



Mr G Clubb
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Advertising Standards Authority
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Ref: A15-315400

3 December 2015
By post

Dear Mr Clubb,

Your Complaint: Welsh Government

I am writing in relation to your complaint about the Welsh Government. In my last correspondence with you, I explained that we would be seeking the ASA Council's view on whether the material you submitted is within the ASA's remit. They have now carefully considered the ad, but have concluded that this material is outside our remit and beyond the scope of our Advertising Codes. I realise this response may be disappointing, so I'd like to take the time to detail the reason for this decision below.

Although we do regulate some material on companies' own websites and in other non-paid-for online space under their control, we do not regulate all online communications. Our Code applies to online marketing messages that are directly connected to the supply or transfer of goods or services, or which include direct solicitations of donations in such space.

While the Council recognised that the material does set out the benefits of the scheme and seek to justify why taxpayer's money is being spent in a certain way, they considered that the claims are not in remit, because although they provided information about a 'service' (the road), there is not ultimately anything being sold and readers are only being asked to contribute their comments.

Council understood that the document is not part of a formal public enquiry or required by statute, but was been issued during a period in which public exhibitions about the scheme are being held. The brochure stated "The proposals shown at this stage are still subject to change so your feedback on any issues, including land and local access, is welcomed" and "Your feedback will help us shape the design, local access and associated land requirements" - contact details were provided.

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Chairman Rt Hon Lord Smith of Finsbury **Chief Executive** Guy Parker
ASA Council Kate Bee, Alan Bookbinder, Rachel Childs, Roisin Donnelly, Ray Gallagher, David Hepworth, John Mayhead, Sir Martin Narey,
Shireen Peermohamed, Hamish Pringle, Ruth Sawtell, Anthony Wilkes and Sam Younger

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I also note you mentioned in your initial complaint that the material was also viewable in series of public exhibitions paid for by the advertiser. While I appreciate your concerns, I should explain the ASA is also not mandated to regulate point-of-sale material unless it includes a 'sales promotion' (i.e. a time-limited discounted offer, a 'free' gift, a competition etc).

In light of this, I'm afraid we are not entitled to take any further action against these materials on this occasion. However, you may be interested in seeking redress through other methods if you have not done so already, such as speaking to MPs or through challenges at public enquiries.

I realise this may not be the outcome you were hoping for, but thank you nonetheless for taking the time and trouble to contact us with your views. The ASA website, www.asa.org.uk, contains more information about the work we do.

Kind regards,



Rebecca Chui
Complaints Executive
Direct line 020 7492 2167

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The Advertising Standards Authority (ASA) and the Advertising Standards Authority (Broadcast) Ltd will use the information you have given us to deal with your complaint. If your complaint falls under the remit of a different regulatory body, we will normally pass it on to that body. If you are seeking suppression from an advertiser's database or have not received goods or a refund, we will pass the details of your complaint to the advertiser so it can take action.

We would like you to be available to take part in the ASA's customer satisfaction research. On our behalf, an independent research company contacts complainants by email. If you did not opt-out when completing our online complaint form, or made your complaint in writing or by phone and do NOT want to participate in this research please email data.protection@asa.org.uk or write to Advertising Standards Authority, Freepost LON20659, LONDON, WC1V 6BR. We will not contact you for marketing purposes unless you have given us permission to do so. You can register on our website for communications you would like to receive from us, and can amend your choices at any time. We will not sell, rent or exchange your details with any other organisation. Our full Privacy Policy can be found at www.asa.org.uk