

Advertising Standards Authority,
Mid City Place,
71 High Holborn,
London,
WC1V 6QT

23rd July 2007

Dear Sir/Madam

On 3rd July 2007, the Association of British Drivers (ABD) and Manchester Against Road Tolls (MART) issued a press release announcing the launch of a billboard poster campaign. Entitled "Manchester's £3 Billion Con" the billboard poster campaign also claimed to be against motorists being "Tagged, Tracked and Taxed".¹ The poster campaign was reported to be using 35 billboards around Manchester.

On 11th July 2007 the photographs below were taken of 4 of the billboard poster designs that were being displayed on Peel Advertising Ltd billboards at the Trafford Centre, Greater Manchester.



(1) Just pay up and keep quiet.
We know best

(2) Manchester Motorists: Tagged,
Tracked and Taxed



(3) and (4) Stop Moaning What's £5 a day. The Toll Tax: Keeps the roads free for the rich.

There are two other billboard poster designs that are displayed on the Manchester Toll tax website² which make further statements relating to subject of motorists being "Tagged, Tracked and Taxed" and that "We're watching you".

As well as the billboard posters being hosted by Peel Advertising Ltd (part of Peel Holdings – owners of the Trafford Centre), there is a also clear link between the Trafford Centre and the MART group as the Trafford Centre website has a prominent link on its home page which when “clicked on” directs the use to the MART “toll tax” petition website as advertised on the billboard posters.³

However, this complaint concerns the “Manchester against Road Tolls” (MART) group named on the billboard posters.

The complaint is seeking adjudication from the Advertising Standards Authority on whether these billboard posters are in breach of the British Code of Advertising, Sales Promotion and Direct Marketing (CAP Code), in particular with reference to the following sections:

2.1 All marketing communications should be legal, decent, honest and truthful.

2.2 All marketing communications should be prepared with a sense of responsibility to consumers and to society.

3.1 Before distributing or submitting a marketing communication for publication, marketers must hold documentary evidence to prove all claims, whether direct or implied, that are capable of objective substantiation.

3.2 If there is a significant division of informed opinion about any claims made in a marketing communication they should not be portrayed as generally agreed.

6.1 Marketers should not exploit the credulity, lack of knowledge or inexperience of consumers.

7.1 No marketing communication should mislead, or be likely to mislead, by inaccuracy, ambiguity, exaggeration, omission or otherwise.

8.1 Marketers may give a view about any matter, including the qualities or desirability of their products, provided it is clear that they are expressing their own opinion rather than stating a fact. Assertions that go beyond subjective opinions are subject to 3.1 above.

The specific details of the complaint relates to various aspects of the information portrayed on the billboards, as described below.

Context.

The Association of Greater Manchester Authorities (AGMA) are currently consulting on proposals to enter a bid into the Government’s Transport Innovation Fund (TIF). The bid involves £3 billion worth of improvements to public transport in the conurbation and a limited congestion charge. Details of the bid are available at www.gmfuturetransport.com. As outlined in the plan for the Greater Manchester scheme, the charge (unlike London), would be incurred only by those driving in the direction of the city centre in the morning peak and in the opposite direction in the evening peak, and only when drivers cross two cordons, one in the city centre and one around the M60. There would be no charge outside of these times and at weekends and no charge for driving within the cordons but no crossing them. The

consultation period culminates on the 27th July, on which day AGMA will decide whether to go ahead with the bid to the TIF. If successful – Greater Manchester would be in competition with other areas of the country for the funds – there will then be further consultation. Although the public transport improvements are likely to commence sooner, the congestion charge itself will not come into effect, according to AGMA promises, until the improvements, i.e. the alternatives to the car, are in place. This is likely to be 2012. By far the most talked about and controversial element of the plans is the congestion charge. The group Manchester Against Road Tolls (MART) has formed and worked with the Association of British Drivers (ABD). The latter have a history of campaigning against any form of road tolls.

1) Just pay up and keep quiet. We know best. (Image 1)

This statement gives the impression that those wishing to introduce the Congestion Charging scheme have no interest in consulting the people of Greater Manchester. In fact this proposed scheme has seen one of the largest consultation exercises undertaken in Greater Manchester.

For example, the Greater Manchester Passenger Transport Authority (GMPTA) website⁴ reports that following agreement at the meeting of the Association of Greater Manchester Authorities (AGMA) Executive on 25th May 2007 the first stage of consultation on the outline Transport Innovation Fund (TIF) bid would start and would include the following:

- In June 2007, there will be dedicated opinion polling exercises alongside events to canvass the views of both the Greater Manchester public and business community. This will involve telephone polls, events throughout Greater Manchester, public forums and business forums. Views are also sought through the GM Future Transport website. (See for example feedback form.)⁵
- An information leaflet outlining the TIF bid, including details of the proposed congestion charge, will be distributed to every single house in Greater Manchester.

It is reported that over 1.1 million leaflets were distributed to domestic addresses across Greater Manchester. The leaflet was also inserted into the Manchester Evening News (MEN) on 15th June – a newspaper with sales of over 100,000 and an estimated readership of over 400,000. The polling was undertaken by an independent polling company, NOP, and is reported to have interviewed 5000 members of the public across and 1000 business people across the Greater Manchester area.⁶

The events throughout Greater Manchester have included visits from “Yellow buses” to all 10 local authorities in Greater Manchester. For example:

“The demonstration yellow bus will be in Bolton's Victoria Square from noon to 2pm on Monday and at Asda in Farnworth between 3.30pm and 6pm as part of a tour of Greater **Manchester**.”⁷

In May, it was reported that Trafford Council was supporting a public consultation asking residents to have their say on congestion charges.⁸

The consultation website and leaflet⁹ have also been reported in local media – for example:

“A website detailing the proposals - www.gmfuturetransport.org - has been created where people can leave their comments as part of the **consultation** period.”¹⁰

This is reported to have received over 10,000 “unique” visitors and over 5000 feedback submissions.

Overall, this would tend to indicate that a high level of consultation has, and continues, to be undertaken.

In addition, organisations that oppose the congestion charge scheme have also organised their own surveys and consultations – including Peel Holdings.

“The independent research, commissioned by Peel Holdings, which is opposes to the scheme, revealed despite 90% saying the public transport system needed improvement before the charge is introduced, 80% believed that was likely to happen.”¹¹

Even the Manchester Against Road Toll group was aware of the Yellow Bus consultation schedule as members of the group were photographed with banners in front of one of the buses during a visit by the buses to Wythenshaw.¹²



Photo: Manchester Against Road Toll members protesting.

AGMA has stated that it will consider the outcomes of this initial consultation prior to taking any decision on whether to submit a TIF bid to the Government by the 31st July 2007. Also AGMA has publicly stated that any bid would be subject to a test - which requires that the measures be acceptable to both the Greater Manchester public and business community.

If AGMA does submit a TIF bid at the end of July, a formal, statutory consultation, as set out by the Department for Transport, will have to be undertaken. AGMA state that this will include full consultation around each scheme proposed in the TIF bid.

In conclusion, this hardly seems to be a case of “keep quiet. We know best” and therefore I would ask the ASA to consider whether the posters breach section 6.1 of the Advertising Code by suggesting that there hasn't been any consultation when in fact there has been a major consultation exercise taking in every single household across Greater Manchester

This statement also raises issues relating to sections 3.2 and 7.1 of the Advertising Code and in addition, given that this consultation process has been undertaken publicly, it seems difficult to understand how the creators and promoters of the posters can have meet the requirements of Section 3.1.

2) Manchester Motorists: Tagged, Tracked and Taxed (Image 2)

According to an article on the Times Newspaper (11th January 2007) members of the Association of British Drivers have circulated emails containing inaccuracies relating to the extent of tracking that congestion charging schemes would entail.

“An e-mail promoting the petition has been circulated widely by Mr Roberts and other members of the association. It contains several inaccuracies and paints an alarming picture of the impact of national road tolls on families.

It claims that the Government is planning to force drivers to spend up to Pounds 200 on a **tracking** device that will monitor all their movements, charge them Pounds 89 a month in road tolls and catch them every time that they exceed the speed limit.¹³

The GMPTA website provides the following details on how the Congestion Charge payments would be made?

“Regular users would register to a franchised agent and payment would be debited from an account held by this third party agent as the car passes through an active charging point via the automatic reading of an in-car tag. The toll reader would be placed inside the car's windscreen and would have a slot for a contactless smart card (much like London's Oyster card). For occasional users, drivers will be able to pre-pay, registering their details with the agent, before passing active charging points.”¹⁴

The GMPTA proposals include a system that would 'read' a smart card or the number plate of the vehicle - there would be no tracking system installed in cars.

Whilst there is an argument that the location of cars could be detected by the system at the passing of static point, I would argue that this is not the commonly held meaning of 'tagged' which has more to do with having a device attached that gives the tracker the ability to locate the tag at any time.

The poster is very misleading and appears to opinion presented as fact. Clearly raises issues in regard to Advertising Code sections 3.2, 7.1 and 8.1

(3 and 4) Stop Moaning What's £5 a day. The Toll Tax: Keeps the roads free for the rich.

Firstly, this statement ignores the fact that across Greater Manchester 33% of households (often low income households) do not own a car¹⁵ and are very likely to use public transport and will therefore not be subject to any “congestion charges”. But they will still suffer from the pollution caused by traffic in Greater Manchester and would therefore benefit from any reductions in traffic pollution.

In fact, according to the Manchester City Council website (2001 Census data) 47.8% of households do not have a car.¹⁶

This is important considering that children from the poorest households in the UK are five times more likely to be killed as pedestrians in a road accident than children from the richest.¹⁷

The GMPTE website makes it clear that possible exemptions or subsidies for specific groups are still to be finalised.

Would vulnerable people be exempt from any congestion charge?
Exemptions or subsidies for vulnerable people are still being finalised.¹⁸

In addition, on 7th July it was reported that low income workers may pay 20% less on the congestion charge¹⁹ and during a debate organised by Manchester Evening News and Channel M on 17th July, Richard Lees (Leader – Manchester City Council) stated that the consultation on whether specific groups, such as registered disabled people (Blue Badge scheme), will be exempt from the congestion charge is still being debated by the Councils.

Furthermore the TIF bid involves improvements to public transport that are likely to benefit those without cars and have the potential to remove the burden of car ownership for those who previously had no public transport option. The bid also includes scope for work with businesses to encourage more flexible hours and home working and work to promote, for example, car sharing. Dealing with the growth of car traffic also has the potential to make the roads safer and more hospitable for those choosing to walk or cycle.

The poster billboard encourages members of the public to go to the www.manchestertolltax.com website, and that site does not disaggregate the £5 claim - which is portrayed only as a "maximum" charge. Therefore people not familiar with the scheme could simply assume that it is literally £5 a day to drive anywhere and at any time.

The full £5 charge would only be applicable to those who drive in across the M60 boundary and then across the city centre boundary and then back again, making both journeys at peak times. Other journeys during the peak times, in the direction of rush hour traffic and involving one or more of the cordons would incur charges of £1, £2 or £3. Many car journeys would continue to be free. The TIF bid aims to present a genuinely integrated transport package that provides people with opportunities to avoid incurring these costs. For example, those crossing the M60 boundary to go to work in the city centre, would likely be able to take advantage of a park and ride facility that connects their car journey up to the M60 with a bus priority service or metrolink into the city centre and potentially reduce expenditure on petrol, parking and wear and tear.

The statement on the poster ignores key facts regarding how many do not have access, or use, a car and therefore would not be subject to a "Toll Tax" that "Keeps the roads clear for the rich". Furthermore, it ignores the fact that the introduction of the 'Toll Tax' would only come after significant public transport improvements would already be in place.

The statement "What's £5 a day" is therefore a misleading exaggeration and simplification and once again, it appears to be opinion masquerading as fact which appears to contravene Sections 3.2, 6.1 and 7.1 of the Advertising Code.

In conclusion, I would ask the Advertising Standards Authority to investigate whether these billboards contravene the Advertising Code.

Yours faithfully

End Notes

¹ <http://www.abd.org.uk/pr/565.htm> 3rd July 2007.

² <http://www.manchestertolltax.com/banners.htm>

³ See for example. <http://www.traffordcentre.co.uk/> The Trafford Centre strongly opposes the proposed congestion charge for Greater Manchester. The link goes to <http://www.manchestertolltax.com/>

⁴ http://www.gmfuturetransport.co.uk/faqs_consultation.php

⁵ <http://www.gmfuturetransport.co.uk/feedbackFormProcess.php>

⁶ For more details of the polling as reported in the Manchester Evening News see http://www.manchestereveningnews.co.uk/news/s/1011/1011749_ccharge_gets_public_approval.html

⁷ Newsquest Media Group Newspapers (The Bolton News), 13 June 2007, Yellow bus to explain congestion plans

⁸ Newsquest Media Group Newspapers 23 May 2007, Public to be quizzed on congestion charge

⁹ Newsquest Media Group Newspapers (The Bolton News) 6 June 2007, Leaflet will explain congestion plans

¹⁰ Press Association National Newswire 25 May 2007, MOTOR GROUPS' FURY AT £5 CONGESTION CHARGE PLAN

¹¹ Press Association Regional Newswire - North West 11 July 2007, CONGESTION PLAN CRITICISED

¹² <http://www.notolls.org.uk/manchester.htm> (accessed 20th July 2007) **YELLOW BUS TOUR**

The toll spinners organised a "yellow bus tour" to try and sell the proposed charges. It went to various locations- Sat 16th June - Parrswood Leisure Centre 12-1.30pm, Wythenshawe Park 2-4pm. Mon 18th June Bolton - Victoria Square 12noon-2pm, Farnworth Asda 3.30-6pm. Tues 19th June Ashton Market (Pedestrian Area) 10am-4pm. Weds 20th June Wigan, Standish Gate 10am-4pm. Thursday 21st June Oldham Market 10am-4pm.

Fri 22nd June - 12.00 till 2.00 - Middleton - Town Centre Gardens

Sat 23rd June - 12.00 till 4.00 - Manchester - Cathedral Gardens

Sun 24th June - 12.00 till 3.00 - Fallowfield - Plattfield Park

Mon 25th June - 12.00 till 2.00 - Salford - Civic Centre, Swinton

Mon 25th June - 2.30 till 4.00 - Salford - Shopping Precinct

Tue 26th June - 10.00 till 11.30 - Trafford - Stretford Mall

Tue 26th June - 12.30 till 2.00 - Trafford - Shaws Road, Altrincham

Tue 26th June - 3.30 till 6.30 - Trafford - Sale Waterside, Sale Water Park

Wed 27th June - 12.00 till 4.00 - Bury - Key Gardens

Thu 28th June - 12.00 till 4.00 - Rochdale - South Parade, Town centre

Fri 29th June - 11.00 till 4.00 - Stockport - Mersey Way (provisional)

¹³ [The Times](#), 11 January 2007, **Hardliners drive their campaign via No 10 website**

¹⁴ http://www.gmfuturetransport.co.uk/faqs_proposal.php#eight

¹⁵ <http://www.statistics.gov.uk/census2001/profiles/2a.asp>

¹⁶ <http://www.manchester.gov.uk/planning/studies/keyfacts.htm>

¹⁷ Friends of the Earth, April 2005, **The Way To Go**

¹⁸ http://www.gmfuturetransport.co.uk/faqs_proposal.php#sixteen

¹⁹ Manchester Evening News, 7th July 2007, LOW income workers may pay 20 per cent less for travelling into Manchester