

Title:

Forename:

Surname:

Representing:

Self

Organisation (if applicable):

Email:

What do you want Ofcom to keep confidential?:

Keep part of the response confidential

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

Name
email address

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?:

No. A more appropriate balance would be to give far more weight to the often expressed desire of viewers to have less advertising and far fewer breaks within a program.

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

No. Nothing should be done that would enable advertisers to make their adverts even more intrusive than they are at the moment.

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?:

No. If adverts must be shown within a program there should be a clear visual indication that an advert break is about to occur, lasting at least two seconds and with zero sound level, to enable the viewer to realise that a break has occurred. Teleshopping segments should be even more clearly delineated to ensure that they are obviously perceived as advertising material. Split-screen or other 'spatial' means should be completely banned.

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?:

The rule should not be scrapped - it should be changed to a rule that requires a 30-minute interval between breaks.

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

Yes. There should be no more than one break, preferably no breaks, allowed within programmes of up to 30 mins duration, and no more than two breaks, preferably one, within programmes of 60 minutes duration. Longer programs to have a maximum of one per 30 minutes.

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

No. The overriding concern with regard to advertising breaks should be to disrupt the programming as little as possible. Two breaks in a 30 minute program is patently ridiculous as this leads to unacceptable fragmentation of the program content.

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. Films should be subject to more stringent requirements to restrict advertising than conventional programming rather than less, and advertising of any sort should be banned during children's programs.

"Ofcom can make stricter rules if it believes that these would be better for viewers."

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?:

These changes benefit the viewer by reducing fragmentation of programming and should be introduced as soon as is feasible. Remember also "Ofcom can make stricter rules if it believes that these would be better for viewers", so a complete ban on advertising within children's programs of any length is an option (see also previous question).

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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No. Nothing should be done that promotes more advertising, particularly in the context of sensitive areas such as school broadcasting.

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

No. "It appears that there is little commercial demand for long advertisements" - so why bother to scrap this backstop regulation that might be needed at some point.

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

No. If the advertisers want long breaks, they can put them between programmes where they cause minimal disruption to programme flow.

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?:

Yes, the distinction between advertising and editorial content must be readily recognisable, and Ofcom should do everything in its power to promote this, including detailed prescriptive rules. At all costs the mingling of advertising and editorial content on screen at the same time, such as split-screen or other 'spatial' means should be prohibited.

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?:

In an ideal world, unused minutage would remain unused and hence be lost. Unused minutage should not be allowed to increase the amount of advertising within any hour at peak times.

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

Limiting non-PSB channels to the same advertising minutage as PSBs - levelling down - would be the preferable approach. No scenario that increases the average number of minutes per hour should be considered, and in particular, nothing that increases the number of advertising minutes in peak hours should be contemplated under any circumstances. Serious consideration should be given to including all kinds of promotional material within the existing minute allocation eg channel promotions, trailers etc. These should in any case only be allowed between programmes.

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

Dedicated teleshopping channels should continue to be allowed to show as much teleshopping content as they wish. Other non-PSB channels should be allowed to broadcast whatever teleshopping they wish between the hours of 1:00am and 5:00am, but no teleshopping or long-form advertisements at all outside these hours.

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

PSB channels should be allowed to broadcast whatever teleshopping they wish between the hours of 1:00am and 5:00am, but no teleshopping or long-form advertisements at all outside these hours.

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.:

The impact statement focusses almost exclusively on the impact on broadcasters and advertisers, with an occasional nod in the direction of the viewer - the most important stakeholder in this matter. For example, when discussing the separation of advertising and programming [A4.53], the concept that advertising and teleshopping breaks can be kept distinct from programmes by 'spatial means' is tacitly accepted, despite this being a most pernicious extension of the intrusiveness of advertising on television. The distinction between PSBs and non-PSBs is also something of a red herring. Non-PSBs should be kept to the same strict standards as PSB channels for the overall benefit of the viewer

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.:

"We do not consider that this is likely to have an adverse effect on viewers." appears to be the mantra of Ofcom, with no convincing evidence to support this contention. Any increase in the extent or intrusiveness of advertising has an adverse effect on the viewing experience. If restrictions on the amount of advertising were to be increased, advertisers would have an incentive to improve the quality of the limited spots at their disposal. Furthermore, just because an existing regulation does not appear to impact on advertisers at the moment (such as the length limit on adverts) does not provide a reason to scrap it. Keep such regulation in case it becomes needed at some future point.

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.:

Optimisation of additional minutage is a concept that has no useful meaning to a viewer. All additional minutage is a curse that has to be borne when attempting to watch a programme that has been butchered into small lifeless sections by the TV company and the advertisers. Perhaps Ofcom should spend some time attempting to watch TV in the USA.

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?:

Again Ofcom appears to be starting from the premise that there should be additional advertising minutes available, and looks at what to do with them. Why not 'reflect the realities' of the viewers experience and work out how to show programs that are not ruined by advertising, developing a better model for advertising placement between programs. It is the viewers that are 'nearly sold out', and who will probably soon be completely sold out if Ofcom has its way.

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.:

"It is possible that as the volume of advertising increases so to does audience irritation or annoyance"! No, it is a racing certainty that audience irritation will increase as the volume of advertising increases. The assumption that there is no 'drop-off' effect is laughable in this day and age, where there are the competing attractions of the internet, multiple satellite channels, downloadable video etc. The omnipresent PVR also means that more and more people who cannot stand watching TV programs live, choose to record them so that they can fast-forward through the increasingly annoying advert breaks.

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?:

The most appropriate scenario from those given would be (e), but with the proviso that these minutes cannot be moved around into peak hours - 7 minutes per hour means 7 minutes per hour whatever time of day, and includes station idents, program

promotions etc. Other types of scenarios that could be explored are those that benefit viewers by reducing the disruption of their programmes.

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.:

"modelling of the changes in the volume of commercial impacts/share of commercial impacts for these different scenarios" is another concept that shows Ofcom to be in thrall to the advertisers and broadly unconcerned with the detrimental effect that increasingly intrusive advertising has on British television. - "relaxation of the rules" is a phrase that appears worryingly often in this section.

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.:

To what extent do Ofcom think that it is reasonable to shaft the viewing public by increasing the amount of advertising that they have to put up with?

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

What appears reasonable to Ofcom, the TV companies and the advertisers is probably extremely bad news for the viewing public.

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.:

The TV advertising market probably has a bleak future unless they realise that quality not quantity is a valid concept. Yet another question that appears to start from the assumption that an increase in minutage will happen, rather than seriously asking what is the best interest of the viewers.

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?:

Again we have assumption that an increase in minutage will happen, and move on from there. One might almost think that the survey was designed to elicit answers that bolster support for a decision that has already been made in principle. Why not ask whether reducing advertising minutage might not improve the overall efficiency of advertising on TV by increasing its impact and not driving viewers away in droves?

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.:

The estimates of financial impact could very well underestimate the growing disenchantment with advertisers that would result from the deteriorating quality of the television experience as advertising increases. More and more people will come to realise that you can download advert free programs from the internet...

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?:

Media buying agencies and their clients may soon come to realise that less is more, that limited, high quality advertising is the way to go. The Cadbury gorilla had everybody talking, and many were even downloading the ad from the internet to watch it.

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.:

The important stakeholders probably couldn't tell a non-PSB channel from their granny's elbow. (They can however tell when their favourite program gets interrupted after five minutes because the TV company couldn't give a rat's about its viewers.) Teleshopping channels have their place - you can choose to watch them or not. The argument that some viewers might not have access to them is weak now that we are all being forced to go digital. Plastering teleshopping inserts all over conventional channels is a very bad idea.

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.:

As above. The really important stakeholders don't care about this analysis, they just like to watch their television programs with as little disruption as possible. Television 'quiz' programs are verging on the criminal and should be banned. PSB channels and non-PSB channels should have the same ability to broadcast teleshopping in the early hours. The idea that any increased revenues generated might feed back into programme quality rather than line the TV companies pockets was actually quite funny....

Additional comments:

Why pretend to survey opinion when it appears that your mind is already made up? The survey seems heavily slanted to generate a particular response. Why not operate on behalf of the viewer and protect them from the slippery slide into USA style advertising practices? Keep adverts out of the programs as far as possible, and into the gaps between programs where they cause less aggravation. Anything less will kill the goose that lays the golden egg.