

**Title:**

**Forename:**

**Surname:**

**Representing:**

Self

**Organisation (if applicable):**

**Email:**

**What do you want Ofcom to keep confidential?:**

Keep name confidential

**If you want part of your response kept confidential, which parts?:**

**Ofcom may publish a response summary:**

Yes

**I confirm that I have read the declaration:**

Yes

**Ofcom should only publish this response after the consultation has ended:**

You may publish my response on receipt

**Question 1: Do you agree that these proposed regulatory objectives strike an appropriate balance between the duties and other considerations that Ofcom must take account in reviewing advertising regulation? If not, please explain why, and what objectives you would consider more appropriate?:**

My view is that it is Ofcom's responsibility to monitor and legislate for the best interest of the consumer and the producer. The producer's natural inclination will always be to maximise profits, while the consumer's needs are met by maximised quality. There is a disconnect between offering producers a mechanism to increase revenue, that will, by definition have a negative impact on the program quality for the consumer (more interruptions) and the presumed improvement in quality that the revenue could bring. There is no concrete correlation between the increased revenue

to be harvested by the producers and the quality of the programs. It is a false presumption to think there is! If producers wish to take the money and run or spend it on promotion of average or poor material, then Ofcom will have handed a sweet deal to the producers with no guarantee of a quid pro quo for the consumers. Also, in a system with an incremental- evolutionary shift of emphasis towards revenue generation but with no binding link to quality\*, the power lies with the producers. Consumers are not sufficiently unified to press for maintenance of their best interests as a counter lobby to trade interests. It should therefore be Ofcom's duty to weight the argument in the consumer's favour.

\* It's clear that measurements of quality are subjective and difficult to legislate. Also, it is not obvious to what extent Ofcom should encourage or at least 'leave space for'- didactic programming rather than the populist but lowest common denominator - derivative programs that currently proliferate.

**Question 2: Do stakeholders agree that the new Code should discontinue detailed genre-specific rules on natural breaks?:**

No. It is clear that the rules provide a degree of subtlety of approach that benefit consumers. Producers will always have an inclination for more advertising. The optimum balance for producers is 'the most advertising the consumers will bear before abandoning the medium' , meaning that even Ofcom's new rules will be under pressure from the producers from the outset. The optimum for consumers is programs without advertising. Obviously the balance lies somewhere between. The current rules provide a well understood bastion against both mutually incompatible pressures. The main difference is that producers have more pester power (lobbying \$\$\$).

**Question 3: Do stakeholders agree that the new Code should allow advertising and teleshopping breaks to be signalled in sound or vision or by spatial means, and should drop the requirement for teleshopping segments to be distinguished from programmes by both sound and vision?:**

As long as there is a way to electronically detect advertising, so it can be avoided by viewers who find it an irritating intrusion and who would not become customers of the advertisers wares - and therefore no loss to the advertisers, that would be OK.

**Question 4: Do stakeholders agree that the new Code should discontinue the requirement for a buffer between advertising and coverage of a religious service or Royal occasion?:**

No

**Question 5: Do stakeholders agree that the rule requiring a 20-minute interval between advertising breaks should be scrapped?:**

Absolutely not. I cannot think of a more efficient way to send the declining quality of experience\* of TV watching in this country in to a terminal state, typified by American models - probably representing Nirvana to the advertising lobby but an anathema to the viewing public.

\* I'm trying to differentiate TV programming quality from the watchability of a station due to the excess of advertising interruptions.

**Question 6: Do stakeholders agree that there should be limits on the number of advertising breaks within programmes of a given scheduled duration?:**

Absolutely yes and preferably on the conservative side.

**Question 7: Has Ofcom identified the right options for break frequencies? What issues should Ofcom take into account in formulating proposals for consultation?:**

From a viewer's perspective advertising reduces the watchability of the overall experience of watching a program, in the context of a channel. Advertising MAY provide revenue, which is used to improve quality in the program itself or fund otherwise unproduceable content. Ofcom must identify metrics which can be used to dispassionately compare these opposites to identify the optimum balance for the VIEWER, not the advertiser.

**Question 8: Do stakeholders agree that the restrictions on advertising in films, documentaries and religious programmes and children's programming should be relaxed to the extent permitted by the AVMS Directive? :**

NO! See above.(Q7)

**Question 9: Do stakeholders agree that changes to the rules on advertising breaks in news and children's programmes that must be made to secure compliance with the AVMS Directive should be deferred until December 2009?:**

No. Why should they.

**Question 10: Do stakeholders agree that:**

- a. the Code should make clear that advertisements are permitted between schools programmes?
- b. the requirement for a buffer between coverage of a religious service or Royal occasion and advertising should be discontinued?
- c. the rule prohibiting advertising after an epilogue should be discontinued? and
- d. the rule allowing Ofcom to exclude adverts from specified programmes should be discontinued?

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a) No. Ads should not be allowed in children's programming, as children are being manipulated to pester their parents, rather than make judgements about their own spending power. Advertising to children is not done to manipulate the children but to put pressure on their parents. I have a cynical view that this advertising is also considered virtuous amongst advertisers as a way of inculcating children into a consumerist mindset. Loss of revenue in this sector shouldn't have a negative impact on program quality as can be illustrated by the rich seam of excellent quality, shoestring productions prior to the current advertising funded crop - Clangers, Ivor the Engine, Rhubarb and Custard, Bagpuss, Jacanory, Blue Peter, Magpie, Noggin the Nog, Timeslip etc, etc. I think it is an incorrect assertion that program proliferation equates to choice or quality and restricting the amount of revenue available in the producers' ecosystem will force producers to consider what is genuinely important to

viewers.

b) I don't agree but only on subjective grounds

c & d) Do you plan to cede all control to advertisers at the expense of viewer's experience? All these points presage a diminution in even a pretence that a) quality matters or b) viewers matter

**Question 11: Do stakeholders agree that the rules limiting the length of individual advertisements on PSB channels should be discontinued?:**

Do you plan to cede all control to advertisers at the expense of viewer's experience? All these points presage a diminution in even a pretence that a) quality matters or b) viewers matter

**Question 12: Do stakeholders agree that the new Code should discontinue rules on the length of breaks on PSB channels?:**

Do you plan to cede all control to advertisers at the expense of viewer's experience? All these points presage a diminution in even a pretence that a) quality matters or b) viewers matter

**Question 13: Do stakeholders agree that the draft Code should establish the principle that the distinction between advertising and editorial content must be readily recognisable, and set out the means for doing this, but avoid more prescriptive rules?:**

I propose that differentiation MUST be maintained and that the principle boundary for such differentiation must be the start and end of the program or clearly flagged advertising breaks within a program and only if such breaks are limited in time and frequency

**Question 14: Do stakeholders agree that the current arrangements for transferring unused minutage should remain in place, and be applied to Channel 4 in place of the special arrangements in respect of schools programmes?:**

Don't understand the question

**Question 15: What views do stakeholders have on the possible approaches to advertising minutage regulation outlined above?:**

Don't understand the question

**Question 16: What views to stakeholders have on the teleshopping options and preliminary assessment outlined above in relation to non-PSB channels?:**

I don't have a view on teleshopping, except that I believe that all channels indulging in commercial activities, be it an advertising break or a whole channel devoted to commercial activity (e.g. QVC or the quiz channels) should be forced to have an electronic flag/marker, so consumer devices can differentiate types of content. (off topic: - In fact, providing a realtime hierarchical topic descriptor of all content would allow consumers to filter or find content using semantic expressions - such as genre, producer, not a commercial, year of release, etc - technology XML, see [http://en.wikipedia.org/wiki/Dublin\\_Core](http://en.wikipedia.org/wiki/Dublin_Core) - /end off topic)

**Question 17: What views do stakeholders have on the teleshopping options and preliminary assessment outlined above in relation to PSB channels?:**

**Question IA1: Do you agree with this overview of the impact of the current rules? Do you agree with our starting hypothesis in respect of the extent to which the current rules are likely to impose a constraint on different broadcasters i.e. PSBs and non-PSBs? If not, please set out your reasoning.:**

**Question IA2: Do you agree with the broad assessment of the impact on different stakeholders of changes to the rules on the distribution of TV advertising set out in Part 2? If not, please set out your reasoning.:**

**Question IA3: Do you consider that our optimisation approach is a reasonable approximation as to how additional advertising minutage would be used by broadcasters in practice? If not, please set out how you would approach this modelling issue and what assumptions you would adopt.:**

**Question IA4: Do you consider dividing non-PSB channels into the three categories of "sold out", "nearly sold out" and "unsold inventory" reflects the realities of the TV advertising market for non-PSB channels. If not, how would you suggest we approach this issue in modelling terms?:**

**Question IA5: Do you agree that the assumptions of no drop-off effect is a reasonable assumption to make for the purposes of this modelling exercise? If you disagree, please explain your reasoning and provide data to support any alternative assumptions that you would use.:**

**Question IA6: Do you consider that this range of scenarios is appropriate? Are there any other types of scenarios that you believe we should explore as part of our modelling work?:**

**Question IA7: Is the modelling of the changes in the volume of commercial impacts/share of commercial impacts for these different scenarios broadly in line with any modelling work you have carried out? If not, we would be interested to understand what results you have obtained in modelling these scenarios.:**

**Question IA8: To what extent do you think that is reasonable to assume a constant price premium in light of changes to minutage restrictions? If you think that this could be unreasonable, please set out what you think might happen and how that could be modelled.:**

**Question IA9: To what extent do you think that this approach would be a reasonable modelling approach to adopt?:**

**Question IA10: To what extent do you think that is reasonable to make use of the elasticity estimates derived from the PwC study? Are they in line with your own views as to the operation of the TV advertising market? If not, please explain your reasoning.:**

**Question IA11: To what extent is there evidence to support the argument that an increase in advertising minutage could reduce overall advertising expenditure on TV, i.e. that the advertising market is inelastic?:**

**Question IA12: To what extent do you consider that these estimates of the financial impact of changes to the rules on the amount of advertising minutage provide an indication of the potential overall scale of any changes as well as the distribution of the impact between PSBs and non-PSBs? Are they in line with your own views as to how the TV advertising market would adjust to such changes? If not, please explain your reasoning.:**

**Question IA13: The discussion of the modelling approach set out above has focused on the potential impact on different types of broadcasters. To what extent could there be an impact on other stakeholders, particularly media buying agencies and their clients, the advertisers? What is the attitude of these stakeholders to changes in the volume of advertising minutage?:**

**Question IA14: Do stakeholders agree with the analysis of the impact of these options on non-PSB channels? If not, please set out your reasons, providing evidence to support your analysis wherever possible.:**

**Question IA15: Do stakeholders agree with our analysis of the impact on PSB channels of these three options? If not, please explain your reasons, providing evidence to support your analysis wherever possible.:**

**Additional comments:**

Your questionnaire is very biased towards industry insiders as stakeholders, rather than viewers by the number of in-depth question that require considerable time and effort to answer. I have a bank holiday to enjoy with my family and don't get paid to fill this out, unlike others with 'skin in the game'. Whilst I feel strongly about the topic, I have submitted my views as far as I can sustain interest and without too much repetition and hopefully some useful contributions?

My manifesto would be less tat and more quality. Advertising doesn't automatically equate to quality. Keep tight restrictions on advertising and if there is less revenue, let evolutionary pressure force the lower quality producers out of business - 'less is more' [Mies van der Rohe]. To stop constant repeats and foreign imports, all you need to do is limit both by legislation. (personally I don't feel there are ANY educationally challenging programs apart from Melvin Bragg's, on R4 but hey ho, it's a celeb eat celeb world out there - now there's an idea!)