote answers such as “Australian Broadcasting Authority” or “Australian Broadcasting Commission”.

<b>Age Group (years)</b>	<b>18-24</b>	<b>25-34</b>	<b>35-44</b>	<b>45-54</b>	<b>55-64</b>	<b>65-74</b>	<b>75+</b>	<b>DNS*</b>
No. of Complainants	2	3	14	18	14	11	6	2
% Total Complainants	2.9	4.3	20.0	25.7	20.0	15.7	8.6	2.9
% of Study Population	0.2%	0.4%	1.7%	0.2%	1.7%	1.3%	0.7%	0.2%

\* Did not state

The total number of complaints made by these 70 respondents was 89, as some had stated that they had made multiple complaints. When asked “Who did you complaint to”, a total of 14 different responses were given. The most common response was ‘Media Outlet’ receiving 47.2% (42) of total responses. The second most common response was ‘The Company Advertising’ with 19.1% (17) response. These two answers totalled two thirds of all responses. Interestingly, only 9% (8) respondents stated that they had made a complaint to the ‘Advertising Standards Board’ or ‘ASB’. Other responses included ‘Government Department’ (5.6%), ‘Other’ (5.6%) and ‘Family and Friends (3.4%).

## **Discussion**

Previous research has suggested that only 1% of Australians complain about advertising across all types of mediums (Volkov et al., 2002), however it is difficult to believe that only 1% of Australians are ever offended by advertising. There are potentially many barriers which prevent the public from complaining about advertising that they find offensive that are not addressed in this study; however, the one that is arguably the most important (which is the focus of this study) is knowledge of whom to complain to. The results of this survey show that the general public do know that there are rules and regulations governing advertising in Australia. There is the possibility however, that the level of knowledge was high, as participants may have assumed there are rules surrounding advertising because most aspects of business are governed by regulations. What the survey also shows is that the majority of respondents (95%) do not know who is responsible for these rules and regulations. Of the 838 participants in this study, only 4.9% correctly identified the ASB as the appropriate complaints handling body for advertising. This lack of knowledge of the ASB identifies a substantial barrier for consumers to make a complaint about advertising. For the 7.7% of participants who wrote something similar to the ASB, their ability to make a formal complaint on the internet (for example), would require them to undertake a search to find the ASB website.

Other results of interest include 5.5% of participants stating they would complain to the Ombudsman for advertising (which does not exist) and 4.3% that they would complain to a “Broadcast” Tribunal/Control/Commission/Authority. Table 1 also shows that 7.6% of participants would complain to the company selling the product or service being advertised. This figure is actually higher than for the number of people who stated they would complain to the ASB. Finally, it can be seen that 41 participants (4.4%) believed that contacting the Government would be the most appropriate option. This suggests that there is a belief in the community that the Government has a role to play in the complaints process and (subsequently) regulation of advertising in Australia.

Of those who stated that they had made a complaint about advertising, it can be seen that there is a relatively even gender mix, which is not reflected in the complaint statistics produced by the ASB. The literature states that complainants tend to be older (Volkov, 2003), however there is not a definition of “older”. This posited pattern of older people as

complainants is not reflected in these results with 65.7% of the 70 complainants aged between 35 and 64 years old. Another important finding in this study is that of the 70 individuals who stated they had made a complaint about advertising, only 8 (11.4%) said they complained to the ASB. The majority of participants stated they complained to the media outlet (60%) or the company advertising (24.3%). This demonstrates that there are members of the public choosing to voice their complaints; however, according to the Equity Theory of Dissatisfaction, they are choosing the wrong alternative. Rather than amplifying their voices and eliciting the help of a third party (the ASB), the majority are complaining directly to the source, following the alternative of direct voicing. The consequence of this is that consumer complaints are not being heard by the appropriate complaints body. In this study alone, 62 complaints about advertising were not heard. If the ASB were receiving ALL complaints about aspects of advertising the community found unacceptable, they may need to reconsider their views about what prevailing community standards are. This could then impact on the decision process and, subsequently, determinations.

The results of this study are not reflected in the literature on complainant characteristics or the ASB complaint figures. This can be explained by the reliance of some authors on data supplied from the ASB database. However, as this survey reflects, only eight individuals from a total of 70 complaints had actually made a complaint to the ASB about an advertisement they objected to. Of the entire study population, 95% do not know to direct their complaint (if they had one) to the ASB. This demonstrates that the ASB figures, and therefore any research based on them, are not a comprehensive or accurate reflection of either who is offended by advertisements in Australia or of issues of concern in relation to objectionable or (un)acceptable advertising. Just because an individual does not know who to complain to, or complains to the wrong authority, does not mean that their objection to an advertisement is any less valid than one directed to the appropriate body. The general public need to be informed about the complaints process in relation to advertising in Australia and empowered to use it. The literature states that part of a successful code of conduct in a self regulated advertising system is community awareness (Harker, and Harker, 2000; Boddewyn, 1989). It is apparent that this community awareness does not currently exist in Australia.

## **Conclusion**

This research demonstrates that, currently, the complaints process for unacceptable advertising in Australia is not working. An advertising complaint body known to only 5% of a study population can not claim to uphold community standards for advertising in Australia. These results suggest that there may be a significant segment of the Australian population that are voicing their complaints about unacceptable advertising but, due to the minimal public awareness of the appropriate process, are voicing their complaints to the wrong bodies. These results highlight the need to increase public awareness of the role of the ASB, which has been previously acknowledged by the FCAI and the ASB themselves, but is still not adequately addressed by the ASB. It is the opinion of the authors that this needs to happen immediately to ensure the complaints system for advertising in Australia is equitable and available to all.

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