



The Advertising Standards Council of India

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C: Post CCC Meeting Procedure

Once the CCC has taken a decision on the complaint, (which will be recorded in the minutes of the CCC meeting), the party complained against will be informed of the CCC decision, within 5 working days. If the complaint is Not Upheld, the complainant and the advertiser will be informed simultaneously.

If the complaint is Upheld, then the Advertiser and its Agency will be informed of the CCC decision within 5 working days. The advertiser will be given 2 weeks to assure time bound compliance with the CCC decision. On receipt of this assurance, the complainant will also be informed of the CCC decision.

If a positive response is not received or compliance is not assured by the advertiser, within 2 weeks as above, a letter from the Vice-Chairman, ASCI, will be dispatched to the advertiser requesting their commitment within 2 weeks, to the withdrawal of the offending Ad or its appropriate modification so as to avoid contravening the ASCI Code. Simultaneously the concerned agency and the concerned media vehicle will be advised that the Ad contravenes the Code. The Secretariat will then advise the complainant of the CCC decision.

If such positive assurance from the advertiser, is still not received, the offending Ad will be included in the ASCI's Media Release (on an All India basis), which will be issued once in every 3 months, along with the Quarterly Compilation Report of CCC decisions. This Report is circulated to all ASCI members, concerned Associations of Practitioners in Advertising, (e.g. ISA, AAAI, INS, IBF, RAPA, etc.), government authorities including the Ministry of Information & Broadcasting and Media all over the country. (Members of ASCI are obliged to comply with the CCC decisions on complaints, since the Memorandum & Articles of Association stipulate the observance of the ASCI Code, by all members).

Peer Group influence will be extended through respective Associations of Practitioners in Advertising (AAAI, IAA – India Chapter, ISA, INS, IBF, RAPA, etc), who will be sent requests from the Chairman, ASCI, to influence their own constituents responsible for such offending Ads, to refrain from indulging in Ads which lack credibility and erode consumer confidence in advertised goods and services. Copies of such communications will be sent to the concerned agency and media vehicle.

.An Advertiser / Agency failing to comply with the CCC decision in writing on a complaint Upheld against a T.V. Commercial, may be considered as a violation of the Cable TV Networks (Regulation) Act 1995 and notified amendments of 2nd August 2006. ASCI will therefore inform the Ministry of I&B and IBF, about the T.V. Commercial contravening the ASCI Code.

If an Advertiser / Agency fails to comply with the CCC decision in writing on a complaint Upheld against a Press Ad, the ASCI will inform the Press Council of India and the INS, about the print Ad contravening the ASCI Code.

The CCC Procedure provides for a Review of a CCC decision if all of the following conditions are satisfied:

- a. A written application for a Review is made within 2 weeks of receipt of a CCC decision.
- b. The application is accompanied by a payment of Rs.10,000/- as non-refundable fee for consideration of a Review of the CCC decision.
- c. The advertiser is in a position to provide additional pertinent information/material not submitted earlier, to ASCI.
- d. The advertiser has confirmed suspension of the offending Ad, pending review.

- e. The advertiser has given an undertaking in the review application, that he will accept and comply with the review decision.

Complaints of a same or similar nature, on the same or similar Ads, on which CCC decisions have been notified, will generally not be taken up for renewed deliberation by the CCC.

The Procedure will ensure that the name/identity of the complainant is not disclosed/revealed to anybody, except at the CCC meetings, which are attended only by the CCC members. However, the text of the complaint along with all annexures will be sent to the party complained against.

The CCC meeting protocols do not provide for personal representation by complainant/advertiser/agency in respect of complaints being deliberated upon at the CCC meeting.

The ASCI and the CCC are not Clearing Houses or Voluntary Censor bodies, and hence Ads are not cleared or approved. The ASCI Code is well publicized and made available promptly on request. It is recognized by almost all Practitioners in Advertising as the universally relevant/applicable Code for Self-Regulation in respect of Ads in India. It is broad based to cover the entire gamut of Media vehicles – Print, AV, Outdoor, Promotion/Merchandising vehicles and even packaging as a vehicle of promotion.

However, ASCI now offers **pre production/release copy advice** to members. A panel of experienced persons has been formed who have a) close knowledge of the ASCI Code and Rules and b) experience in working of ASCI Board and/or its CCC.

Copy advice is defined as confidential, non-binding pre-publication/release advice about a specific advertising proposal, provided by ASCI to its member advertiser, agency or media. The forms which copy advice takes may vary, but it has two essential characteristics:

- it is non-binding;
- it concerns a specific advertising proposal (i.e. an advertisement or a campaign).

The advertisers, agencies or media members of ASCI can ask for copy advice. There will be no charge for Copy Advice for the ad of an advertiser who is a member of ASCI. However, copy advice for the ad of an advertiser who is not an ASCI member will be charged at Rs 1000 per ad. The advice is not binding on the advertiser or on ASCI's CCC. This will be stated upfront to the member seeking copy advice

Modifications in Ads, even though carried out in response to CCC decisions as advised, are not cleared or approved by the CCC/ASCI. It is implicit that such modifications are in observance of the ASCI Code and have been motivated by the spirit of the Code, not just the letter itself. Such modified Ads will therefore again be subject to the forces/conventions in the market place and to the perceptions of the consuming publics.