

Political Advertising – Legal, decent, honest and truthful?

Ad agency M&C Saatchi are back to steer the Conservative Party and David Cameron's advertising campaign in the run up to the general election on the 6th May. The old Saatchi and Saatchi team are of course famous for the advertisement for Margaret Thatcher's 1979 Conservative Party campaign, "*Labour isn't working*" which some argue won the Tories the election. In the 1987 election it is alleged that Thatcher spent £3 million in the last four days of the campaign.

But how far can the parties go in the advertising battle to win the voters? The advertising codes of practice (known as the CAP and BCAP rules enforced by the ASA, Advertising Standards Agency) require all advertisements to be legal, decent, honest, and truthful but MPs argue that the Codes ought not to apply to political advertising. Thus the CAP Code does not apply to any advertisement or direct marketing communication by a political party, whenever published or distributed, whose principal function is to influence voters in local, regional, national or international elections or referendums.¹ This decision was made on the basis that it was thought inappropriate for the ASA, as a non-elected body, to intervene in the democratic process; that ASA rulings would have little practical value because the complex issues involved meant that rulings would probably be made after election day; that judgments would inevitably be within the arena of political debate and that party political advertisements are always subject to a disproportionate amount of media scrutiny.²

Many readers will perhaps be unsurprised that Codes that apply to all other advertisers should not apply to political advertising, but that does not mean mistakes have not been made in the past or that no rules exist at all.

In the UK the parties are not permitted to advertise on television, save for the party political broadcasts. However The Broadcasters' Liaison Group comprised of the broadcasters who make airtime available to registered political parties to help them promote their manifestos to the electorate, has produced guidelines³ that the parties must adhere to. The Guidelines cover compliance issues and the political 'rules' to be observed by all parties. Clearly the commercials have to be legal and not infringe any copyright or other intellectual property rights and they must comply with the Ofcom broadcast Codes, but crucially accuracy remains a matter for the parties. The Guide refers to other issues about using testimonials

¹ CAP Code 12.1 <http://www.cap.org.uk/The-Codes/CAP-Code/CAP-Code-Item.aspx?q=CAP+Code+General+Rules+12++Political+advertising>

² ASA www.asa.org.uk

³ <http://www.broadcastersliaisongroup.org.uk/guidelines.html>

and others such matters but television advertising is not a straight forward matter and great care is required by all the parties when making the political broadcasts.

In other media the position is much different. Unrestricted by the CAP Code the political parties are keen to get their messages across as vocally as possible. Though the days of many bill boards being plastered across the country with political advertising are probably over, (because the rules on media owners providing free space to political parties has been made illegal), the rise in the importance of the internet may well outstrip the importance of the outdoor medium. As well as the party website all the party leaders have their won blogs and micro sites. Face Book has even joined for with the Electoral Commission to encourage its members to register to vote. But there is still a risk that an edgy campaign can back fire.

The now infamous “Demon Eyes” adverts featuring Tony Blair with demon eyes only appeared in three newspapers but the advertisements were condemned by the church and the Advertising Standards Agency banned the image. We have yet to see how the political parties conduct their 2010 campaigns. We claim to despise negative political advertising but it appears to work.

The present election has started off in that vain, with the Tories using a beaming Gordon Brown (itself a rather frightening sight) and the words *“I let out 800,000 criminals early, vote for me.”* While the Guardian described Labour's five pledges on a sunny background of a field of ripening corn as *“having all the boldness of a muesli advert.”* Then again the recent photo shopped image of David Cameron was not a resounding success either and led to a plethora of graffiti and spoof versions that were far from kind depicting images of Cameron and superimposed words such as *“government of the rich, for the rich, by the rich.”*⁴

On a lighter note at least, Marmites latest campaign takes the form of a mock election contested by The Love Party and The Hate Party, which are encouraging people to vote for them on Facebook.⁵

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⁴ <http://mydavidcameron.com/>

⁵ The parties released 30-second ads detailing their manifestos on YouTube, www.Marmitenewsnetwork.com