

MONTHLY ROUND-UP

iClear Compliance Intelligence

August 2026**EXECUTIVE SUMMARY**

August ASA rulings reinforce the shift: proactive monitoring and whole-ad interpretation

June highlighted the ASA's increasing use of AI to proactively identify non-compliant advertising. July showed that the bigger challenge for marketers is becoming one of interpretation rather than simple rule-following.

August reinforces both themes. Some rulings were identified through ASA Active Ad Monitoring, while others turned on the overall impression created by context, imagery, sequencing, qualifications or campaign mechanics.

The implication for marketing teams is clear: compliance risk can now be found proactively, and when reviewed the ASA is assessing the whole creative - not just isolated claims.

That makes earlier, scalable pre-screening increasingly important. iClear combines Clearcast's regulatory interpretation with AI-assisted review to help identify potential issues before campaigns go live.

THIS MONTH'S HEADLINES

14

upheld rulings this month, across paid, owned, broadcast and other channels.

2

rulings involved ASA Active Ad Monitoring — proactive scrutiny remains live.

43%

of uphelds were on own websites or email — not just paid media.

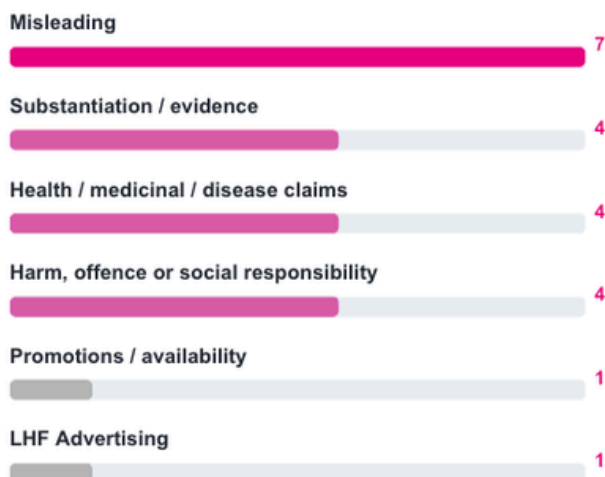
- 01 August reinforces two shifts: more proactive monitoring and broader creative interpretation.
- 02 Health, healthcare and wellness claims remained a major risk area, with evidence and medicinal-claim issues.
- 03 Whole-ad meaning mattered: sequencing, imagery and product visibility shaped ASA conclusions.
- 04 Savings, comparisons and trust claims still failed where the benchmark was unclear or unrepresentative.
- 05 Promotions and operational delivery remain part of compliance — not just the wording of the ad.

01 - DASHBOARD

Compliance dashboard

Uphelds by rule breached

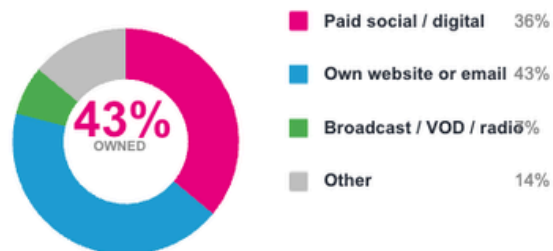
Count of upheld rulings · 14 total



Totals exceed 14 — many rulings breached more than one rule.

Uphelds by media type

Where non-compliant ads appeared



Top sectors



NOTABLE BRANDS

Boots

Hotpoint

Midnite

YO! Sushi

Numan

02 - FEATURE ARTICLE

More scrutiny, broader interpretation

August does not create a new compliance story so much as continue the trajectory from June and July. The ASA's use of Active Ad Monitoring shows that scrutiny is no longer entirely dependent on consumer or competitor complaints.

At the same time, the rulings show that compliance decisions increasingly turn on the likely consumer takeaway from the whole ad: the sequence of scenes, the imagery used, the product visible, the benchmark behind a claim and the context around a promotion.

This reinforces the need for earlier review that combines technology with regulatory interpretation, not a last-minute rule check.

03 - RULE IN FOCUS

Active monitoring + whole-ad meaning

Two August rulings were linked to ASA Active Ad Monitoring. Others showed that the ASA will assess what the creative communicates in context especially in health, gambling, LHF and lifestyle imagery.

PROACTIVE MONITORING

BioID Health / Numan

Health claims and prevalence statistics were scrutinised where evidence did not adequately support the impression created.

WHOLE-AD MEANING

Midnite / YO! / Jaded London

Sequencing, product visibility and lifestyle imagery created risks beyond the literal wording of the ads.

KEY LESSON

Compliance risk can be identified proactively and judged through interpretation. The safer question is no longer just "what does the ad say?", but "what is the ASA likely to think consumers understand?"

What happened?

In August, two health-related rulings were identified through the ASA's Active Ad Monitoring system. Both involved claims where the regulator considered the advertiser had not adequately substantiated the impression created by the ad.

1

BioID Health

Claims implied testing and services were more effective than GPs without adequate evidence.

2

Numan

Prevalence claims about low testosterone were not adequately substantiated.

KEY LESSON

The risk is not only receiving complaints. Paid ads may be surfaced for investigation proactively, particularly in high-risk sectors such as health and wellness.

WHAT THIS MEANS FOR MARKETERS

Evidence needs to be ready before the campaign is live

The August health rulings show a familiar pattern: claims that may look like persuasive marketing language can become objective, evidential claims once placed in front of consumers.



Can the claim be substantiated in the exact form used?



Does the ad imply superiority versus GPs, competitors or standard practice?



Are statistics representative of the audience and condition described?



Could the wording imply diagnosis, treatment, prevention or cure?

Practical point:

If an AI system can find the ad, internal review also needs to operate at the same scale and speed.

WHOLE-AD INTERPRETATION

What consumers take away matters

Several August rulings show that the ASA is not only checking the literal wording of a claim. It is assessing the overall impression created by the creative execution, including sequencing, product visibility and implied behaviour.

KEY LESSON

Advertiser intention is not enough; the likely consumer interpretation is what counts.

Midnite

Everyday frustrations followed by a betting app implied gambling as relief or escape.

YO! Sushi

An identifiable KitKat product in paid social brought LHF placement rules into scope.

Jaded London

Smoking imagery was treated as glamourising smoking, despite the product being fashion.

BEFORE YOU PUBLISH

Compliance checklist



Can every factual or comparative claim be substantiated?



Is the benchmark behind any saving or "most trusted" claim clear?



Could the ASA interpret the ad differently from the advertiser?



Does imagery introduce risk unrelated to the product being sold?



Could LHF rules apply because of visible products or references?



Does the promotion have sufficient stock and operational controls?

Why this matters

The safest review process now needs to test likely interpretation, not just rule wording.

05 - PERSPECTIVE

Our thoughts

August reinforces the three-month pattern: the ASA is finding more issues proactively and interpreting ads through the lens of what consumers are likely to take away from the whole creative.

That makes compliance harder to manage as a late-stage checklist. Teams need to understand not just the CAP Code, but how precedent, context, creative execution and sector-specific rules shape real ASA outcomes.

Clearcast has spent more than 60 years interpreting advertising regulation in real-world creative. iClear combines that experience with AI-assisted review to help marketers identify potential issues earlier, reduce costly rework and launch campaigns with greater confidence.

60+

years of Clearcast experience interpreting advertising regulation in real-world creative.

AI

assisted review from iClear, identifying potential issues earlier in the workflow.

Get in touch to find out how iClear can help



LOOKING AHEAD

As compliance scrutiny broadens, review needs to happen earlier and at greater scale.

Expect continued use of proactive monitoring, further LHF precedent and ongoing scrutiny of health, savings, comparison and social responsibility claims.

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