Charitable door-to-door collection bags: CAP Compliance team guidance for commercial participants

March 2017

1. Who we are

CAP writes and maintains The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (the CAP Code). The Advertising Standards Authority (ASA) is the UK's independent regulator that administers the Code. You can read about the UK advertising regulatory system here and here. It is not a voluntary system – all ASA upheld rulings are strictly enforced by a range of industry sanctions.

The government and courts recognise CAP and the ASA as the established means for regulating non-broadcast advertising. Ultimately, both CAP and the ASA are accepted by the Department for Business, Energy & Industrial Strategy, Trading Standards and the courts as the first line of control in protecting consumers and businesses from misleading advertising.

2. Why we are contacting you

In 2016 the ASA received a complaint about a charitable collection bag issued by a commercial participant. The complainant challenged whether the bag made sufficiently clear the commercial nature of the business, given the prominence of the charity's name on the bag.

The ASA formally investigated the issue and concluded the bag broke CAP Code rules because it was likely to give consumers the misleading impression that they were donating direct to the charity.

You can read the ruling here.

As you can see, because there was no mention of the advertiser's name or company status on the front of the bag and the charity name and registration number were given more prominence than the details of the commercial company undertaking the collection, the ASA concluded the bag was misleading.

In light of this ruling, CAP is now working with organisations involved in the production and licensing of charitable bags to communicate these requirements to all affected collectors within the market.

3. Advice

The ruling indicates that advertisers should communicate their name and company status on both sides of the bag. In addition to this, if the bag features a charity's name, it must not be given greater prominence than the name of the company undertaking the collection. In practice, this means that the company name must be of equal or greater prominence compared to the charity name.

To clarify, the ASA ruling applies to private companies or individuals who act as commercial participants in the house-to-house collection of goods, with a proportion of the proceeds given to charity. It does not apply to charity shops (or their agents) collecting goods on behalf of the charity to be sold in charity shops. In this case, the charity would hold the collection licence and could be the sole name on the bag.

4. Examples

DISCLAIMER: These examples are only intended to show how you could present the company and charity name in line with the ASA ruling. The other claims on the bag are for illustrative purposes only and are not part of this guidance.

Example 1:

Example 2:

There may be other ways to comply with the ruling and these examples are by no means prescriptive, but are intended as best-practice aids for you to follow the rules.

5. What happens next?

We require all collectors to comply with the ASA ruling by **2 June 2017**.

We do not require a response to this letter. If you have any queries about the guidance, please contact sectorcompliance@asa.org.uk. However, if your query relates specifically to the requirements set out in this guidance, please contact the CAP Copy Advice team. You can find their details below.

Those who are unable or unwilling to follow the rules may be referred by the ASA to Trading Standards under the Consumer Protection from Unfair Trading Regulations 2008.

6. Further assistance

CAP offers a range of advice and guidance. An online database of advice, with over 400 entries, is available here. The Copy Advice team provides a free confidential 24 hour bespoke advice service and, at a fee, entire website audits and 4 hour bespoke copy advice. For more details visit www.cap.org.uk and follow CAP on twitter @CAP_UK.

Contact us

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