

Mr L Mason  
FLAT

**EMAIL ONLY**

15 September 2008

Dear Mr Mason

### **YOUR LEAFLET AND SUBSEQUENT ASA ADJUDICATION**

At the end of last week, we were contacted by an individual who was not party to the investigation. This person advised us that, because the purpose of your leaflet was to influence voters in a local referendum or "Parish Poll", we should consider whether the leaflet was exempt from the CAP Code.

CAP Code clause 12.1 states:

12.1 Any advertisement or direct marketing communication, whenever published or distributed, whose principal function is to influence voters in local, regional, national or international elections or referendums is exempt from the Code.

There was no mention during the course of the investigation that the "Parish Poll" was, in fact, a local referendum.

However, we have today received confirmation from the office of the Chief Executive of the Borough Council of King's Lynn and West Norfolk that he acted as Returning Officer for the poll, which was conducted in accordance with the Local Government Act 1972.

Given it was a local referendum, and given the principal function of the leaflet was to influence voters in that referendum, the leaflet falls outside the CAP Code.

In view of that, the ASA Chairman, acting under the power delegated to him by the ASA Council, has confirmed that the adjudication should immediately be withdrawn from the ASA website. The ASA acted in good faith throughout the investigation.

Yours sincerely

Investigations Executive