



Sandra Higgins
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9 May 2017
By email

Dear Ms Higgins

Complaint about your advertising – Go Vegan World Telegraph ad

We have received a complaint about your advertising and we welcome your help to resolve it. We are enclosing with this letter a summary of the complaint and all the necessary information about it to enable you to provide a full, relevant response.

Who we are

The ASA investigates complaints to ensure that non-broadcast marketing communications comply with The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (The CAP Code), prepared by the Committee of Advertising Practice (CAP). We also investigate complaints to ensure that TV and radio advertising complies with The UK Code of Broadcast Advertising (The BCAP Code). The Government and the Courts recognise the ASA as the “established means” of regulating non-broadcast advertising.

The investigations process

We will consider the complaint under rules 3.1 (Misleading advertising) and 3.7 (Substantiation) of The CAP Code (attached). Marketing communications must comply with all other relevant rules, among which are the underlying principles (also attached). You can read or download the full Code on our website [here](#). A copy of our complaints procedure, ‘*Complaint about your ad. What happens now?*’ is enclosed; you can download the leaflet from our website [here](#) where you can also view our detailed complaints handling procedure for both broadcast and non-broadcast advertising.

We intend to deal with the complaint as a formal investigation, which means it will be considered by the ASA Council. We will then draft a recommendation for the Council based on your response to us. Once the Council has made a decision, the ruling will be published on our website.

Legal, decent, honest and truthful

Chairman Rt Hon Lord Smith of Finsbury Chief Executive Guy Parker
ASA Council (Non Broadcast) Reg Bailey, Kate Bee, Alan Bookbinder, Rachel Childs, Roisin Donnelly, Wesley Henderson, David Hepworth, Suzanne McCarthy, Sir Martin Narey, Shireen Peermohamed, Hamish Pringle and Sam Younger

The Advertising Standards Authority Limited, registered in England No 733214, Mid City Place, 71 High Holborn, London WC1V 6QT.

What you need to do

We need you to respond to the complaint.

The complainants have challenged whether the claim “humane milk is a myth” is misleading and can be substantiated. They believe that viewers will understand “humane” as referring to whether the treatment of dairy cows complies with UK regulation on animal welfare. They state that there are many government regulations in place to ensure that the treatment of farmed animals is humane, and they believe that the claim “humane milk is a myth” implies that there are widespread breaches of those regulations within the dairy industry. We understand that the word “humane” can be understood as having different meanings, so, firstly, it would be helpful if you could explain what you meant by it in the ad.

Several of the complainants raised specific concerns over the claims “The mothers, still bloody from birth” and “their daughters, fresh from their mothers’ wombs but separated from them”, which they believe imply that it is standard practice in the UK to separate calves from their mothers immediately after birth. We note that DEFRA’s [code of recommendations for the welfare of cattle](#) states “Ideally calves should be left with their dam for at least 12 and preferably 24 hours after birth” and “Removing the calf earlier than 12-24 hours after birth should only be done for disease control purposes, under the advice of a veterinary surgeon”. Please explain how you think viewers will understand the claims made in the ad, and provide any evidence you may have that calves are not commonly kept with their mothers for 24 hours after birth.

Please note that the CAP Code requires marketers to hold documentary evidence for their claims before submitting an ad for publication. So, please give us all the relevant substantiation and information you would like us to have. It is for you to decide what to submit, but we will need to see robust documentary evidence to back the claims and a clear explanation from you of its relevance and why you think it substantiates the claims. It is not enough to send references to or abstracts of documents and papers without sending the reports in full and specifically highlighting the relevant parts explaining why they are relevant to the matter in hand.

We strive to ensure that the rulings reached by the ASA have proper regard to consistency, which we believe is best achieved through open communication with businesses, consumers and other regulators. With that in mind we ask that you submit any advice you may have received from another regulator in relation to this advertising. Specifically, if you have a Primary Authority partnership, please provide us with copies of any relevant assured advice you have received and provide contact details for the person who provided that advice. Should you have reason to contact your Primary Authority regarding this or similar advertising during the course of our investigation, please let us know in advance and ensure that the Primary Authority is made aware of our investigation.

As well as addressing the complaint, please cover the following points when you prepare your response:

- Please supply your company’s legal name and address.
- Let us know what plans you have for future use of your advertising. A media schedule would be especially useful.
- Please provide an electronic copy of the advertising. My email address is listed at the end of this letter.

- Let us know the name of your advertising agency or any other company that prepared the advertising on your behalf.
- If the ASA Council upholds the complaint, its ruling might affect the acceptability of similar ads in other media, including broadcast. We are telling you this now so you are aware of the potential ramifications of this investigation. Let us know now if you are using (or intend to use) similar claims, images or ads in other media.

Submission limits

The ASA reserves the right to apply submission limits and or limits on the number of times you respond in exceptional circumstances, for example if you are submitting unjustifiably lengthy or repetitious correspondence. The limits will depend on the nature of the issue and the stage of the investigation, and will not have the effect of restricting unreasonably your opportunity to defend your ad.

Your response deadline

The ASA's effectiveness depends on resolving complaints fairly and swiftly. An unreasonable delay in responding to our enquiries may be considered a breach of The CAP Code. So that we can conclude this matter as soon as possible, please respond in writing, preferably by email to elisabethe@asa.org.uk within SEVEN working days. If you need more time, we may be able to agree to one short extension, but you will need to contact us within the deadline to explain why you are unable to respond sooner and agree a timetable for your response.

If you are not the right person to deal with this letter please tell us and pass the letter on to someone who is. If we do not receive a reply from you by **18 May**, we may add your lack of response to the other issues that we are investigating which will form part of any formal published ruling.

We shall be sending notification of this complaint to The Sunday Telegraph for their information only.

Thank you for your co-operation. We look forward to hearing from you.

Yours sincerely



Elisabeth Erwin

Investigations Executive

elisabethe@asa.org.uk

020 7492 2147

We shall use your contact details, together with other information from or about you, to deal with the complaint. We may contact you to assess the quality of our services or to give you information about our activities, which might interest you. If you do not want to be contacted for that purpose, please let our Data Protection Officer know at the above address or by e-mail at data.protection@asa.org.uk. For further information about our Data Protection Policy please refer to our website www.asa.org.uk.