

Section IV

CODE ADMINISTRATION

1.0 Procedure for General Public Complaints

- 1.1 Any complaint received from the public must be made in writing specifying, if possible, the part of the Code that has been breached together with supporting documents or details of the said advertisement.
- 1.2 The complaint will be reviewed by the Chairman. If the Chairman is of the opinion that the complaint is genuine it will be circulated for the Board's review within two working days from receipt of the complaint.
- 1.3 Within 3 working days, the Board is to revert on their views of the complaint following which;
 - (a) If the views of the Board members are unanimous, ASA will inform the parties involved of the decision.
 - (b) If there is a difference of opinion, the Board will convene a meeting within three working days to deliberate the matter.
- 1.4 If the Board is of the opinion the complaint is in breach Code, ASA will write to the Advertiser to respond within five working days.
- 1.5 Upon receiving the response from the Advertiser, the Board will arrive at their decision within ten working days.
- 1.6 The parties concerned will be notified in writing of the decision and the subsequent action that is recommended or to be taken.

2.0 Procedure for Industry Complaints

- 2.1 Any complaint that any member or person from the industry has to be first addressed with the alleged offending party in writing, specifying the Clause of the Code which it is claimed has been breached with a copy extended to ASA.
- 2.2 If within two working days, the complaint is not resolved, then either party shall in writing formally lodge a complaint to the Chairman of the ASA Malaysia.
- 2.3 The complaint will be reviewed by the Chairman. If the Chairman is of the opinion that the complaint is genuine it will be circulated for the Board's review within two working days from receipt of the complaint.
- 2.4 Within 3 working days, the Board is to revert on their views of the complaint following which;
 - (a) If the views of the Board members are unanimous, ASA will inform the parties involved of the decision.

- (b) If there is a difference of opinion, the Board will convene a meeting within three working days to deliberate the matter.
- 2.5 If the Board is of the opinion the complaint is in breach Code, Advertising Standards Malaysia will write to the Advertiser to respond within five working days.
- 2.6 Upon receiving the response from the Advertiser, the Board will arrive at their decision within ten working days.
- 2.7 The parties concerned will be notified in writing of the decision and the subsequent action that is recommended or to be taken.

3.0 Inquiry Proceedings

- 3.1 In adjudication of all cases, the ASA may require the parties concerned to provide evidence in support of or against the complaint and for this purpose may request:
- (a) A written submission with documents, recordings or transcripts of the relevant documentation from the parties concerned
- (b) The presence of the concerned parties at the inquiry;
- (c) The presence of any party to provide clarification on a document submitted as substantiation
- (d) The presence of any independent party for further information or further substantiation

4.0 Sanctions

- 4.1 If an advertiser is having difficulty to adhere with the decision or unwilling to work with the ASA, some of the sanctions at the disposal can have negative consequences. The sanctions which are principally applied
- a) the withholding of advertising space from advertisers
- b) the withdrawal of trading privileges from advertisers/ advertising agencies.
- c) Negative publicity – an advertiser’s reputation can be severely tarnished if it is seen to be breaching the rules designed to protect consumers. This is enforced by the Advertising Standards Malaysia, which may publish details of the outcome of investigations it has undertaken
- 4.2 Ultimately if advertisers and media owners persistently break the Code and

refuse to work with ASA, then the ASA can and do refer them for further action to other government bodies such as the Ministry of Domestic Trade and Consumer Affairs, Ministry of Health, Ministry of Education among others.

- 4.3 Additionally, any advertisements that break the Code are disqualified from industry awards, denying advertisers and the agencies that created the ads the opportunity to showcase their work.