

‘Contractor UK’ website falls foul of advertising watchdog in landmark ruling

Having been unable to substantiate claims it has been making to its readers and advertisers, Contractor UK has fallen foul of the industry regulator, the [Advertising Standards Authority](#), for breaching important rules put in place to protect the public and advertisers.

This is a landmark case for the online advertising industry, with rulings that point the way to future best practice for the industry as a whole. The case has even led to speculation in legal circles that advertisers who have bought ‘space’ based on exaggerated visitor number claims could be awarded refunds.

Rulings against Contractor UK

In [three separate rulings released today](#) by the ASA, claims by Contractor UK have been found in breach of numerous Committee of Advertising Practice (CAP) clauses, including on truthfulness.

The ASA found against Contractor UK for making claims about its visitor numbers that, when investigated, it could not substantiate. Why this is important is that advertisers base their decisions on where to advertise, and how much to pay, largely on just such numbers. That is why leading websites across all sectors have their visitor numbers independently audited and verified by [ABCe](#). ContractorCalculator, for example, undergoes regular ABCe audits, with the [results published](#) and made available to all.

Additional claims by Contractor UK that it was “The UK’s most visited IT Contractor site in the UK” and “Online since 1998”, were also found to be in breach of CAP clauses.

ContractorCalculator CEO Dave Chaplin feels the finding is particularly good news for contractor services companies who advertise online. “Contractor UK marketed to its advertisers using figures it has been unable to substantiate. In the light of the ASA’s ruling, one would have to question the value of what the advertisers have been paying for.”

Website visitor number claims

Explaining the background to the case, Chaplin says: “It all started when we released our ABCe audited figures for March 2008. We were very excited to have verification from ABCe of the 104,584 unique visitors that had come to our site. But our joy was short-lived, because within hours we saw that Contractor UK was claiming to have had 249,146 unique visitors for the same period.

“At that time we believed their claim simply wasn’t credible, especially as only days before they’d been advertising on their site and rate card that they had 79,000 unique visitors in October 2007. Plus, our submission to the ASA included verification that Contractor UK had told an independent mystery shopper in April 2008 that Contractor UK only had 55,000 visitors in March 2008!”

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Dave Chaplin,
ContractorCalculator

Clarification statement

On 14th January, the ASA ruled against Contractor UK and found that Contractor UK was unable to substantiate its claims to have had approximately 249K visitors in March 2008.

Contractor UK has expressed concern over the possible interpretation of our reporting of the decision. ContractorCalculator wishes to make it clear that we did not state or imply that Contractor UK has deliberately misled or lied to its advertisers regarding website traffic. We acknowledge that was not the ASA’s ruling.

For Chaplin, it became a matter of principle to look at the facts and get expert advice on what could be done. “We’ve specialised in this niche sector for nine years and so we flatter ourselves that we know the market pretty well,” Chaplin says.

“We simply couldn’t believe the claims that were being made by Contractor UK, nor the dramatic increase in numbers and sudden timing of the claims so soon after our audited 104,584 unique visitor figures went live. Also, having invested a great deal of time and money to become one of the leading sites and give our advertisers the best possible platform, we felt we had to make a stand to protect both our business and the interests of this sector’s advertisers.”

Important landmark ruling

Given the importance of the case, Chaplin turned for assistance to one of the UK's leading marketing law, e-commerce and IT experts, [Rafi Azim-Khan](#), a partner at City law firm [Pillsbury Winthrop Shaw Pittman LLP](#).

According to Azim-Khan, given the importance of the case the ASA not only quickly confirmed they would be investigating the matter but also undertook a very thorough and lengthy examination of the issues and technological complexities surrounding website traffic measurement, all of which highlighted the need for much better clarity and standards to ensure online advertisers were not being misled.

Azim-Khan states: "Most online business models rely heavily on advertising, with more and more traditional advertisers increasing their online presence and spend. However the sector is crying out for clearer standards to audit traffic claims and prevent those making buying decisions or choosing between sites from being misled."

He continues: "This is in many ways a landmark ruling as it makes the key regulator's position clear. Claims must be capable of substantiation and traffic figures must be independently audited, so site owners should be getting specialist advice before making any traffic or visitor or other website claims, as well as an ABCe certification."

The ruling

Contractor UK was found by the ASA to have breached numerous Committee of Advertising Practice (CAP) Code rules, including the rules on truthfulness.

On all three complaints investigated, Contractor UK lost and the ASA upheld the complaints made against it.

On the issue of the dramatic and sudden almost fivefold claimed increase in unique visitor numbers, Contractor UK was unable to substantiate its claims that the total unique visitors in March 2008 was 249,346. The ASA considered that 'the evidence Contractor UK had sent was not sufficiently robust to substantiate their unique visitor claims.'

On the issue of claiming to be the UK's most visited site, because the ASA therefore had no evidence of visitor numbers, they 'also considered that the claim "the UK's most visited IT Contractor Site" had not been substantiated.'

On both these counts, Contractor UK fell foul of CAP Code clauses 3.1 (Substantiation), 7.1 (Truthfulness) and 19.1 (Other comparisons). ContractorCalculator's two complaints were therefore upheld.

Contractor UK also came unstuck with its claim to have been "Online since 1998." Third party 'whois' websites confirmed that neither [www.contractoruk.co.uk](#) nor [www.contractoruk.com](#) existed/had been registered in 1998; in fact both were only registered in 1999. The ASA therefore concluded that Contractor UK's claim to have been "Online since 1998" was misleading and breached CAP Code clauses 3.1 (Substantiation) and 7.1 (Truthfulness).

In its ruling, the ASA went on to tell Contractor UK that its adverts 'must not appear again in their current form'. The ASA also instructed Contractor UK to remove its site visitor number claims, as well as the claims it has made to be "The UK's most visited IT Contractor Site" and "Online since 1998".

More information, including a detailed case study and external press links:

[ASA Ruling Against Contractor UK - Index Page](#)

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Dave Chaplin is a former IT contractor in the City of London, and is founder and CEO of ContractorCalculator, and author of the Contractors' Handbook.

Started in 1999, ContractorCalculator (this site) is the leading independent website for the UK contracting industry - most of whom are highly skilled knowledge workers. [Read Full Profile...](#)

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