



ADVOCACY WORKING GROUP
MARKET STUDIES PROJECT

MARKET STUDIES INFORMATION STORE

SECTOR:

ADVERTISING AND MARKETING

UPDATED: DECEMBER 2015

Information Store

Advertising and Marketing

Jurisdiction:	US - FTC	Range of Possible Outcomes									
Market:	Cigarettes and Smokeless Tobacco										
End Date:	May 2013	Competition Enforcement Consumer Enforcement Consumer Education Business Education Voluntary Business Compliance Voluntary Business Action Recommendations to Government for Changes in the Law Recommendations to Government to Change Market Structure Recommendations for Changes to Government Policy Referral to Third Parties No Problems Found	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Duration:	N/A										
Source of idea for study:	Bureau of Consumer Protection (pre-1990s reports were Congressionally mandated)										
Outcome (tick relevant columns):											
Reason for study (what were the problems)?	<p>Report on cigarette and smokeless tobacco sales and advertising / promotional expenditure for 2011. The FTC has issued reports on advertising and promotion of cigarettes periodically since 1967, and the Smokeless Tobacco Report periodically since 1987.</p> <p>These reports are used by public health advocates, and others, who have made recommendations for changes in government policy, though the FTC has not.</p>										
Link to report:	https://www.ftc.gov/news-events/press-releases/2013/05/ftc-releases-reports-2011-cigarette-and-smokeless-tobacco										

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Jurisdiction:	US - FTC											
Market:	Food Marketing to Children and Adolescents	Range of Possible Outcomes										
End Date:	Study 2012, Interagency Working Group 2011, December 2009 Forum, July 2008 Report, July 2007 Forum, May 2006 Report	Competition Enforcement	Consumer Enforcement	Consumer Education	Business Education	Voluntary Business Compliance	Voluntary Business Action	Recommendations to Government for Changes in the Law	Recommendations to Government to Change Market Structure	Recommendations for Changes to Government Policy	Referral to Third Parties	No Problems Found
Duration:	Various											
Source of idea for study:	Bureau of Consumer Protection (except for 2008 Report, which Congress requested)											
Outcome (tick relevant columns):		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reason for study (what were the problems)?	<p>The FTC has been actively working with government agencies, consumer advocates, academics, and industry to foster creative and effective self-regulatory initiatives to help combat childhood obesity. Among other things, the agency has conducted workshops, issued a series of reports on food marketing, self-regulation and childhood obesity, and published a study on television food advertising.</p> <p>The 2009 Forum discussed current research on the impact of food advertising on children; the statutory and constitutional issues surrounding governmental regulation of food marketing; and the food and entertainment industries' implementation of the recommendations in the FTC's 2008 report. The Forum also announced recommended nutritional standards for foods marketed to children.</p> <p>The 2008 Report tracked expenditures and promotional activities used to market foods and beverages to children and adolescents in 2006, and recommended changes to food marketing practices by both food and beverage industry members and entertainment and media companies.</p> <p>The 2007 Forum offered members of the food and media industries and self-regulatory groups an opportunity to report on their progress implementing initiatives in response to the recommendations set forth in the 2006 report, and for other stakeholders to comment on that progress.</p> <p>The 2006 Report was a joint report with the Department of Health and Human Services, recommending concrete steps that industry can take to change their marketing and other practices to make progress against childhood obesity.</p>											
Link to report:	Information about these and other related activities are available at https://www.ftc.gov/food-marketing-to-children-and-adolescents											

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Jurisdiction:	France	Range of Possible Outcomes										
Market:	Online Advertising											
End Date:	December 2010	Competition Enforcement	Consumer Enforcement	Consumer Education	Business Education	Voluntary Business Compliance	Voluntary Business Action	Recommendations to Government for Changes in the Law	Recommendations to Government to Change Market Structure	Recommendations for Changes to Government Policy	Referral to Third Parties	No Problems Found
Duration:	11 months											
Source of idea for study:	Referral was made to the Autorité de la concurrence by the Minister for the Economy, Finance and Employment											
Outcome (tick relevant columns):		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reason for study (what were the problems)?	<p>Concerns were expressed by several stakeholders regarding the central position held by Google in the online advertising sector:</p> <ul style="list-style-type: none"> - competing search engines view that the hegemony of Google results from its efforts to close off markets and other online market players fear that the conditions under which Google is diversifying into other markets do not fall within the framework of merit-based competition; - customers, i.e. advertisers or Internet website editors that are members of the Google advertising syndication network complained of arbitrary and opaque practices by Google, in view of their low negotiating power; - the press felt it was subjected to free riding and predatory pricing likely to worsen their already difficult situation. <p>The findings of the survey confirmed that Google held a dominant position on the advertising market linked to search engine. The Autorité found that search-related advertising is a specific market, not substitutable with other means of advertising. While this dominance is not in itself reprehensible, the Autorité identified what could constitute an abusive exercise of such market power and could be the object of further antitrust investigation.</p> <p>It also advocated revisiting legal obligations weighing on the sale and purchase of advertising space to ensure users of Google's AdSense service benefit from adequate and transparent revenue reporting. Lastly, the Autorité also looked thoroughly into the special situation of the press. It recommended that press publishers be enabled to obtain exclusion from the Google News aggregator, without being delisted by the Google search engine.</p>											
Link to report:	<p>Press release in English http://www.autoritedelaconcurrence.fr/user/standard.php?id_rub=368&id_article=1514 Full opinion in English http://www.autoritedelaconcurrence.fr/doc/10a29_en.pdf</p>											

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Jurisdiction:	Japan	Range of Possible Outcomes										
Market:	Advertising											
End Date:	September 2010	Competition Enforcement Consumer Enforcement Consumer Education Business Education Voluntary Business Compliance Voluntary Business Action Recommendations to Government for Changes in the Law Recommendations to Government to Change Market Structure Recommendations for Changes to Government Policy Referral to Third Parties No Problems Found	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Duration:	1 year											
Source of idea for study:	- A follow-up of the previous survey (conducted in 2005) - Internal competition concern											
Outcome (tick relevant columns):												
Reason for study (what were the problems)?	To make clear the issues for improvement on trade in advertising industry from the viewpoint of competition policy by studying the change of trade practice on TV advertisement with a focus on the point which was pointed out in the survey in 2005 and investigating whether there are any anticompetitive trade practices on Internet advertisement, same as TV advertisement.											
Link to report:	(Press release and full report in Japanese only) http://www.iftc.go.jp/houdou/pressrelease/h22/sep/100901.html											

Jurisdiction:	UK	Range of Possible Outcomes										
Market:	Advertising of Prices											
End Date:		Competition Enforcement Consumer Enforcement Consumer Education Business Education Voluntary Business Compliance Voluntary Business Action Recommendations to Government for Changes in the Law Recommendations to Government to Change Market Structure Recommendations for Changes to Government Policy Referral to Third Parties No Problems Found	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Duration:												
Source of idea for study:	In-house work											
Outcome (tick relevant columns):												
Reason for study (what were the problems)?	Increased use of the internet. This has introduced new pricing and advertising practices.											
Link to report:												



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Jurisdiction:	US - FTC	Range of Possible Outcomes									
Market:	Children's Entertainment										
End Date:	December 2009 April 2007	Competition Enforcement Consumer Enforcement Consumer Education Business Education Voluntary Business Compliance Voluntary Business Action Recommendations to Government for Changes in the Law Recommendations to Government to Change Market Structure Recommendations for Changes to Government Policy Referral to Third Parties No Problems Found	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Duration:	2 years										
Source of idea for study:	Congress										
Outcome (tick relevant columns):											
Reason for study (what were the problems)?	The 2009 report was the seventh in a series of reports on industry practices relating to the marketing of violent movies, music, and video games to children.										
Link to report:	https://www.ftc.gov/news-events/press-releases/2009/12/ftc-renews-call-entertainment-industry-curb-marketing-violent https://www.ftc.gov/news-events/press-releases/2007/04/ftc-issues-report-marketing-violent-entertainment-children										

Jurisdiction:	US - FTC	Range of Possible Outcomes									
Market:	Negative Option Marketing										
End Date:	January 2009 Report	Competition Enforcement Consumer Enforcement Consumer Education Business Education Voluntary Business Compliance Voluntary Business Action Recommendations to Government for Changes in the Law Recommendations to Government to Change Market Structure Recommendations for Changes to Government Policy Referral to Third Parties No Problems Found	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Duration:	Two years										
Source of idea for study:	Bureau of Consumer Protection										
Outcome (tick relevant columns):											
Reason for study (what were the problems)?	The report summarizes the workshop presentations and public comments received by the FTC. The report identifies five principles for marketing online negative option offers based upon recent FTC cases and the workshop panelists' comments. The workshop focused particularly on Internet-based negative option offers, because they are relatively new and present distinct issues regarding the form, content, and timing of disclosures.										
Link to report:	Report: https://www.ftc.gov/reports/negative-options-federal-trade-commission-workshop-analyzing-negative-option-marketing Information about the related workshop: https://www.ftc.gov/news-events/events-calendar/2007/01/negative-options-workshop-analyzing-negative-option-marketing										

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Jurisdiction:	US - FTC											
Market:	Alcohol Industry	Range of Possible Outcomes										
End Date:	June 2008	Competition Enforcement Consumer Enforcement Consumer Education Business Education Voluntary Business Compliance Voluntary Business Action Recommendations to Government for Changes in the Law Recommendations to Government to Change Market Structure Recommendations for Changes to Government Policy Referral to Third Parties No Problems Found	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Duration:												
Source of idea for study:	Bureau of Consumer Protection											
Outcome (tick relevant columns):		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reason for study (what were the problems)?	The FTC studied alcohol marketing and youth, examining industry efforts to reduce the likelihood that alcohol advertising will target those under the legal drinking age of 21. The study resulted in a proposal for a new system for monitoring alcohol industry compliance with self-regulatory programs. It was the third Federal Trade Commission report on efforts by the alcohol industry to reduce the likelihood that alcohol advertising will target youth, by its placement or content.											
Link to report:	https://www.ftc.gov/reports/self-regulation-alcohol-industry-report-federal-trade-commission											

Jurisdiction:	US - FTC											
Market:	Children and Television Advertising	Range of Possible Outcomes										
End Date:	June 2007	Competition Enforcement Consumer Enforcement Consumer Education Business Education Voluntary Business Compliance Voluntary Business Action Recommendations to Government for Changes in the Law Recommendations to Government to Change Market Structure Recommendations for Changes to Government Policy Referral to Third Parties No Problems Found	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Duration:												
Source of idea for study:	Bureau of Consumer Protection											
Outcome (tick relevant columns):		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reason for study (what were the problems)?	This staff-generated study provides a comprehensive assessment of the amount and type of television advertising seen by children in 2004 and compares this with that in 1977.											
Link to report:	https://www.ftc.gov/reports/childrens-exposure-television-advertising-1977-2004-information-obesity-debate-bureau											

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Jurisdiction:	Germany	Range of Possible Outcomes									
Market:	Outdoor Advertising										
End Date:	2007	Competition Enforcement Consumer Enforcement Consumer Education Business Education Voluntary Business Compliance Voluntary Business Action Recommendations to Government for Changes in the Law Recommendations to Government to Change Market Structure Recommendations for Changes to Government Policy Referral to Third Parties No Problems Found	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Duration:											
Source of idea for study:	Complaints by end consumers and from the market as well as information provided by the competition authority of a <i>Bundesland</i>										
Outcome (tick relevant columns):		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reason for study (what were the problems)?	Acquisition of in-depth knowledge of the market.										
Link to report:	http://www.bundeskartellamt.de/SharedDocs/Publikation/DE/Sektoruntersuchungen/Sektoruntersuchung_Aussenwerbung_Eckpunktepapier_Ergebnisse.pdf?__blob=publicationFile&v=5 (German only)										

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Jurisdiction:	UK	Range of Possible Outcomes									
Market:	Classified Directory Advertising Services										
End Date:	December 2006	Competition Enforcement Consumer Enforcement Consumer Education Business Education Voluntary Business Compliance Voluntary Business Action Recommendations to Government for Changes in the Law Recommendations to Government to Change Market Structure Recommendations for Changes to Government Policy Referral to Third Parties No Problems Found	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Duration:	21 months										
Source of idea for study:	Referred to the Competition Commission (CC) by the Office of Fair Trading (OFT) under section 131 of the Enterprise Act 2002										
Outcome (tick relevant columns):		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reason for study (what were the problems)?	<p>Highly concentrated market for major CDAS (with levels of high concentration persisting over time).</p> <p>High barriers to entry, including network effects and the need to establish strong brand identity.</p> <p>Network effects that reinforce the incumbency position of the largest player.</p> <p>Yell (one of the UK's three largest directory publishers) has market power and is the price setter in the market and Yell's prices are not constrained by its competitors.</p>										
Link to report:											