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Advertising Standards Authority  
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13 October 2017  
By email

Ref: A17-397816/CD/ts

[Redacted]

### Your advertising

We have received a complaint about your advertising and we welcome your help to resolve it. We are enclosing with this letter a summary of the complaint and all the necessary information about it to enable you to provide a full, relevant response.

### Who we are

The ASA investigates complaints to ensure that non-broadcast marketing communications comply with The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (The CAP Code), prepared by the Committee of Advertising Practice (CAP). We also investigate complaints to ensure that TV and radio advertising complies with The UK Code of Broadcast Advertising (The BCAP Code). The Government and the Courts recognise the ASA as the “established means” of regulating non-broadcast advertising.

### The investigations process

We will consider the complaint under rules 3.1, 3.3 (Misleading advertising) and 3.9 (Qualifications) of The CAP Code (attached). Marketing communications must comply with all other relevant rules, among which are the underlying principles (also attached). You can read or download the full Code on our website [here](#).

Full information about the process is available on our website, [here](#). You will find details of what we do when we first receive a complaint, how long the process takes, how we communicate during the process, how we deal with large numbers of complaints about individual ads and how we deal with cross-border complaints. There is also a process timeline and below that there are links to the leaflet, '[Complaint about your ad. What happens now?](#)', and to our detailed complaints handling procedure for broadcast and [non-broadcast](#) advertising.

Legal, decent, honest and truthful

Chairman Lord Currie of Marylebone Chief Executive Guy Parker  
ASA Council (Non Broadcast) Reg Bailey, Kate Bee, Alan Bookbinder, Rachel Childs, Roisin Donnelly, David Hepworth, Tracey Follows, Wesley Henderson, Suzanne McCarthy, Shireen Peermohamed, Neil Stevenson, and Sam Younger

The Advertising Standards Authority Limited, registered in England No 733214, Mid City Place, 71 High Holborn, London WC1V 6QT

We intend to deal with the complaint as a formal investigation, which means it will be considered by the ASA Council. We will draft a recommendation for the Council based on your response to us. Once the Council has made a decision, the ruling will be published on our website.

### **What you need to do**

We need you to respond to the complaint.

The complainant has challenged whether the claim “30 hours free childcare” is misleading. He considers the claim gives the impression that existing childcare services will be available free, but in his experience, childcare providers are not providing 30 hours “free”. Rather, they offer discounts to their existing rates consistent with the actual amount of funding being offered to them as compensation. According to the complainant, this can be less than their actual hourly rates, particularly in London.

He also understands that the scheme’s average number of free hours over a year is less than 30 hours per week.

We would ask you to comment on the above points. We will then consider whether the ad sufficiently clearly communicates the details and conditions of the scheme.

We strive to ensure that the rulings reached by the ASA have proper regard to consistency, which we believe is best achieved through open communication with businesses, consumers and other regulators. With that in mind we ask that you submit any advice you may have received from another regulator in relation to this advertising. Specifically, if you have a Primary Authority partnership, please provide us with copies of any relevant assured advice you have received and provide contact details for the person who provided that advice. Should you have reason to contact your Primary Authority regarding this or similar advertising during the course of our investigation, please let us know in advance and ensure that the Primary Authority is made aware of our investigation.

As well as addressing the complaint, please cover the following points when you prepare your response:

- Check that your company’s legal name and address are listed correctly at the top of the complaint notification. If they are incorrect, please let us know. Please also provide us with your Companies House number.
- Let us know what plans you have for future use of your advertising. A media schedule would be especially useful.
- Let us know the name of your advertising agency or any other company that prepared the advertising on your behalf.
- If the ASA Council upholds the complaint, its ruling might affect the acceptability of similar ads in other media, including broadcast. We are telling you this now so you are aware of the potential ramifications of this investigation. Let us know now if you are using (or intend to use) similar claims, images or ads in other media.

### **Informal resolution**

If you believe the complainant has made a valid point or if you would prefer to address the complaint without going through a formal investigation, we may be able to agree changes to your advertising that would resolve the complaint without referring the matter to the ASA Council.

### **Your response deadline**

The ASA's effectiveness depends on resolving complaints fairly and swiftly. An unreasonable delay in responding to our enquiries may be considered a breach of The CAP Code. So that we can conclude this matter as soon as possible, please respond in writing, preferably by email to [REDACTED] within SEVEN working days. If you need more time, we may be able to agree to one short extension, but you will need to contact us within the deadline to explain why you are unable to respond sooner and agree a timetable for your response.

If you are not the right person to deal with this letter please tell us and pass the letter on to someone who is. If we do not receive a reply from you by **24 October**, we may add your lack of response to the other issues that we are investigating which will form part of any formal published ruling.

Thank you for your co-operation. We look forward to hearing from you.

Yours sincerely



[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

We shall use your contact details, together with other information from or about you, to deal with the complaint. We may contact you to assess the quality of our services or to give you information about our activities, which might interest you. If you do not want to be contacted for that purpose, please let our Data Protection Officer know at the above address or by e-mail at [data.protection@asa.org.uk](mailto:data.protection@asa.org.uk). For further information about our Data Protection Policy please refer to our website [www.asa.org.uk](http://www.asa.org.uk).