

Intermediary and Platform Principles Pilot: interim report



1. Summary

The Advertising Standards Authority (ASA) has always operated an holistic, inclusive approach to regulating ads targeting UK consumers, which holds [advertisers primarily accountable](#) for the creative content, media placement and audience targeting of their ads. To complement this work, the ASA partners with agencies, media owners and other advertising intermediaries to help promote and enforce the rules across all areas within the remit of the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (the CAP Code).

The role that platforms and intermediaries play in helping the ASA to deliver better outcomes for consumers in online media is not well-known or understood outside the regulatory system and the digital advertising industry. Accordingly, in a global-first collaboration with the IAB UK (a member body of the ASA's sister organisation, the Committee of Advertising Practice) and a self-selecting group of some of the largest companies in the digital advertising supply chain, the ASA launched **the Intermediary and Platform Principles Pilot (IPP)** in June 2022 to bring more transparency to this work and to explore the role of Principles, common to all these companies, in helping to promote advertisers' awareness of and compliance with advertising standards online. The companies participating in the Pilot are: Adform, Amazon Ads, Google, Index Exchange, Magnite, Meta, Snap Inc., TikTok, Twitter and Yahoo. The Pilot will run for one year from 1 June 2022.

This interim report is an independent, aggregated progress report by the ASA on the implementation of the Principles by participating companies so far. The report covers the initial four-month period (1 June to 30 September 2022), a shorter period than ideal, but the ASA and participating companies consider it is of interest and importance to stakeholders to publish interim findings before the end of 2022. The full report will provide a more complete reflection of how the principles have helped achieve the pilot goals during the full twelve-month period.

The IPP Pilot revolves around six [Principles](#) (supported by [guidance](#)) concerning the ways in which participating companies help to promote advertisers' awareness of the rules as they impact on programmatic paid-for advertising and how they help the ASA to secure compliance in exceptional cases where it is determined that an advertiser is unwilling or unable to comply with the CAP Code and other available routes have failed. Under the Pilot arrangements, participating companies agree to volunteer information to the ASA to demonstrate how they operate in accordance with these Principles. Therefore, participating companies have provided information to the ASA that they wish to be taken into account, at the interim stage about what they do, or have done so far.

Section 2 of the report sets out the scope and aims of the interim report in more detail. This section is supported by **Annex A**, which contains the full Principles, and **Annex B**, which contains the full guidance.

Section 3 of the report reproduces the information that the Principles invite from participating companies, and contains the ASA's independent, aggregated and evidence-based observation of participating companies' implementation of each of the Principles. The report also takes account of information from the ASA's own

internal records and is based on the first four-month reporting period only. Importantly, the commentary is framed by the Principles themselves, and the guidance developed to support participating companies' implementation of them. In summary, Section 3 provides:

- an overview of the number of participating companies providing information within the interim report timeframe agreed with the ASA in relation to the Principles;
- observations of whether and, if so, how the participating companies have wholly or mainly fulfilled the Principles so far;
- examples of good practice shown by participating companies in relation to the Principles, which serve as a guide to other participating companies where they are possible under their business models; and
- examples of areas in which the ASA encourages progress from some participating companies in the next reporting period, in relation to the Principles.

Section 4 of the report sets out the ASA's overall, aggregated view of participating companies' implementation of the Principles, and highlights examples of good practice and areas in which the ASA encourages progress from some participating companies by the time of the final report, in order to meet the expectations set by the Principles and guidance. The ASA will share its observations about individual participating companies' implementation of the Principles with those participating companies in order to support any related actions they may take in the remainder of the pilot and to assist their provision of information to the ASA.

The findings of the interim report (set out in **sections 3 and 4**) can be summarised as follows:

Submission of interim-reporting information and engagement with the ASA

- The majority of participating companies provided information which suggests that they are wholly or mainly fulfilling the Principles so far. This view is based on the information provided to the ASA and, where applicable, the ASA's own internal records with reference to the relevant guidance.
- There have been differences in participating companies' engagement with the interim reporting process. Some participating companies were fully responsive and/or timely in the information they provided, while the initial responses from others were less satisfactory. This observation is made with full appreciation of the interim nature of the report (covering only a four-month initial period), and the positive expectation that over the full twelve months of the Pilot the ASA will see better, all-round engagement and full implementation of the Principles. In order to ensure the final report is comprehensive, the ASA encourages all participating companies to submit all relevant information in line with the deadlines agreed with the ASA. The ASA

will ensure that deadlines are mutually agreed, and that all participating companies consider that they are able to meet them.

ASA's interim observations

- This interim report highlights examples of good practice, which, in the ASA's view demonstrates effective implementation that is in the spirit of the pilot and supports its purpose. Similarly, it also highlights areas in which the ASA encourages progress in the final reporting period to meet the expectations set by the Principles and guidance. The examples of good practice highlighted in the report should be maintained by participating companies already operating to them, and serve as a potential guide for other participating companies where they are possible under their business models.
- The ASA is committed to ensuring that all companies are able to appropriately implement the Principles in the final reporting period, including through providing opportunities for example to support awareness-raising campaigns) where it is able to. However, it notes that the applicability and implementation of certain Principles can be limited by individual circumstances of participating companies, including their business models. **Annex C** provides an account of the diverse range of business models of participating companies. The ASA looks forward to considering the ways in which such factors may be addressed in the remainder of the pilot, and will consider the feedback that the participating companies have provided to the ASA team, to ensure that the pilot continues effectively.

Next steps

- The ASA will publish a final report in **quarter three, 2023** reflecting on the full twelve months of the Pilot. The information gathered through the IPP Pilot will help the ASA, the industry, and other stakeholders to collectively consider whether and where further action could be taken to enhance the ASA's ability to enforce the CAP Code online by working with the participating companies and other online intermediary businesses. In this way, the Pilot may serve to inform future policy thinking in this area.

2. Background: scope and aims of the interim report

2.1 Scope of the IPP Pilot

The IPP Pilot operates under the following agreed parameters, which are set out in full in the Principles (**Annex A**) and the guidance (**Annex B**):

- The Principles are voluntary and complement but do not substitute participating companies' obligations to comply with applicable consumer protection or other law.

- The Principles relate to programmatic paid advertising (for example, paid search, paid social display or paid open display), and concern the ways in which participating companies help to promote advertisers' awareness of the rules in the CAP Code, and how they help the ASA to secure compliance in exceptional cases when an advertiser refuses to amend or withdraw an ad that breaks these rules.
- The Principles do not cover programmatic paid fraudulent ads (including ads featuring unlicensed financial promotions, ads by fraudsters impersonating legitimate businesses and ads for fake companies) or ads in non-paid space online (for example, a retailer's post via its social media account), or any other form of advertising, which is not delivered programmatically, such as influencer advertising.
- To support the ASA's review of how the Principles have been implemented so far, it is important for participating companies to explain, where appropriate, how they have acted proportionately and reasonably taking into account the advertisers, agencies and, as appropriate, public users of their services. Alongside information demonstrating how the Principles have been implemented, participating companies are encouraged to provide explanatory or contextual information to the ASA, where appropriate, including about any additional relevant activities or steps they undertake in the areas covered by the Principles.

2.2 Scope of the interim report

Under the IPP Pilot, participating companies agree to volunteer information to the ASA to demonstrate how they operate in accordance with the Principles, with an understanding that different companies can meet the Principles in different ways. The ASA has used the information provided and information available from the ASA's own records relating to the initial four-month period of the Pilot (1 June to 30 September 2022) to publish this interim report.

The report provides an independent, aggregated account of how the participating companies have already implemented the Principles, highlighting examples of good practice and identifying areas in which the ASA encourages progress during the final reporting period. The final report will be published during quarter 3, 2023.

The information gathered through the IPP Pilot will help the ASA, the industry and other stakeholders to collectively consider whether and where further action could be taken to enhance the ASA's ability to enforce the CAP Code online by working with the participating companies and other online intermediary businesses.

The report adheres to the following broad parameters:

- **Concise, relevant and objective information.** The interim report is an aggregated report, which focuses on trends and outliers observed in participating companies' implementation of the Principles. Other than to note their participation in the Pilot, the report does not identify individual

participating companies by name or description. The ASA has encouraged participating companies to submit concise, relevant, and objective information against each Principle in order to inform the ASA's evaluation.

- **1 June – 30 September 2022 coverage.** The report is an interim report and covers a four-month period. Therefore, readers should not expect, and the ASA cannot provide, as comprehensive a review of participating companies' implementation of the Principles as that which the full report, covering twelve months, will provide.
- **Contextual information provided by the ASA.** The report features contextual in-house information provided by the ASA, relevant to the Pilot in general and, where appropriate, Principles in particular. This includes, for example, information covering Principles 5a and 5b (covering the role of participating companies in instances where an advertiser fails to cooperate with the ASA system in amending or withdrawing its non-compliant ad) and information about the amount and nature of paid, programmatic ads online (excluding fraudulent ads) that have come to the attention of the ASA over the reporting period. Such information provides important context to how the ASA, chiefly through holding advertisers accountable for compliance with the advertising rules, and participating companies already work to secure responsible advertising online.

3. Participating companies' implementation of the IPP Principles

3.1 Information-gathering: process and response

As noted in section 2 of this report, participating companies agree to volunteer information to the ASA to demonstrate how they operate in accordance with the Principles, with an understanding that different companies can implement the Principles in different ways.

To support its interim review, the ASA asked participating companies to provide an account, supported by evidence, of which Principles they have implemented so far, and how they have done so, with reference to the interim reporting period. The ASA has analysed the information it received on the basis of the following: the Principles themselves; the guidance on the Principles; and the ASA's internal records. For the full report, the ASA will consider what additional measures it might take to gain additional perspectives and sources of information on whether and to what extent the participating companies have implemented the Principles.

The ASA recognises it has more to do over the next reporting period to better understand when and to what extent it is appropriate to expect each participating company to be able to implement each Principle. (See Annex C for more information on categories of IPP Pilot participating companies and relevance to IPP Principles).

The ASA has also provided its own account of contextual information that it considers relevant to the interim reporting period. Given the interim nature of the

report, the ASA has not considered factors that go beyond these categories of information.

The ASA makes the following general observations about the ten participating companies' submissions of information:

- **Eight** participating companies sent the requested information either within the deadline or within a week of the deadline passing.
- **Two** participating companies did not provide the requested information.
- All of the participating companies are involved in the digital advertising supply chain and have in common an intermediary role providing tools to advertisers and their agencies to help automate the matching of their ads to publications and other paid inventory online. However, their business models differ to a varying degrees, with some principally categorised as supply side platforms (SSPs), some as demand side platforms (DSPs), and some having characteristics of both. This means that some of the Principles are likely to have less or minimal applicability to certain participating companies. The interim report provides some provisional commentary on this, but the ASA recognises it has more to do over the next reporting period to better understand when and to what extent it is appropriate to expect each participating company to be able to implement each Principle. (See Annex C for more information on categories of IPP Pilot participating companies and relevance to IPP Principles.)
- Most companies provided comprehensive submissions supported by evidence to allow the ASA to assess the extent to which they had implemented the Principles during the interim reporting period. However, by the end of the period given over to the ASA's review of participating companies' submissions, two companies had provided little or no evidence to the ASA to demonstrate whether they had implemented the Principles. The ASA understands that both companies remain supportive of the Pilot, and looks forward to supporting these companies in their engagement over the remainder of the Pilot.

3.2 Principle-by-Principle evaluation of responses

This section contains the ASA's independent, aggregated evaluation of participating companies' implementation of each of the IPP Principles for the four-month reporting period. Importantly, this evaluation is based solely on the IPP Principles themselves, the guidance on the Principles and corroborating information from the ASA's internal records. The ASA notes that not all Principles may necessarily apply, or apply in the same way, to all participating companies depending on individual circumstances. This includes, but is not limited to, participating companies' business models (which are detailed further in Annex C). Information provided below about the number of companies who have implemented any particular Principle to date should be read in that context.



Principle 1

Participating companies will bring to advertisers' attention in a reasonably prominent way, the requirement for advertisements aimed at a UK audience to comply with the CAP Code.*

**or, where they are acting for advertisers, agencies' attention.*

This Principle should be read in conjunction with [associated guidance](#).

Fulfilment of the Principle

The ASA considers that **seven** participating companies demonstrated that they had already wholly or mainly fulfilled this Principle. These participating companies all included a prominent notification of the requirement for ads aimed at a UK audience to comply with the CAP Code. By 'prominent', the ASA considers the notifications adhered to the guidance: they were presented in a sufficiently prominent way as to capture the attention of a reasonably observant, reasonably circumspect, but potentially inexperienced advertiser or agency staff member.

Examples of good practice

The ASA observed the following examples of good practice in relation to this Principle:

- The use of prominent and explicit hyperlinks to the CAP Code, including, in some cases, at an overall site-level.
- In addition to bringing the CAP Code to advertisers' and agencies' attention, highlighting the requirement for ads aimed at a UK audience to comply with specific rules in the CAP Code, such as the requirement for alcohol ads to not be directed at people under 18 through the selection of media or the context in which they appear (Rule 18.15).
- The use of a blog post to circulate information regarding the IPP Pilot to existing clients highlighting the need to comply with the CAP Code, among other aspects of the Pilot.
- The use of an onboarding process via dedicated Account Managers, to give clients a briefing presentation that sets out why complying with the CAP Code is important (for example, to maintain consumers' confidence in advertising), not just that it must be complied with.

Areas identified for progress in the next reporting period

The ASA identified the following areas for progress in the next reporting period in relation to this Principle:

- Some participating companies did not provide any reference to the CAP Code, and instead relied on a general reference to “local laws and regulations”. The ASA does not consider, by the wording of the Principle, that this goes far enough to meet Principle 1, which specifically refers to bringing to advertisers’ attention... *“the requirement for advertisements aimed at a UK audience to comply with the CAP Code”*.
- Some participating companies did not use a hyperlink to the CAP Code within their advertising policies or during the advertising purchasing process. The ASA notes that this is not a requirement of the Principle, but that it is clearly advised in the associated Guidance. Some companies have committed to doing this during the next reporting period and the ASA would, in line with the Guidance, welcome this. The ASA notes some of the reasons given by participating companies for maintaining a general reference to “local laws and regulations” only, and will consider those reasons as part of a fuller review of the Pilot, scheduled for the end of 2023.
- Although some participating companies include references to the CAP Code, this could be done in a more prominent way, for instance by being featured earlier in an advertisers’ onboarding journey, and as set out in the guidance.

The ASA recognises it has more to do over the next reporting period to better understand when and to what extent it is appropriate to expect each participating company to be able to implement each Principle. (See Annex C for more information on categories of IPP Pilot participating companies and relevance to IPP Principles. In the next reporting period, the ASA will explore, in response to feedback from participating companies, whether there are other means, potentially not covered in the guidance, which enable companies to realise this Principle, taking into account factors such as their business model and clientele.

Principle 2



Participating companies will ensure their advertising policies and applicable contractual terms require advertisements aimed at a UK audience to comply with the CAP Code.

This Principle should be read in conjunction with [associated guidance](#).

Fulfilment of the Principle

The ASA considers that **seven** participating companies demonstrated that they had wholly or mainly fulfilled this Principle. These participating companies’ advertising

policies and applicable contractual terms contained an express term that required ads aimed at a UK audience to comply with the CAP Code.

Examples of good practice

The ASA observed the following examples of good practice in relation to this Principle:

- The use of publicly available and easily accessible terms and conditions which expressly required compliance with the CAP Code, and included a hyperlink to the CAP Code.
- Repeating the requirement to comply with the CAP Code when addressing higher risk areas (for example, gambling ads) in their ad policies.

Areas identified for progress in the next reporting period

The ASA identified the following areas for progress in the next reporting period in relation to this Principle:

- As called for by the Principle and associated guidance, relevant participating companies should ensure their advertising policies and applicable contractual terms require advertisements aimed at a UK audience to comply with the CAP Code.
- Some participating companies included a requirement for ads to comply with local laws and regulations and did not provide any reference to the CAP Code. The ASA considers that this does not go far enough to meet the wording of Principle 2, which requires a specific reference to the CAP Code to be included for ads targeting a UK audience. The ASA notes some of the reasons provided by participating companies for maintaining a general reference to "local laws and regulations" only, and will consider these as part of a fuller review of the Pilot, scheduled for the end of 2023.
- Feedback from some of the participating companies suggests that Principles 1 and 2 may not be applicable to their business operation owing to their primary commercial relationship with parties other than advertisers and their agencies. The ASA intends to explore this further in the next reporting period to ensure it provides fully considered observations on this point in the final report.

In the next reporting period, the ASA will explore with participating companies - in keeping with the guidance - the extent to which the requirement to comply with the CAP Code is brought to the attention of advertisers and agencies based in non-UK countries, when they target a UK audience.



Principle 3

Participating companies will assist the ASA in promoting the public's and advertisers' awareness of the ASA system.

This Principle should be read in conjunction with [associated guidance](#).

Contextual information provided by ASA

The following information from the ASA's own internal records and intelligence-gathering is relevant to this Principle:

- Support from some participating companies for the ASA system is long-established: indeed, some participating companies have been helping to both raise awareness of the ASA system (to the public and to advertisers) and to provide additional self-regulatory 'teeth' for the ASA's enforcement function for a number of years.
- This support for the ASA system among some participating companies clearly predates the IPP Pilot, but the ASA's own records also reveal a high level of material assistance, including in relation to awareness-raising, from many of the participating companies during the interim reporting period itself.
- The differing business models of participating companies necessarily mean that not all participating companies are in a position to implement this Principle in line with some of the options presented in the guidance. For example, some do not have inventory to donate or, from initial engagements, are unable to provide credits to help fund the ASA's advertising online to boost awareness-raising. The ASA recognises it has more to do over the next reporting period to better understand when and to what extent it is appropriate to expect each participating company to be able to implement each Principle. (See Annex C for more information on categories of IPP Pilot participating companies and relevance to IPP Principles.)

Fulfilment of the Principle

The ASA considers that **six** participating companies demonstrated that they had wholly or mainly fulfilled this Principle, to the extent allowed for by their business models, given the context outlined above. These participating companies have all collaborated with the ASA in at least one of the following ways:

- By virtue of the donation of advertising credits, which has enabled both the ASA to part-fund its online awareness-raising ads, and the CAP Compliance function to sanction non-compliant advertisers online through use of ads that draw consumers' attention to the advertisers' non-compliance. In some instances, these ad credits have been used by the CAP Compliance function

to enforce compliance with its sector-wide Enforcement Notices. (The ASA was able to verify these instances of collaboration via its own internal records and through documentary evidence provided by the participating companies.).

- Through the clear promotion of the CAP Code to advertisers (Principles 1 and 2).
- Via site-level signposts to their clients towards ASA or CAP regulatory guidance.

Examples of good practice

The ASA observed the following examples of good practice in relation to this Principle:

- Some participating companies have collaborated with the ASA in multiple ways as listed above.
- Donation of ad credits for ASA and CAP awareness-raising and other regulatory purposes amounting to significant value.
- Commitments to provide future support to the ASA's upcoming awareness-raising public ad campaign.
- Raising advertisers' awareness of the ASA system through drawing specific aspects of the CAP Code to advertisers' attention (see Principle 1).
- Innovative, stand-out collaborations raising awareness on specific aspects of the CAP Code.

Areas identified for progress in the next reporting period

The ASA identified the following areas for progress in the next reporting period in relation to this Principle:

- Some participating companies are yet to commit to ASA activities, planned-for or otherwise, promoting its awareness-raising ad campaign or other awareness-raising activities. However, and importantly, the ASA acknowledges that ASA-led opportunities for participating companies to do so have only recently been communicated by the ASA, in the month prior to the publication of this report, outside the interim reporting period. The ASA notes that many companies have expressed a desire to explore ways of collaborating with the ASA during the next reporting period to support its awareness-raising activities. The ASA looks forward to working together with these companies to these ends.



Principle 4

Participating companies will, in relation to the requirement for advertisers to minimise children's and young persons' exposure to ads attracting an age-targeting restriction under the CAP Code (and where such ads are permitted by the participating company's own policies), take reasonable and appropriate measures to make advertisers** aware of: the tools or controls that can be used on the service to support advertisers to comply with the requirement; who provides and/or selects the tools/controls; and who is responsible for activating and controlling them.*

**Guidance to this Principle lists ads for products which must not be directed at children (under 16s) and/or young people (aged 16 or 17) through the selection of media or the context in which they appear.*

***or, where they are acting for advertisers, agencies*

This Principle should be read in conjunction with [associated guidance](#).

Contextual information provided by ASA

The following information from the ASA's own internal records and intelligence-gathering is relevant to this Principle:

- Through its [five-year strategy](#) and annual programmes of work, the ASA has prioritised the regulation of ads for alcohol, gambling, foods high in fat, salt or sugar and other age-restricted ads, especially online.
- In response to ASA rulings and proactive projects identifying age-restricted ads inappropriately directed at people under 18 through the selection of media or context in which they appear, the ASA and its sister body, CAP, have dedicated considerable resource to support advertisers' and agencies' compliance with the CAP Code's age-targeting restrictions, which help to appropriately limit children's exposure to these ads.
- In November, outside of the interim reporting period, CAP published its latest, enhanced [guidance on targeting of age-restricted ads online](#), which benefits from expert input and consultation with the ad tech community. Pre-existing guidance relevant to targeting of age-restricted ads had already been in place since [2017](#) and [2021](#). Principle 4 of the Pilot complements the ASA and CAP's work in this area through the agreement of participating companies to bring to advertisers' and agencies' attention the tools or controls that can be used to help ensure age-restricted ads are targeted to a legitimate adult audience and away from a child audience.
- It is important to note that where ASA monitoring exercises or other sources of information reveal that multiple age-restricted ads, using the services of an

intermediary or platform, have been directed at people under 18 through the selection of media or context in which they appear in breach of the CAP Code, the ASA may consider to what extent an advertiser, agency, publisher, intermediary or platform have, individually, or in combination, had responsibility for that outcome.

Fulfilment of the Principle

The ASA considers that **eight** participating companies demonstrated that they had wholly or mainly fulfilled this Principle. These participating companies provided evidence to the ASA of both drawing advertisers' attention to tools and controls available on the service, which can be used to minimise children's and young person's exposure to age-restricted advertising, and – as examples of good practice – supporting advertisers to use these tools and controls effectively.

Examples of good practice

The ASA observed the following examples of good practice in relation to this Principle:

- The explicit inclusion of a hyperlink to 2017 or 2021 CAP guidance on targeting age-restricted ads online.
- The provision of tools for advertisers to exclude children from the target audience, for example using data including but not limited to purchase history.
- The use of broader content-suitability controls designed to support clients to minimise children's and young persons' exposure to age-restricted ads applying across a whole platform.
- The use of dedicated staff to advise advertisers on which categories of advertising must not be directed at children or young people.
- The production of 'how-to' guides for advertisers and agencies around how to appropriately age-target ads in a given sector.
- The use of automated blocklists of media or context in which ads may be placed, which may have the effect of keeping certain categories of ads (including age-restricted ads) away from children or young people.

Areas identified for progress in the next reporting period

The ASA identified the following areas for progress in the next reporting period in relation to this Principle:

- Owing to the priority it accords to the protection of children and young people, the ASA encourages participating companies (and other relevant intermediaries and platforms not involved in the Pilot) to take reasonable and appropriate measures to make advertisers of age-restricted ads aware of any

tools that can be used on the service to support compliance with CAP's age-targeting restrictions.

- The ASA strongly encourages participating companies to implement, as appropriate, some of the good practice examples identified in the guidance, for example how they actively support advertisers' or agencies' practical use of their proprietary tools or controls to help them target their desired audience and, for marketers of age-restricted ads, comply with CAP Code targeting restrictions. For example, support through the production of online tutorials or 'how to' guides; specific communications to advertisers or agencies in a given advertising sector; or promotion of [CAP Guidance on Age-restricted Ads Online](#).



Principle 5

a) Participating companies will, on receipt of a relevant notice from the CAP Compliance function, act swiftly to remove a non-compliant ad that is the subject of a specific breach of the CAP Code as determined by, or directly related to, a published ASA ruling, in instances where the advertiser fails to appropriately amend or withdraw its non-compliant ad.

b) Participating companies will, on receipt of a relevant notice from the CAP Compliance function, act swiftly to remove a non-compliant ad that is indisputably a prima facie breach of the CAP Code, in instances where the advertiser fails to appropriately amend or withdraw its non-compliant ad.

This Principle should be read in conjunction with [associated guidance](#).

Contextual information provided by ASA

The following information from the ASA's own internal records and intelligence-gathering is relevant to this Principle:

- For reference, over the four-month interim reporting period the ASA received complaints about 421 programmatic paid ads. Following ASA inspection, it was decided that the overwhelming majority of these ads did not raise a substantial issue under the CAP Code. Twenty-three ads, however, were taken forward for further investigation, with eighteen ads (4.3% of the 421 ads complained about) determined to have breached the rules.
- During the four-month interim reporting period, the CAP Compliance function worked with some participating companies to remove just under 200 non-compliant programmatic ads, the vast majority of which pertained to two of the CAP Compliance function's sector-specific Enforcement Notices. All removals

were actioned “swiftly”, in line with the Principle, and – in these instances - within 48 hours. In these cases, the participating companies were assured that the advertisers had been given sufficient notice by the ASA and/or the CAP compliance team, for example via a CAP Enforcement Notice, that their ads were in breach the CAP Code, but they had failed to suitably amend or withdraw their ad accordingly.

- Separately, over the same period, but outside the scope of the IPP Pilot, the CAP Compliance function worked with some of the participating companies to achieve the removal of over 5,000 other non-compliant (and non-programmatic) online ads, mostly appearing on the advertiser’s own social media accounts. The majority of the ads related to prescription-only medicines and the ‘advertisers’ in these cases were typically sole traders or SMEs.
- The ASA and some of the participating companies have, for some considerable time, had in place effective reporting processes to expedite the removal of non-compliant paid programmatic ads. These agreements predate the IPP Pilot, with some spanning back several years. Encouragingly, evidence provided by some of the participating companies in their submissions indicates that these processes have been further enhanced and streamlined during the interim reporting period.
- These companies, in addition to their intermediary role providing tools to advertisers and their agencies to help automate the matching of their ads to publications and other paid inventory online, also make available to clients first party inventory offering advertising opportunities.

Fulfilment of the Principle

Eight participating companies provided information under this Principle. This information and the ASA’s own records show that **only two** participating companies had received a notice relevant to Principles 5a or 5b from the CAP Compliance function in the interim reporting period.

Taking into account the context above, the ASA considers that the two participating companies which had received a relevant notice from the CAP Compliance function demonstrated that they had wholly fulfilled this Principle. They demonstrated that they had acted “swiftly” (within 24-48 hours in these cases) to remove non-compliant ads on receipt of a relevant notice from the CAP Compliance function. This remedial action was corroborated by the ASA’s internal records.

Examples of good practice

The ASA observed the following examples of good practice in relation to this Principle:

- Some participating companies demonstrated fulfilment of this Principle by removing non-compliant ads swiftly (in some cases, within 24 hours of receipt of a relevant notice from the CAP Compliance function).
- Some participating companies provide the CAP Compliance function with dedicated, user-friendly reporting channels, enabling members of the team to report non-compliant programmatic ads with ease and speed, and to good effect.
- In some instances where participating companies had not received any relevant notices from the CAP Compliance function during the interim reporting period, they had nonetheless demonstrated to the CAP Compliance function that dedicated processes were in place to facilitate such ad removal requests.

It is important to note that the participating companies operate their own pre- and post-publication processes to identify and take remedial action against ads that breach their own policies. The Pilot generally and Principles 5a and 5b specifically do not address the efficacy of these processes.

Areas identified for progress in the next reporting period

The ASA identified the following areas for progress in the next reporting period in relation to this Principle:

- The guidance to the Principle encourages participating companies to submit information to the ASA about any steps they have taken to act independently and proactively to identify and take remedial action, at pre-publication and post-publication stage, against ads that raise the non-compliant issue detailed in the relevant notice from the CAP Compliance function. The ASA takes this opportunity to encourage participating companies' submission of this information given, what the ASA considers to be, evident public interest in this area.

Principle 6



Participating companies will respond in a timely way to reasonable requests for information from the ASA in relation to advertisers' use of the company's services, to assist investigation of a suspected breach of the CAP Code, in instances where the information cannot be obtained from the advertiser.*

**or, where appropriate, their agency.*

This Principle should be read in conjunction with [associated guidance](#).

Contextual information provided by ASA

The following information from the ASA's own internal records and intelligence-gathering is relevant to this Principle:

- The ASA made 12 requests for information, to assist investigations of suspected advertising breaches of the CAP Code, to **three** participating companies over the four-month reporting period. The information requested included contact details for advertisers; details regarding ad targeting capabilities on the participating companies' services; comments from participating companies on particular ads' compliance with the platform's own advertising terms (which reflect or complement restrictions in the CAP Code); and the request to pass on ASA correspondence to advertisers where the participating company felt unable, for example for data protection reasons, to provide the advertiser's contact details.
- Response times to the information requests and the quality of the responses varied from case to case, though acknowledgements of the requests were usually prompt.
- Participating companies pointed to data protection and other legal constraints as reasons for not providing advertiser contact details to the ASA. In each case, alternative means of connecting the ASA to the advertiser were offered in relation to ASA investigation of potentially non-compliant paid programmatic advertising.
- A small minority of the participating platforms already have systems in place, unrelated to the IPP Pilot, where certain information about ads, delivered via their services and appearing on their first party inventory, is available to the public, which limited the need for the ASA to request such information.
- During the four-month reporting period, the ASA submitted a bespoke request for information about a category of paid, programmatic ads (crypto ads) relevant to recent ASA investigations and potentially subject to CAP enforcement action. This activity remains ongoing and participating companies' fulfilment of it and other such requests related to paid programmatic ads will be more fully addressed in the final report.

Examples of good practice

The ASA observed the following examples of good practice in relation to this Principle:

- Offering a dedicated channel for communication with the ASA with the intention to expedite information exchanges.

- Forwarding ASA correspondence to advertisers where the participating company considered that data protection or other legal constraints meant that contact details could not be provided to the ASA. The ASA recognises that this Principle might not be applicable to some participating companies owing to their primary relationship with parties other than advertisers and their agencies. The ASA intends to explore this further in the next reporting period to ensure it provides fully considered observations on this point in the final report.

Areas identified for progress in the next reporting period

No significant areas for progress were identified in relation to this Principle. However, the ASA recognises it has more to do, over the next reporting period, to ensure its own staff are given sufficient training to ensure that they adhere to processes agreed with participating companies.

4. ASA's interim review and next steps

This section sets out the ASA's overall, interim review of participating companies' implementation of the Principles, and highlights the good practice observed and areas in which the ASA considers progress should be shown in the final report. The ASA will share any significant aspects of its review of individual participating companies' implementation of the Principles with those participating companies in order to support any related actions they may take in the final reporting period and to assist their provision of information to the ASA. It is important to note that the ASA's interim review is confined to the implementation of the six Principles by participating companies, and its observations are not intended to effect changes to the scope of these Principles. This report and the final report in quarter three, 2023, should help the ASA, the industry and other stakeholders to collectively consider whether and where gaps exist in the ASA's ability to enforce the CAP Code online that could be appropriately addressed by working with these and other online intermediary businesses.

The ASA considers that, during the remainder of the pilot, ending 31 May 2023, the following examples of good practice should be maintained by participating companies already operating to them and serve as a potential guide for progress for other participating companies where they are possible under their business models:

- The use of prominent and explicit hyperlinks to the CAP Code, and, where applicable hyperlinks to specific parts of the Code and CAP guidance (for example, the requirement for alcohol ads to not be directed at people under 18 through the selection of media or the context in which they appear).
- The use of additional ways of raising awareness of the CAP Code and relevant guidance, including blog posts or briefing during client onboarding processes, which explain why compliance with the CAP Code is necessary and important.

- Collaboration on awareness-raising opportunities with the ASA, such as donating advertising credits or inventory in support of the ASA's own awareness-raising campaigns.

Removing all ads swiftly following a request from the CAP Compliance function

- The use of tutorials for advertisers on what the targeting rules of the CAP Code are, the categories of ads they apply to and how to ensure that available controls and tools are used effectively to ensure compliance with the respective rules.
- Where participating companies receive regular notices from the CAP Compliance function, establishing dedicated, user-friendly reporting channels, enabling non-compliant programmatic ads to be reported with ease and speed, and to good effect.
- Offering a dedicated channel for communication with the ASA.
- Forwarding ASA correspondence to advertisers where the companies consider data protection or other legal constraints mean that contact details cannot be provided to the ASA.

The ASA considers that the following areas serve as a potential guide for progress by participating companies – as applicable to their business models - not already fulfilling the Principles or not fulfilling them at a high level:

- In order to ensure the final report is comprehensive, the ASA strongly encourages all participating companies to submit all relevant information in line with the deadlines agreed with the ASA. The ASA will ensure that deadlines are mutually agreed and that all participating companies consider that they are able to meet them.
- Some participating companies did not bring to advertisers' or their agencies' attention any reference to the CAP Code in relation to ads aimed at a UK audience, and instead relied on a general reference to "local laws and regulations". The ASA notes some of the reasons given for maintaining a general reference to "local laws and regulations" only, and will consider those reasons as part of a fuller review of the Pilot, scheduled for the end of 2023. Given the wording of the Principle, feedback suggests that Principles 1 and 2 might not be applicable to some participating companies owing to their primary relationship with parties other than advertisers and their agencies. The ASA intends to explore this further in the next reporting period to ensure it provides fully considered observations on this point in the final report.
- Consideration of donations of ad credits or inventory by companies for ASA and CAP awareness-raising purposes, noting that neither might be applicable owing to some participating companies' business models. The ASA is open to discussing with participating companies any novel ways of collaborating to raise awareness.

- Encouraging participating companies' guidance or policies on the use of targeting tools to explicitly align with CAP rules on the targeting of ads for age-restricted products, including by strongly advising clients to use targeting tools, if available, for the advertising of any products subject to targeting restrictions under the CAP Code, in line with [CAP Guidance on targeting age-restricted ads online](#).
- Where ad targeting tools are provided to advertisers, participating companies are encouraged to provide guidance on whether and how to use them in line with CAP Guidance on targeting age-restricted ads online.

The ASA recognises it has more to do, over the next reporting period, to ensure its own staff are given sufficient training to ensure that they adhere to processes agreed with participating companies for requesting information. The ASA will publish a final report in **quarter three, 2023**. The information gathered through the IPP Pilot will help the ASA, the industry and other stakeholders to collectively consider whether and where further action could be taken to enhance the ASA's ability to enforce the CAP Code online by working with the participating companies and other online intermediary businesses. In this way, the Pilot may serve to inform future policy thinking in this area.

Annex A

Intermediary and Platform Principles

Participating companies will:

1. Bring to advertisers' attention* in a reasonably prominent way, the requirement for advertisements aimed at a UK audience to comply with the CAP Code.

*or, where they are acting for advertisers, agencies' attention.

2. Ensure their advertising policies and applicable contractual terms require advertisements aimed at a UK audience to comply with the CAP Code.

3. Assist the ASA in promoting the public's and advertisers' awareness of the ASA system.

4. In relation to the requirement for advertisers to minimise children's and young persons' exposure to ads attracting an age targeting restriction* under the CAP Code (and where such ads are permitted by the participating company's own policies), take reasonable and appropriate measures to make advertisers** aware of: the tools or controls that can be used on the service to support advertisers to comply with the requirement; who provides and/or selects the tools/controls; and, who is responsible for activating and controlling them.

*Guidance to this Principle lists ads for products which must not be directed at children (under 16s) and/or young people (aged 16 or 17) through the selection of media or the context in which they appear.

****or, where they are acting for advertisers, agencies**

5. a) On receipt of a relevant notice from the CAP Compliance function, act swiftly to remove a non-compliant ad that is the subject of a specific breach of the CAP Code as determined by, or directly related to, a published ASA ruling, in instances where the advertiser fails to appropriately amend or withdraw its non-compliant ad.

5. b) On receipt of a relevant notice from the CAP Compliance function, act swiftly to remove a non-compliant ad that is indisputably a prima facie breach of the CAP Code, in instances where the advertiser fails to appropriately amend or withdraw its non-compliant ad.

6. Respond in a timely way to reasonable requests for information from the ASA in relation to advertisers' use of the company's services, to assist investigation of a suspected breach of the CAP Code, in instances where the information cannot be obtained from the advertiser*.

*or, where appropriate, their agency

Annex B

Intermediary and Platform Principles - Guidance

Notes:

- These Principles are voluntary and complement but do not substitute participating companies' obligations to comply with applicable consumer protection or other law.

- The Principles relate to the ways in which participating companies help to promote advertisers' awareness of the rules as they apply to programmatic paid-for advertising and how they help the ASA to secure compliance in exceptional cases when an advertiser refuses to amend or withdraw a paid-for programmatic ad that breaks the rules. Programmatic paid-for ads can take the form of, for example, paid search, paid social display or paid open display.

- The Principles do not cover programmatic paid-for fraudulent ads (including ads featuring unlicensed financial promotions, ads by fraudsters impersonating legitimate businesses and ads for fake companies) or ads in non-paid-for space online e.g. a retailer's post via its social media account, or any other form of advertising, which is not delivered programmatically e.g. influencer advertising.

- To support the ASA's assessment of how these Principles have been implemented, it will be important for participating companies to explain, where appropriate, how they have acted proportionately and reasonably taking into account the advertisers, agencies and, as appropriate, public users of their services. Alongside information demonstrating how the Principles have been implemented, participating companies are encouraged to provide explanatory or contextual information to the ASA, where

appropriate, including about any additional relevant activities or steps they undertake in the areas covered by the Principles.

Participating companies will:

1. Bring to advertisers' attention* in a reasonably prominent way, the requirement for advertisements aimed at a UK audience to comply with the CAP Code.

*or, where they are acting for advertisers, agencies' attention.

Guidance:

There are different ways in which participating companies may fulfil this Principle.

The presentation of the requirement for ads aimed at a UK audience to comply with the CAP Code should be sufficiently prominent to capture the attention of a reasonably observant, reasonably circumspect, but potentially inexperienced advertiser or agency.

In its consideration of how participating companies meet this Principle, the ASA will have particular regard to clarity, prominence and location of the required information. For example, the ASA is more likely to consider this Principle has not been met if the information is:

- drafted in a way that is difficult to understand, including by suggesting, incorrectly, that advertisers' compliance with the CAP Code is voluntary.
- placed amongst dissimilar information or otherwise located in a way that is likely to adversely affect its prominence. Participating companies are advised to locate the information at a suitable part of the pre-publication process, for example at account registration, advertisement publication booking process etc.

The ASA welcomes information from participating companies about the steps they take to periodically remind advertisers and/or agencies about the requirement to comply with the CAP Code, recognising the need to strike a balance: while a one-off notification of the information is unlikely to be sufficient in most cases, repeated notifications during the publication process, especially for more prolific advertisers, may lose their impact and unduly disrupt the advertiser's use of the service.

The required information should include a hyperlink to the CAP Code (<https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcastcode.html>).

If participating companies bring to advertisers' or agencies' attention the requirement for ads aimed at a UK audience to comply with specific rules in the CAP Code, for example, the requirement for alcohol ads to not be directed at people under 18 through the selection of media or the context in which they appear (Rule 18.15), they should bring this to the ASA's attention. The ASA welcomes the targeted provision of information of this type.

In recognition that participating companies can serve as intermediaries for advertisers and agencies targeting consumers in non-UK countries, the ASA welcomes information about how participating companies meet this Principle in relation to advertisers targeting a UK audience, including any constraints they face in identifying these advertisers and agencies.

2. Ensure their advertising policies and applicable contractual terms require advertisements aimed at a UK audience to comply with the CAP Code.

Guidance:

There are different ways in which participating companies may fulfil this Principle.

In its consideration of how participating companies meet this Principle, the ASA will have particular regard to the clarity of the required information. For example, the ASA is more likely to consider this Principle has not been met if the information is drafted in a way that is difficult to understand, including by suggesting, incorrectly, that advertisers' compliance with the CAP Code is voluntary.

The required information should include a hyperlink to the CAP Code:

<https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcastcode.html>.

In recognition that participating companies can serve as intermediaries for advertisers and agencies targeting consumers in non-UK countries, the ASA welcomes information about how participating companies meet this Principle in relation to advertisers targeting a UK audience, including any constraints they face in identifying these advertisers and agencies.

3. Assist the ASA in promoting the public's and advertisers' awareness of the ASA system.

Guidance: There are different ways in which participating companies may fulfil this Principle. It is ultimately for participating companies to choose an approach or approaches and demonstrate how they meet this Principle in practice.

In general, awareness raising of the ASA system can include, for example, raising consumers' awareness of the ASA or raising advertisers' and agencies' awareness of CAP advice and training services.

Specific measures might include online and/or offline collaborations with the ASA, for example:

- joint awareness-raising campaigns;
- distribution of ASA or CAP regulatory guidance, CAP enforcement notices etc. to advertisers in a given business sector;
- the granting of advertising credits to the ASA to help fund its online awareness-raising ads; or
- donation of inventory (recognising that participating companies that do not own or control inventory cannot directly make inventory available to the ASA).

Participating companies may choose to support awareness raising campaigns initiated by the ASA, and/or use their own initiative to help fulfil this Principle, cooperating with ASA as appropriate, and the ASA will liaise with participating companies, where relevant, to ensure that appropriate materials and content are made available to them

4. In relation to the requirement for advertisers to minimise children's and young persons' exposure to ads attracting an age-targeting restriction* under the CAP Code (and where such ads are permitted by the participating company's own policies), take reasonable and appropriate measures to make advertisers** aware of:

- the tools or controls that can be used on the service to support advertisers to comply with the requirement;
- who provides and/or selects the tools/controls; and
- who is responsible for activating and controlling them. 4

*Guidance to this Principle lists ads for products which must not be directed at children (under 16s) and/or young people (aged 16 or 17) through the selection of media or the context in which they appear.

**or, where they are acting for advertisers, agencies

Guidance: There are different ways in which participating companies may fulfil this Principle.

Primary responsibility for compliance with the CAP Code's age-targeting restrictions rests with the advertiser.

Participating companies control or make available different tools or controls that support advertisers to comply with age-targeting restrictions in the CAP Code. There is no presumption that participating companies will provide specific tools or be required to do so. Types of tools and controls may include, but are not restricted to:

- proprietary tools and controls provided by the participating company for their clients' use/application
- non-proprietary tools/controls made available by the participating company for its clients' use/application
- enabling clients to use/apply their own chosen tools and controls on the participating company's service

Different tools may use, or accommodate the use of, different types/sources of data.

The ASA welcomes information from participating companies about whether and, if so, how they support advertisers' or agencies' practical use of their proprietary tools or controls to help them target their desired audience. In the case of ads attracting an age-targeting restriction under the CAP Code, the ASA also welcomes information about how participating companies support advertisers or agencies to minimise children's and young people's exposure to ads attracting an age-targeting restriction under the CAP Code. For example, support through the production of

online tutorials or 'how to' guides; specific communications to advertisers or agencies in a given advertising sector; or, promotion of CAP Guidance on Age-restricted Ads Online: <https://www.asa.org.uk/resource/children-age-restricted-adsonline.html>

Ads attracting an age-targeting restriction under the CAP Code

Participating companies are encouraged to promote advertisers' use of relevant CAP guidance, which supports advertisers' compliance with age-targeting restrictions in the CAP Code. For example, CAP produces guidance on 'Age-restricted Ads Online' and 'Media placement restrictions: protecting children and young people': <https://www.asa.org.uk/resource/guidance-on-media-placement-restrictions.html>

Ads for the following products or services must not be directed at people under **18** through the selection of media or the context in which they appear. No medium should be used to advertise these products or services if more than 25% of its audience is under **18** years of age:

- Alcohol
- Cosmetic interventions
- Gambling (with the exception of gambling products specified in the next section)
- National Lottery
- Rolling papers or filters
- Weight-reduction regimes or establishments

Ads for the following products or services must not be directed at people under **16** through the selection of media or the context in which they appear. No medium should be used to advertise these products or services if more than 25% of its audience is under **16** years of age:

- Food and soft drink high in fat, salt or sugar
- Football pools, equal-chance gaming (under a prize gaming permit or at a licensed family entertainment centre), prize gaming (at a non-licensed family entertainment centre or at a travelling fair) or Category D gaming machines.
- Medicines
- Society lotteries

Ads appearing in third party paid-for space for these products are not permitted: -

E-Cigarettes and e-cigarette refill containers

- Infant formula
- Prescription-only medicines
- Tobacco

Whilst some other products such as knives or nicotine pouches do not attract an explicit age-targeting restriction under the CAP Code, the ASA would expect advertisers of those products to avoid directing their ads at audiences under the age of 18. The same expectation would apply to ads unsuitable for under-18s because of the creative content of the ad; for example, because it is sexually explicit, depicts or suggests especially violent acts etc.

5. a) On receipt of a relevant notice from the CAP Compliance function, act swiftly to remove a non-compliant ad that is the subject of a specific breach of the CAP Code as determined by, or directly related to, a published ASA ruling, in instances where the advertiser fails to appropriately amend or withdraw its non-compliant ad.

Guidance:

Notice from the CAP Compliance function will be given to the participating company following the function's efforts to engage with, educate and apply appropriate sanctions to the non-complying advertiser and, ultimately, a determination that the advertiser is unwilling or unable to comply with the CAP Code. The CAP Compliance function will provide the basis of its determination to accompany the issuing of a notice.

Implementation of this Principle will be assessed by reference to a published ASA ruling or reference to marketing practices 'directly related to' a published ASA ruling. 'Directly related to' acknowledges that, on the basis of published rulings, the ASA has formed a policy position that certain marketing practices are accepted as misleading or otherwise harmful; for example, specific, misleading presentations of recommended retail prices in ads.

To inform a participating company's decision to remove an ad notified to it by the CAP Compliance function, it may request additional information from the function in circumstances where it considers this necessary. If participating companies have not been able to 'act swiftly' to remove the ad, they should explain the reasons for this, including any extenuating circumstances, to the CAP Compliance function.

Under this Principle, participating companies are expected to deal with individual cases of non-compliance notified to them by the CAP Compliance function. The Principle does not create an expectation for the participating company to act independently and proactively to identify and remove other ads that raise the same non-compliant issue or to take additional steps to prevent such ads from being published via booking services controlled or made available by the participating company. They are nevertheless encouraged to submit information to the ASA about any such actions they have taken.

(Note: Principle 3 offers scope for participating companies to distribute ASA/CAP regulatory guidance, CAP enforcement notices etc. to advertisers falling within a given business sector, in circumstances where the CAP Compliance function identifies widespread non-compliance relating to certain marketing practices.)

5. b) On receipt of a relevant notice from the CAP Compliance function, act swiftly to remove a non-compliant ad that is indisputably a prima facie breach of the CAP Code, in instances where the advertiser fails to appropriately amend or withdraw its non-compliant ad.

Guidance:

Notice from the CAP Compliance function will be given to the participating company following the function's efforts to engage with, educate and apply appropriate

sanctions to the non-complying advertiser and, ultimately, a determination by the CAP Compliance function that the advertiser is unwilling or unable to comply with the CAP Code. The CAP Compliance function will provide the basis of its determination to accompany the issuing of a notice.

Implementation of this Principle will be assessed by reference to requests to remove advertising that amounts to a prima facie breach of the Code; in other words, on its face, evidence exists to establish, or raise strong presumption that, such advertising represents a breach of a specific rule in the CAP Code, with or without reference to a specific ASA ruling. For example, an ad for a prescription-only medicine (Rule 12.12 bans ads for POMs advertising to the public) or an ad for an alcohol product 7 appearing on a website obviously designed for and attracting a clear majority child audience (Rule 18.15 bans alcohol ads in media if more than 25% of the audience is under 18 years of age).

To inform a participating company's decision to remove an ad notified to it by the CAP Compliance function, it may request additional information from the CAP Compliance function in circumstances where it considers this necessary. If participating companies have not been able to 'act swiftly' to remove the ad, they should explain the reasons for this, including any extenuating circumstances, to the CAP Compliance function.

Under this Principle, participating companies are expected to deal with individual cases of non-compliance notified to them by the CAP Compliance function. The Principle does not require the participating company to act independently and proactively to identify and remove other ads that raise the same non-compliant issue or require the participating company to take additional steps to prevent such ads from being published via booking services controlled or made available by the participating company. They are nevertheless encouraged to submit information to the ASA about any such actions they have taken. (Note: Principle 3 offers scope for participating companies to distribute regulatory guidance, enforcement notices etc. to advertisers falling within a given sector, in circumstances where the CAP Compliance function identifies widespread non-compliance relating to certain marketing practices.)

6. Respond in a timely way to reasonable requests for information from the ASA in relation to advertisers' use of the company's services, to assist investigation of a suspected breach of the CAP Code, in instances where the information cannot be obtained from the advertiser*.

*or, where appropriate, their agency

Guidance:

ASA information requests under this Principle will be specific and, in determining whether the request is reasonable, the ASA will consider, on the one hand, the nature of the potential detriment the ASA is seeking to address and, on the other hand, the resource burden the request places on the participating company. ASA requests do not override the need for participating companies to comply with all relevant legislation, including, for example The Data Protection Act 2018 and UK

GDPR, and no requests will seek to identify an individual user of the service or be made in circumstances where there is a likelihood of a particular company doing so by responding.

Requests may include, for example, the provision of contact details for, or the facilitation of correspondence to, an advertiser subject to an ASA investigation of a suspected breach of the CAP Code.

The ASA recognises that the participating company will want to assess each request on a case-by-case basis, alongside any relevant law and its own company policies, to inform its response. If participating companies have not been able to fulfil the request, they should explain the reasons for this, including any extenuating circumstances to the ASA

Annex C

Categories of IPP Pilot Participating Companies and relevance to IPP Principles

Programmatic advertising can either be traded directly, where inventory is bought from a particular media owner using automated processes and a direct relationship exists between the buyer and media owner, or indirectly, on an impression-by-impression basis in real-time through an open, unreserved auction ('open display').

The open display ecosystem relies on third-party advertising intermediaries who connect buyers and sellers of advertising inventory, or who facilitate, support or enhance these services. The two types of intermediaries that are central to this ecosystem and are taking part in the IPP Pilot are Demand Side Platforms (DSPs) and Supply Side Platforms (SSPs).

DSPs provide a platform that allows advertisers and media agencies to buy programmatic display advertising from SSPs and media owners.

SSPs provide the technology to automate the sale of digital inventory. They allow media owners to connect with multiple sources of demand by connecting to multiple DSPs, and sell their advertising inventory programmatically. They can also facilitate direct deals between publishers and advertisers.

By contrast, ad-funded social media 'platforms' have integrated sales functions for selling their own inventory, often referred to as 'owned and operated' inventory or media.

In terms of the open display supply chain, DSPs sit between buyers (advertisers/agencies) and SSPs. SSPs sit between DSPs and media owners. Therefore, while DSPs have a direct relationship with advertisers (or their agencies), SSPs do not.

With the 'owned and operated' model, each company manages the buying and selling of its own inventory, and has a direct relationship with buyers (advertisers

and/or agencies) and consumers.

Simplified open display supply chain diagram



Application of the Principles to different types of intermediary

The Intermediary and Platform Principles are primarily focused on promoting advertisers' awareness of the CAP Code and helping the ASA to secure compliance in exceptional cases when an advertiser refuses to amend or withdraw an ad that breaks the rules. Therefore, some of the Principles are not likely to apply to all participating companies, in practice, depending on where they sit in the supply chain, and who their contractual partners in the supply chain are. This is particularly the case for SSPs, who do not have a direct contractual relationship with advertisers (or their agencies), unlike platforms or DSPs, who do.

For SSPs, this would be a relevant consideration for principles 1, 3 (in respect of advertiser awareness-raising), 4 and 6. It is also unlikely that Principle 5 (relating to removal of non-compliant ads in certain circumstances) would apply in practice to an SSP, since there are other parties in the supply chain who would have more direct control over the ad. However, it is possible that the CAP Compliance team may request assistance from an SSP.

Additionally, with respect to the element of Principle 3 that relates to ASA awareness-raising among the public, both DSPs and SSPs are likely to be limited in the extent to which they are able to assist the ASA with this work (if at all) since they do not have a direct relationship with the public.