

General Warning

The purpose of this fact sheet is to give general introductory information about the complaints process. It does not contain legal advice.

WARNING: Alternative legal action should be considered before making a complaint. What is included in a complaint may be relevant to any current or future legal proceedings. If you are involved in legal action you should immediately see a lawyer and not proceed with a complaint.

If you (or the complainant, if you are complaining on their behalf) want financial compensation, support, or money you should see a lawyer before making a complaint.

General complaint information

Complaints are rarely about just one thing. When you have a problem, it may be that a number of things have gone wrong. Below are some of the common areas where issues may arise that could lead to a complaint.

Discrimination	Disability and NDIS services	Policing, Custody and Detention
Seniors and Aged Care supports and services	Consumer and Business disputes	Phone and Internet services
Banking, Insurance and Superannuation	Energy and Water services	Housing and Real Estate
Health Care services	Employment issues	Education and Training providers
Government Agencies and Departments	Child Safety and Protection	State Fines and Debts
Corruption	Privacy and Access to Information	Media and Publications

There are different complaint bodies to handle different types of complaints. You should consider the different pathways available to decide the most appropriate pathway for your circumstances. One event could lead to multiple complaints. That means you may need to lodge more than one complaint to have all of your concerns addressed.

The online triage tool on this website can help you to identify the different complaint bodies that may be able to assist you.

It is usually quickest and easiest to try to resolve a complaint directly with the person or body you are having a problem with. Many complaint handling bodies will not act on a complaint unless you to have tried to resolve your complaint directly. If you do not feel it is safe or appropriate to complain directly, you should contact the relevant complaint body to discuss your situation.



Complaints involving discrimination

There are state and federal complaints bodies that handle complaints that about discrimination. If your situation involves discrimination, you should consider making a discrimination complaint in addition to any other complaints. Discrimination may occur when someone is treated less favourably on the basis of: race; sex; gender; disability; age; sexuality; relationship status; pregnancy; caring responsibilities; or having or being thought to have an infectious disease.

WARNING: The state and federal bodies that handle discrimination complaints have different rules, including time limits. You can make a complaint to both the state and federal complaint bodies, but they may decide not to address your concerns if you have already complained elsewhere. For example, if you have already lodged a discrimination complaint to anti-discrimination NSW, it is likely that Australian Human Rights Commission will decide not to act on your complaint. Please carefully review the discrimination factsheets for information about your options before making a discrimination complaint.

Ad Standards

In this fact sheet, we introduce **Ad Standards**, Australia's advertising complaints handling body. We outline how complaints can be made by members of the community to the Ad Standards.

Ad Standards manages the advertising industry's system of national self-regulation. Its purpose is to provide a voice for the community regarding advertising across all media and to guide the advertising industry in maintaining responsible and honest advertising which upholds community standards and values.

Legislation and Key Terms

Relevant Legislation, guidelines and codes:

- AANA Code of Ethics
- AANA Food & Beverage Code
- AANA code for Advertising & Marketing Communications to Children
- AANA Environmental Claims Code
- AANA Wagering Advertising Code

Key terms:

Community Panel: A group of people from different backgrounds who review and assess complaints about ads made by the community.

Complaint: An expression of dissatisfaction where a response or resolution is wanted, expected or required.

Complainant: A person who has made a complaint.

Member of the Community: Any individual who interacts with or is exposed to advertising and marketing communications within the community where the advertising is broadcasted or published.



Step 1: What type of complaints can be made to Ad Standards?

Complaints about advertising

The Australian advertising industry has written, and agreed to follow, rules for advertising. The rules reflect community standards and are designed to promote consumer confidence in the industry. If you believe an advertiser has failed to follow the rules you can make a complaint to Ad Standards. Below are types of complaints handled by Ad Standards

Sub-category	Example
Discrimination Section 2.1 of AANA Code of Ethics	Advertising is not allowed to discriminate or vilify a person or section of the community based on e.g. race, ethnicity, gender, age, sexual preference or disability. Example: A clothing brand features a diverse group of models in their new ad campaign, celebrating diversity. A rival brand responds with an ad mocking the diverse models and uses stereotypes to mock and vilify the models' differences.
Exploitative or degrading Section 2.2 of the AANA Code of Ethics	Advertisements must not exploit or degrade any individual or group through the use of sexual appeal. Specifically, the use of sexual appeal is strictly prohibited in advertisements that feature images of minors, or individuals who appear to be minors. Example: A fashion brand launches a new underwear line using a number of underaged models who are pose provocatively.
Violence Section 2.3 of the AANA Code of Ethics	Violence should only be used in advertising where it can be justified. It must not be excessive or gratuitous. Violence includes both actual depictions of violence and threats or suggested violence, as well as the consequences of violence such as fear, pain and injury. Violence may be justified in community awareness campaigns, video games or films. Example: During a popular daytime TV slot, an ad for a kitchen knife set graphically mimics a violent scene, portraying the knives in an aggressive, threatening manner unrelated to cooking or food preparation. Viewers, expecting content suitable for a general audience, are alarmed by the unnecessary portrayal of violence.
Sex, sexuality and nudity Section 2.4 of the AANA Code of Ethics	Advertisements must treat sex, sexuality and nudity with sensitivity. The use of overtly sexual images should be avoided in public spaces where they are exposed to a broad audience. Subjects in the ads should not be overly sexualised especially where there is no relevance to the product. Example: A chocolate company launches a provocative advertising campaign to promote its new product, a new chocolate bar. The ad features a high sexualised image of a woman covered in melted chocolate. The



	advertisement is displayed prominently on billboards across the city where people of all ages, including children, are exposed to it. Advocacy groups complain that the ad contains overtly sexual content that is irrelevant to the product.
Language content Section 2.5 of AANA Code of Ethics	Advertising must use appropriate language for the target audience and ensure that strong and obscene language is not used. Ads may use a sexualised double entendre or play on words if there is a second non-sexual meaning which can be understood by children. Example: A billboard for a new energy drink uses provocative and offensive language in its tagline, aiming to shock and grab attention. The billboard is placed on a busy street frequently passed by school buses and families. Parents and teachers are upset by the explicit language exposed to children and the general public.
Health and safety Section 2.6 of the AANA Code of Ethics	Advertising must not encourage and promote behaviour which is unsafe, unhealthy and contrary to current community health and safety standards. Example: An energy drink company promotes a viral challenge for their new product on social media. The challenge dares people to perform risky and potentially life-threatening stunts.
Distinguishable advertising Section 2.7 of the AANA Code of Ethics	Advertisements should be easily recognisable and not be disguised as news, independent reviews, private blogs or user-generated content. Example: A healthy eating magazine publishes an article promoting superfoods and promotes a specific protein powder as being one of the best superfoods on the market. Readers later discover that protein powder was a paid advertisement that was disguised as an independent review.
Advertising to children AANA Code for Advertising & Marketing Communications to Children	It is important that the ads aimed at children are not deceptive or inappropriate based on community standards. The Code sets standards related to: safety; sexualisation; social values; parental authority; food and beverages; alcohol and the presentation of factual information in advertisements aimed at children. Examples: • Luca is watching a children's TV show with ads for "Super Space Action Figures" during the commercial breaks. The ads show the action figures doing amazing things like flying and fighting aliens. However, when Luca get the toy, it can't perform any of the actions as advertised. Luca's parents complain to the advertising authority, saying the ads are misleading and create false expectations for children. • During a hot summer's day, an advertisement for a new inflatable pool toy airs, showing children engaging in rough play in the pool without wearing any life jackets or adult

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supervision. The ad depicts activities like jumping into the pool from unsafe heights and racing across the pool on inflatable toys in a manner that suggests such actions are safe and fun.

Alcohol advertising

ABAC
Responsible
Alcohol Marketing
Code
AANA Code of
Ethics

Alcohol must be marketed responsibly. Ads should not encourage unsafe and reckless consumption of alcohol or suggest its consumption can lead to success, create a significant change in mood or offer a therapeutic benefit.

Examples:

- A company promotes their new alcoholic drink. It is in very similar packaging as a popular sports drink. It advertises that the drink will help with sport performance. Some people purchase the drink thinking it's a regular sports drink and are surprised to discover it is alcohol.
- A beer commercial is set at a lively beach party, where the main message implies that the fun and excitement of the gathering only begin after the characters open and consume the beer. The ad heavily suggests that social success and the enjoyment of the party are directly linked to the consumption of alcohol, with scenes of individuals suddenly becoming the centre of attention and more joyful after drinking.

Misleading and deceptive advertising

Section 2.1 of the AANA Food and Beverages Code

Section 2.2 of the AANA Children Code

Advertising must not be misleading and deceptive in relation to marketing to children and food and beverages.

The Australian Competition and Consumer Commission as well as State and Territory consumer protection agencies also manage consumer complaints about general deceptive or misleading advertisements.

Example:

A snack company launches a campaign to promote a new snack for kids that is promised to be a healthy and wholesome. It is later discovered that the snack contains high levels of sugar and unhealthy additives.

Environmental claims

AANA Environmenta Claims Code Advertisements need to be honest and factual about any environmental claims made about products and services.

Example:

A cleaning company launches a new toilet cleaner that is 100% environmentally friendly without providing any evidence or certification to support this claim.

Food and beverage

AANA Food and Beverages
Advertising Code

Advertising for food and beverages must be in a manner that is legal, honest and factual and must be in line with health and safety standards.

Example:

A cereal company released a new type of cereal that promises to help consumers lose weight and resolve their health issues. There is no scientific evidence to support these claims.

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Motor vehicles Advertisements about motor vehicles must not encourage unsafe and reckless driving practices. Federal Chamber of Automotive Example: Industries A car manufacturer launches a new advertising campaign to promote Voluntary Code of its new sports car. It promises a powerful engine and super speed **Practice for Motor** capabilities. The ad depicts the car being driven at extremely high Vehicle speeds on public roads, expertly weaving around traffic and narrowly <u>Advertising</u> missing pedestrians. Wagering Gambling ads should not be primarily directed to people underage, be in combination with alcohol consumption, imply the promise of **AANA Wagering** winning; and suggest that gambling relieves personal or financial Advertising and difficulty. Marking Communication Ad Standards codes do not apply to casino games or electronic Code gaming machines, keno, lotto and lottery products or trade promotions. In general, gambling advertisements are regulated by the Australian Communications and Media Authority. The Australian Communications and Media Authority is responsible for regulating gambling advertising that is shown during live sport and enforcing the ban on illegal online gambling services advertising. Example: During a televised sports event, a gambling company airs an ad featuring a family, including young adults, making bets with their dad while drinking alcohol. The ad implies that they family have a high chance of winning and will resolve some of the family's financial problems.

Step 2: What is the Jurisdiction of Ad Standards?

Jurisdiction	Description
Federal	Ad Standards administers a national system of advertising self-regulation.
Geographical Scope	Any member of the community can submit a complaint about the content of any advertising produced in Australia or overseas.
Time Limitations ¹	There are no specified timeframes for lodging a complaint with Ad Standards. However, you should raise your concerns as soon as possible so they can be addressed while the advertising is being broadcast.
Exclusions ²	Ad Standards cannot act on complaints about: • product packaging or labels;

¹ Insert relevant statute/section reference

² Insert relevant statute/section reference



	 corporate public affairs messages in media releases and other media statements, annual reports, statements on matters of public policy;
	 ads on TV and radio which promote a program on the same channel or station the ad is broadcast on;
	 The timing or frequency of gambling advertisements;
	 Therapeutic goods advertisements;
	Editorial content;
	 The loudness or frequency of advertisements and;
	 political and election advertising.
Exercise of discretion	Ad Standards may decide not to act on your complaint if it has already been assessed by the Ad Standards Community Panel or if it assesses that your complaint does not raise issues related to the advertising codes.

Step 3: Who can you make a complaint about?

Respondent	Description
Advertisers and brands	You have the right to submit a complaint about any advertisement or brand targeting Australians, spanning a wide array of advertising formats. These include:
	 Television and Radio Ads: This category covers all forms of broadcast advertisements, including those on commercial networks (such as Nine, Seven, and Ten), public broadcasters (ABC and SBS), as well as online and streaming services (Netflix's sponsored content, Spotify's audio ads). For example, a commercial for a car brand aired during a popular TV show or a radio spot promoting insurance services.
	 Print Ads: Encompasses advertisements in newspapers (The Sydney Morning Herald, The Australian), magazines (Women's Weekly, Vogue Australia), and directories like Yellow Pages.
	 Social Media and Online Ads: This includes promotions across platforms like Facebook, Twitter, Instagram, and LinkedIn, where ads are tailored to users' interests and activities. For example, a targeted ad campaign for fitness apparel appearing in your Facebook feed.
	 Billboards and Posters: Outdoor advertising found on bus stops, buildings, and roadside billboards. For instance, a movie poster at a bus shelter or a large billboard for a new smartphone on a highway.
	 Cinema Ads: Commercials shown before movie screenings in theatres, such as trailers for upcoming films or ads for local businesses.

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	 Claims on a Company's Own Website: Promotional statements or offers directly on a brand's website, asserting product benefits or exclusivity.
	 User-Generated Content: Content created by social influencers or brand advocates that is sponsored by a company, which must exercise a degree of control over the message. For instance, an influencer promoting beauty products on Instagram under a brand partnership.
	 Advertorials and Sponsorship: Paid content that resembles the platform's editorial content, such as "What's On in the Warehouse" segments in shopping guides or sponsored segments on breakfast TV shows.
	 Commercial Emails, Direct Mail, Brochures, and Point of Sale Material: This includes email campaigns from AVON, supermarket flyers, brochures, and promotional displays at retail locations. Real estate advertising, such as property listings sent via email or posted in agency windows, also falls under this category.
Exclusions	Ad Standards cannot handle complaint about therapeutic goods advertisers, or political or election advertising.

Step 4: Are you eligible to make a complaint?

Eligibility	Description
Member of the Community	To be eligible to submit a complaint, you must be a member of the community. Members of the community can lodge a complaint about the content of any advertising or marketing communications produced in Australia or overseas. You must have directly seen or heard the advertisement in its intended medium for Ad Standards to be able to review your complaint. It is not sufficient to have been made aware of the advertisement through a friend, community/lobby group, news article, blog, or social media post.
Industry competitor Section 1, AANA, Code of Ethics	Australian business can make a complaint to Ad Standards about a competitor.
Pre-requisite steps	There are no steps that you need to take before lodging your complaint with Ad Standards.
Can complaint be made on behalf of someone?	Complaints cannot be made on someone's behalf. You must have seen or heard the advertisement. It is not sufficient to have been made aware of the ad by a friend, community/lobby group, news article, blog or social media post.



Exclusions	You cannot make a complaint if you are not an Australian community member.
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Step 5: What remedies are available at Ad Standards?

Power	Description
Notification of Breach	If your complaint is upheld, Ad Standards will notify the advertisers that they have decided that they have breached the industry code. The advertiser will be asked to remove or change the ad. The advertiser will have 5 days to respond to the decision and confirm that the advertisement has been or is being removed.
Decision publication	The decision made by Ad Standards, its reason and details of any response or action taken by the advertiser regarding it will be made publicly available on its website.
Request for removal of an ad	If an advertiser does not comply with a decision of Ad Standards asking them to remove or modify their advertisement, Ad Standards may contact the media owner that is displaying the advertisement to ask for it to be removed.
Referral to another agency or body	If Ad Standards believes another government or industry body should be made aware of any issues raised in a complaint, it may refer the matter to them.

Step 6: Preparing your complaint. What should it look like?

Requirement	Description
Format	Ad Standards will accept complaints via their online form or by post. Ad Standards does not accept complaints via email or telephone.
Personal Details	You must provide your title, first name, surname, and either an email or postal address. All other personal details are optional. Ad Standards does not accept anonymous complaints.
Respondent's Details	You must describe the ad. If you know the advertiser or brand you should provide that so Ad Standards can identify the advertisement.
Relevant Facts	You should provide enough information and detail to help Ad Standards to understand your complaint. If you lodge your complaint using the online complaint, you must: • Explain the reason for your complaint. What about it upset or offended you?



	 Identify the type of advertising or marketing communication are you complaining about? (e.g. free to air TV, internet, cinema, promotional material etc.)
	 Identify the category of product or service was being advertised? (e.g. alcohol, entertainment, house goods etc.)
	 Identify the postcode, city or town you were in when you heard or saw the ad
	You will also be asked, but are not required to answer:
	 When or how your saw or heard the ad, for example, Channel 10 during the news on Thursday night at 6.45pm.
	 If you have lodged a formal complaint with any other organisation
	If you lodge your complaint by post, you should include the information outlined above.
	If you have any supporting documents such as a screenshot or copy or recording of the ad you should upload them to your online complaint or include them in your postal complaint.
What not to include	You should not include abusive, obscene or threatening language, or make comments of a personal nature in your complaint.
	Your complaint should not make false, inflammatory or trivial arguments.

Step 7: Lodging your complaint and next steps.

Step	Description
Where to lodge your complaint	Online form: https://adstandards.com.au/make-a-complaint/ Post: PO Box 5110, Braddon ACT 2612 Ad Standards does not accept complaints via email or telephone.
Ad Standards assessment	 Your complaint will be assessed by Ad Standards to determine if it is: A new complaint About an issue that is within Ad Standards jurisdiction; and The issue is not something that has been consistently considered in relation to other complaints and dismissed If it is, Ad Standards will notify you that a case has been opened. You may be asked for more information if what you have provided is not sufficient. If it is not, Ad Standards will notify you that is will not accept your complaint and explain the reasons for that decision.
Notification	Ad Standards will provide the advertiser with a copy of your complaint. They will be asked to provide a written response and copies of the relevant advertising communications.



	If the advertiser fails to respond your complaint will be considered without their input.	
Community Panel Meeting	The Community Panel meets regularly to consider cases that have been opened by Ad Standards. The Panel will consider:	
	the complaints received;	
	 all relevant communications submitted by the advertiser/marketer; 	
	 the advertiser/marketer's response (if any); 	
	 all relevant provisions of the codes; and 	
	 any other relevant supporting materials or other representations or submissions. 	
	The Panel will vote to decide if your complaint will be dismissed or upheld. If the vote is tied the Chair has a casting vote. The position of Chair is rotated on a monthly basis.	
	You and the advertiser will be notified of the decision which is usually published on Ad Standards website, within 10 days.	
Resolution	If the Community Panel finds a rule was broken in the ad, the advertiser has 5 days to respond to the Community Panel's decision and confirm that the advertisement has been or is being removed.	
Additional information you need to know	Ad Standards does not have the power to take any enforcement action against advertisers for breaches of the advertising codes.	

Step 8: Post-complaint – what if you are not happy with the outcome of your complaint?

Avenue	Description
Independent Review ³	If your complaint was been dismissed, you can request an independent review of that decision.
	Review requests will only be accepted if:
	 If there is new or additional relevant evidence which could have a significant bearing on the outcome becomes available. You must include an explanation of why this information was not submitted previously;
	 There was a substantial flaw in the Community Panel's determination; or
	 There was a substantial flaw in the process by which the determination was made.
	You must lodge an Independent Review Form within 10 business days of the final determination letter from Ad Standards. Your review

³ https://adstandards.com.au/about/independent-review-process



must be lodged via the online form which can be found here: https://adstandards.com.au/independent-review-form In your review form you must explain your grounds for requesting a review and provide all relevant supporting information and documentation. There is a \$100 fee for seeking a review. A review will not proceed until you have paid the fee. Reviews are conducted by an external Independent Reviewer who has legal expertise and an in-depth understanding of the advertising codes. The Independent Reviewer can recommend that: The original Community Panel's decision should be confirmed; The Community Panel reconsider its decision. The Community Panel is not obliged to change its decision, but may do so after considering the Independent Reviewer's recommendation. Following an independent review there are no other review or appeal opportunities.

Step 9: Other bodies that handle complaints about advertisement related complaints:

Complaint body	Description	
Australian Competition and Consumer Commission	The Australian Competition and Consumer Commission (ACCC) manages consumer complaints about misleading or deceptive advertising. Website: https://www.accc.gov.au/about-us/contact-us/report-a-consumer-issue#toc-steps-in-the-reporting-process Telephone: 1300 302 502	
Therapeutic Goods Administration	The Therapeutic Goods Administration (TGA) manages complaints about the advertising of therapeutic goods. Website: https://www.tga.gov.au/safety/reporting-problems Telephone: 1800 020 653	
Australian Communications and Media Authority	The Australian Communications and Media Authority (ACMA) deals with gambling, radio and TV communications and also regulates political and election advertising. Website: https://www.acma.gov.au/complaints Email: info@acma.gov.au Telephone: 1300 850 115	
Australian Electoral Commission	The Australian Electoral Commission (AEC) has limited powers to deal with regulating the content or truth of electoral advertising. Website: https://www.aec.gov.au/About_AEC/Contact_the_AEC/complaints.htm	



	Telephone: 13 23 26
FreeTV Australia	FreeTV manages complaints about loudness and frequency of advertisements.
	Website: https://www.freetv.com.au/ Telephone: (02) 8968 7100
Australian Human Rights Commission	The Australian Human Rights Commission (AHRC) can handle complaints about discrimination that occurs in employment, education, the provision of goods and services, accommodation, sport or the administration of Commonwealth laws and services. If you have experienced discrimination, bullying or harassment on the basis of you ex, disability, race, age or sexual preference the AHRC may be able to help.
	There are also State Government discrimination complaint bodies who may also be able to assist.
Office of the Australian Information Commissioner	The Office of the Australian Information Commissioner (OAIC) can handle complaints about the way personal information has been handled by Australian Government agencies and some private organisations. The OAIC can also review freedom of information decisions that are made by Australian Government agencies and ministers.
	There are also State Government privacy and information complaint bodies who may also be able to assist.
National Anti- Corruption Commission	The National Anti-Corruption Commission (NACC) handles complaints about serious or systemic corruption in the Australian Government public sector.
	There are also a State Government corruption complaint bodies who may also be able to assist.



Need help with your complaint?

Organisations that can help you make your complaint, provide support or advocacy, or give you more information.

Organisation	Contact Details	How they can help
Ad Standards	Website (Complaints): https://adstandards.com.au/make-a- complaint/ Website (General): https://adstandards.com.au/about/contact Telephone: (02) 6173 1500 Address: PO Box 5110, Braddon ACT 2612	For complaints about advertising and marketing communications you can use the online form or send a complaint via post. Ad Standards do not accept complaints via email or telephone. For general enquires, you can contact the Ad Standards via the General Enquiries form on the website or via telephone.
Translating and Interpreter Service	Website: www.tisnational.gov.au Telephone: 131 450	Provide support to people if English is not their first language.
National Relay Service	Website: www.accesshub.gov.au	Provides a range of services to support people who are deaf or have a hearing or speech impairment to communicate.

Self-help tools and additional resources:

Resource	How this helps	
How to make a general enquiry	For all general (non-complaint related) enquires to Ad Standards	
Where to lodge a complaint	Online form for making a complaint to Ad Standards	
<u>FAQ</u>	Frequently Asked Questions	
Advertising Codes	List of all Advertising Codes administered by Ad Standards	
Ad Standards Community Panel Cases	Database of all Ad Standards Community Panel Cases	