Rules on the amount and distribution of advertising
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FOREWORD

(a) This document sets out the rules that Ofcom requires television broadcasters licensed by it to observe on the amount, scheduling and presentation of advertising. Standards for the content of television advertising are administered by the Advertising Standards Authority (ASA) [www.asa.org.uk].

(b) Section 322 of the Communications Act 2003 gives Ofcom the power to give directions to its licensees on these matters and this document sets out the basic regime to which these directions will refer.

(c) These rules give effect to requirements laid down in the EU Directive on Television Broadcasting 89/552/EEC of 3 October 1989 (as amended by Directive 97/36/EC of 19 June 1997), and the 1989 Council of Europe Convention on Transfrontier Television.

The rules are of three kinds:

(i) those which apply to all services and appear as plain text;
(ii) those which apply only to Channel 3 (ITV and GMTV), Channel 4, Channel 5 and the ‘qualifying’ (ie: ‘simulcast’) digital services of these channels. These are identified by (A) after the rule number. (Note that the rules for Channel 4 also apply to S4C);
(iii) those which apply only to services other than Channels 3-5 and their ‘qualifying’ digital services. These are identified by (B) after the rule number.

(d) Ofcom does not believe there is a case for imposing substantially greater restrictions than those required by the EU Directive on services other than Channels 3-5. Rules in this area are principally concerned with limiting interference to programmes from too much or too frequent advertising, and with ensuring that the time set aside for advertising does not curtail excessively the time available for programmes proper. These matters relate to the quality and value to viewers of the services concerned. Ofcom does not have a remit to influence programme quality on services other than Channels 3-5; its role is confined to enforcing consumer protection standards in areas defined by the Communications Act and implementing the United Kingdom’s obligations under international instruments. In the case of Channels 3-5 Ofcom’s remit does extend to the quality and value these services provide to viewers and it believes that in some cases more demanding standards than those required by the Directive remain justified.

(e) The European instruments give discretion to national authorities not to apply the requirements relating to amount and distribution of advertising to broadcasts intended solely for one EU Member State or Convention Party which may not be received, directly or indirectly, in any other such State or Party. In the case of satellite services, Ofcom will not regard a service as qualifying for consideration under this criterion unless its signal is encrypted and neither its service nor its means of decryption is marketed outside the single EU Member State or Convention Party concerned. Any licensee wishing to have any part of these Rules disapplied in relation to their service must obtain the prior approval in writing of Ofcom. Ofcom will only agree to such requests if it is satisfied that there are particular circumstances which warrant this and that to do so would not confer an unfair competitive advantage on the service concerned.
Section 1

Amount of Advertising

1.1 Amount per day

(Channels 3-5 only)

1.1.1(A)

(a) The total amount of advertising in any one day must not exceed an average of seven minutes per hour of broadcasting.

NOTES:

(i) Transfers of advertising entitlement from one day to another are permissible only exceptionally and where this is necessary in the interests of good programme presentation. In principle, all advertising foregone for good programme presentation reasons (for example the suspension of advertising for a Royal death, during major news stories or because the nature of the programme does not allow the full allocation to be taken, as in the case of long operas) can be recouped by transfers to other days. This will be subject to the ability to recoup within a reasonable period of time.

(ii) Additionally, Ofcom may permit transfers to make good losses (including marred presentation) sustained through unforeseen human or technical failure or unavoidable interruptions in transmission. In all cases, losses should where possible be recouped in airtime of similar value. Losses of up to three and a half minutes may be reclaimed automatically and Ofcom notified of the date and time of the recoupment. Ofcom’s prior permission must be sought for the recoupment of any time in excess of three and a half minutes. Where a licensee is unable for any reason to transmit any part of its service, no advertising time is earned.

(iii) In no circumstances may transfers cause the hourly average on any particular day to exceed nine minutes.

(b) For the purposes of this rule a day’s broadcasting is deemed to commence at 6am and run for the following 24 hours.

(c) In the periods 6pm–11pm and 7am–9am the total amount of advertising must not, without Ofcom’s prior permission, exceed an average of eight minutes an hour on any one day.

(Other services)

1.1.2(B)

(a) The total amount of spot advertising in any one day must not exceed an average of nine minutes per hour (15 per cent) of broadcasting.

(b) This may be increased by a further three minutes per hour (5 per cent) devoted to teleshopping spots, but this additional 5 per cent must not be used for other forms of spot advertising.

NOTE:

For the requirements relating to teleshopping windows and to channels dedicated exclusively to teleshopping see Section 8, and Section 9 for the rules
Rules on the Amount and Distribution of Advertising

relating to extended advertising features on certain kinds of local television channels.

1.2 Maximum amount in any one hour
In any one clock hour there must be no more than 12 minutes of advertising spots and/or teleshopping spots. (See Section 8 for teleshopping windows.)
SECTION 2

The Calculation of Advertising Time

2.1 Advertising items

For the purposes of calculating advertising time the following are deemed to be advertising items:

(a) all items of publicity broadcast on behalf of someone other than the licensee in breaks in or between programmes, apart from public service announcements, charity appeals broadcast free of charge, announcements required by Ofcom and information to viewers broadcast in accordance with an Ofcom requirement;

(b) publicity by the licensees themselves except information to viewers about or in connection with programmes.

NOTES:

(i) Publicity by licensees addressed to potential advertisers or investors will be regarded as an advertising item.

(ii) Cross-promotion of programmes within Channel 3 does not count as an advertising item.

(iii) On Channels 3–5 all items of publicity are taken into account for the purposes of the rules on maximum duration of centre breaks (see Section 5.6(b)).

(iv) For the purposes of regulation of advertising content there is no exemption for any of the items referred to in (a) and (b) above.

(v) For the rules governing the promotion of licensees’ own goods and services and programme-related material, see Section 10 of the Ofcom Broadcasting Code.

(vi) On-air promotions of teleshopping items will count as advertising unless they form part of a general list of forthcoming programmes, the teleshopping material is not emphasised and there is no reference in the promotion to any specific products.

2.2 Intervals between programmes

Intervals of more than five minutes between programmes do not count towards the broadcasting time from which entitlement to advertising minutage is calculated. For example, ‘interludes’, the transmission of slides with programme details or technical breakdowns and the like do not count as broadcasting time.

(Channel 4 only)

2.3 (A) Schools programmes

The amount of minutage that may be claimed by Channel 4 in respect of advertising forgone in connection with schools programming will be as determined by Ofcom from time to time.
SECTION 3

General Separation of Advertisements and Programmes

3.1 Break identification

Television advertising must be readily recognisable as such and kept quite separate from other parts of the programme service. Breaks containing advertising spots of any kind, including teleshopping spots, must be identified in vision and/or sound, for example station identifications going in and out of breaks. Teleshopping windows must be identified both in vision and in sound at both the beginning and end of the break. (see Section 8.1.2B (iii) below).

Categories of programme carrying no advertising 3.2

Advertisements must not be inserted in the course of any broadcast of:

(i) a news or current affairs programme of less than half an hour scheduled duration;
(ii) a documentary of less than half an hour scheduled duration;
(iii) a programme for children of less than half an hour scheduled duration;
(iv) a programme designed and broadcast for reception in schools;
(v) a religious service or other devotional programme;
(vi) a religious programme (other than religious services or devotional programmes which may not carry any internal advertising at all) of less than half an hour scheduled duration;
(vii) a formal Royal ceremony or occasion;

NOTE:
3.2(vii) means a formal ceremony or occasion of which the Sovereign or members of the British Royal Family enjoying the prefix ‘Royal Highness’ are the centre. It applies to occasions such as the State Opening of Parliament and Trooping the Colour.

(viii) a programme of live transmission of Parliamentary proceedings, including coverage of Committees, of half an hour scheduled duration or less;

NOTE:
See Section 9 for further rules on advertising in relation to Parliamentary broadcasts.

(ix) such other programmes as Ofcom may from time to time specify in particular or general terms, for example, programmes of a particularly harrowing or sensitive nature;

(Additional for Channels 3-5)

3.2(A)

(x) any programme of less than 20 minutes scheduled duration.
3.3 Buffers

(a) There must be a gap of at least 30 seconds between a programme in the following categories and any advertising preceding or following it:
   (i) a religious service or other devotional programme;
   (ii) a formal Royal ceremony or occasion as defined in Section 3.2 (vii).

(b) No advertising may follow epilogues and other religious items that appear before a closedown.

3.4 Isolated Advertising and Teleshopping Spots

In accordance with an EU requirement breaks in programmes containing just one spot advertisement or one teleshopping spot shall remain the exception.
SECTION 4

Particular Separations of Advertisements and Programmes

Standards for the content of television advertising are administered by the Advertising Standards Authority (ASA). These include rules governing particular separations of advertisements and programmes.
SECTION 5

Internal Breaks in Programmes

5.1 Placing of Breaks

Breaks within programmes may be taken only at a point where some interruption in continuity would, in any case, occur (even if there were no advertising) and such natural breaks must not damage the integrity or value of the programme in which they occur.

NOTE:
More detailed guidance on natural breaks is given in Section 6.

5.2 Programmes with ‘Autonomous Parts’

In programmes made up of autonomous parts (for example magazine format programmes) breaks may be taken only in between the separate parts.

5.3 Events containing Intervals

In sports programmes and in coverage of similarly structured events or performances containing intervals, breaks may be taken only in the intervals.

5.4 Period Between Breaks

In the case of programmes other than those referred to in 5.2 and 5.3 above, a period of at least 20 minutes should normally elapse between each successive internal break. A slightly shorter interval is acceptable only where the interests of viewers would be better served by taking a break earlier (for example to fit in with a particularly suitable interruption of continuity). However, in such cases the programme must not contain more internal breaks than would be permissible by strict application of the 20-minute minimum separation principle.

5.5 Films

Feature films and films made for television (excluding series, serials, light entertainment and documentaries) must not carry an internal break if their scheduled duration is 45 minutes or less. Taking their scheduled duration as a whole, longer films may be interrupted once for each complete period of 45 minutes with a further break if scheduled duration is at least 20 minutes longer than two or more complete periods of 45 minutes. Thus:

- films of 45 minutes or less: no breaks;
- between 46 and 89 minutes: one break;
- between 90 and 109 minutes: two breaks;
- between 110 and 135 minutes: three breaks;
- between 136 and 180 minutes: four breaks;
- between 181 and 225 minutes: five breaks, etc.

(Additional for Channels 3-5)

5.6 (A) Internal Breaks on Channels 3–5

(a) In programmes of up to 20 minutes duration - no breaks.

NOTE 1

The normal use of internal breaks in longer programmes should be as follows:

(i) in programmes of 21-44 minutes duration - one break
(ii) in programmes of 45-59 minutes duration - two breaks
(iii) in programmes of 60-89 minutes duration - three breaks
(iv) in programmes of 90-119 minutes duration - four breaks
(v) in programmes of 120-149 minutes duration - five breaks

NOTE 2
When inserting additional breaks in existing programmes licensees should take particular note of Section 6 following when selecting a ‘natural break’ point.

(b) The maximum duration of any break within a programme is three minutes fifty seconds, of which no more than three and a half minutes may be advertising.

(c) Ofcom may permit departures from the normal requirements in 5.6(a) if it is satisfied that these are justified for programming reasons.

(d) Limited departures from the pattern in 5.6(a) are also permissible in the case of coverage of certain sporting and similarly structured events where there are frequent natural breaks of brief duration. The distribution of advertising in such intervals must, however, have regard to the interests of good programme presentation. It will often be preferable for some intervals not to carry advertising.

SECTION 6

Recognition of Natural Breaks

6.1 Definition
For the purposes of these rules a 'natural break' is defined as a point at which some interruption in programme continuity would in any case occur were the programme not to be interrupted by advertising. Rule 5.1 requires that such natural breaks must not damage the integrity or value of the programme in which they occur. The following guidance applies to the interpretation of these requirements. The rules in this Section apply to the placing of all breaks, whether or not they contain advertising.

6.2 Drama and Situation Comedy
A break may be taken only when:
   (i) there is a clearly marked and dramatically significant lapse of time in the action, or
   (ii) there is a complete change of scene, with a significant break in the continuity of action, or

6.3 Documentaries and Discussion Programmes
A break may be taken only when:
   (i) there is a change of topic, or
   (ii) there is a change of exposition, or
   (iii) at the end of any filmed inserts used in live documentaries, or
   (iv) new participants in a discussion programme are introduced.

6.4 Light Entertainment
A break may be taken only at the end of an act or at the end of a sequence.

6.5 Music
A break may normally be taken only at the end of a musical composition, a set, or between the acts of an extended musical work. Breaks may not be taken between movements of a symphonic or similar work, nor between segments of a series of pieces usually heard as a continuous performance.

6.6 Children’s Programmes
Depending on the composition of the programmes, the same rules as for drama and light entertainment apply.

6.7 Sport
(a) Breaks may be taken during intermissions of the particular sport being televised - for example half time, between races, between innings, etc.
(b) In live coverage of long continuous events breaks may be taken at points where the focus of coverage shifts from one point to another of the event for example after a resume of the current placings in a race and before refocusing on a particular section of the race. Breaks may also be taken adjacent to cut-away discussion or background film insert sequences.
(c) Where edited recorded sport programmes are shown, break points should be selected to avoid creating the impression that some part of the event for example a round in a boxing match - has been omitted to accommodate advertising.

6.8 Outside broadcasts other than Sport

Breaks may be taken where the commentator finishes discussing one item in the programme and moves to another - for example exhibitions, displays etc.

6.9 Programmes with Prizes

A break may be taken at the point where one competitor leaves the scene and before a new competitor is introduced. Where there is no change of competitor, a break may occur at the end of one complete round of questions.

6.10 Acquired Programmes

Licensees should note that in programmes acquired from overseas pre-existing breaks may be taken only where this does not conflict with Rule 5.4.

6.11 Relays of Overseas Broadcasts

Where an Ofcom licensee relays a live programme feed from an overseas broadcaster, the break pattern of the originating broadcaster may be taken. Where advertising inserted by the originating broadcaster is also taken, the Ofcom licensee is responsible for ensuring that he has the ability to block or otherwise replace the transmission of any material that does not comply with Ofcom Codes and rules.
SECTION 7

Long Advertisements

7.1 Identification of Long Advertisements

7.1.1 Any advertisement that lasts longer than one minute should be particularly carefully assessed to ensure that there is no risk of confusion with programme material.

7.1.2 Except where the style makes it is fully apparent that it is an advertisement, any advertisement which lasts more than a minute must be flagged as such (for example by superimposed text) at the beginning, and at the end (if its character as an advertisement is not clearly established at the end).

7.1.3 Where an advertisement adopts a programme style (for example documentary, studio interview, cookery demonstration) there must in addition be a five second reminder to viewers of its advertising nature in every full minute of duration and a three second reminder in any part minute over 20 seconds.

NOTE: 7.1.3 does not apply to material on dedicated teleshopping or self-promotional channels (see Section 8) or where the presence in the schedule of an extended advertising feature such as a teleshopping ‘window’ (see Section 8.1.2) is separately identified to viewers in programme information and published listings. In this case it will be sufficient for its commercial purpose to be identified by optical and acoustic means at the beginning and end of each item.

7.1.4 Licensees are reminded that the BCAP Advertising Code forbids advertisements to refer to themselves as ‘programmes’.

(Channel 3 – 5 only)

7.2(A) Long Advertisements on Channels 3 – 5

(a) Without Ofcom’s prior approval no advertisement may exceed seven minutes duration.

(b) Airtime for advertisements of three and a half to seven minutes duration must be drawn wholly or principally from the same clock hour with any shortfall coming from the closest immediately adjacent clock hour.

(c) Without Ofcom’s prior approval, advertisements lasting longer than three and a half minutes must not be broadcast in the periods 6pm–11pm and 7am–9am.

NOTE: The requirement in Rule 7.2(A) above does not apply to advertisements, including teleshopping, broadcast between midnight and 6am in the time aggregated from the advertising allowance between those hours. (See 8.1.4 below).
SECTION 8

Teleshopping and Self Promotional Channels

8.1 Teleshopping

The EC Directives make special provision for teleshopping. Their requirements are set out in Rules 8.1.1–3 below which apply, as relevant, to channels other than Channels 3–5. Teleshopping on Channels 3–5 is dealt with in Rule 8.1.4.

(a) Teleshopping (also known as home shopping, advertorials, infomercials, etc.) is a form of advertising involving the broadcast of direct offers to the public with a view to the supply of goods or services, including immovable property, or rights and obligations, in return for payment.

(b) Teleshopping offers of any kind must contain the direct offer for sale to the public within the teleshopping transmission itself. Where the offer for sale is only contained elsewhere (for example in a text service) the material may not be classed as teleshopping.

(c) For the avoidance of doubt, for the purposes of all aspects of compliance teleshopping spots and teleshopping windows are part of the service on which they appear, even when supplied by another licensee. Teleshopping spots and teleshopping windows count towards the teleshopping allocation of the service on which they appear.

(d) Where a teleshopping service is transmitted between other services or in intervals between two parts of one service, both licensees must make it clear in sound and in vision when their respective services begin and end.

(e) Licensees are reminded that the requirements of BCAP Advertising Code apply in full to teleshopping spots, teleshopping windows or channels devoted to teleshopping, and to any claims made in them.

(f) Except where otherwise specified the requirements of Section 7 (Long Advertisements) apply to teleshopping material.

8.1.1(B) Teleshopping Spots

Up to 5 per cent of daily transmission time above the spot advertising maximum of 15 per cent of transmission time may be devoted to teleshopping spots. This 5 per cent may be increased by any balance of 15 per cent of transmission time not devoted to spotting, (See Section 1.1.2(B).)

8.1.2(B) Teleshopping Windows

Teleshopping windows are extended teleshopping features with a minimum uninterrupted duration of 15 minutes. They may be broadcast on channels not exclusively devoted to teleshopping subject to the following:

(i) there may be no more than eight teleshopping windows per day;
(ii) the overall duration of teleshopping windows may not exceed three hours per day;
(iii) teleshopping windows of whatever length may not be interrupted by any other material, whether advertising or teleshopping spots or by editorial. Advertising and teleshopping spots may, however, be inserted between adjacent teleshopping windows.
(iv) teleshopping windows may comprise a collection of separate teleshopping spots, provided that the window as a whole is presented as a single entity and identified as such in listings of any kind.
(v) teleshopping windows must be identified both in vision and in sound at both the beginning and end of each window in a way which makes clear to viewers its commercial nature;
(vi) teleshopping windows must be separately identified in published programme listings. (See also Section 2.1 Note (vi) on promotion of teleshopping material).

Teleshopping Channels 8.1.3(B)

(a) Channels otherwise devoted exclusively to teleshopping may carry other forms of advertising up to the limits set out in Section 1.1.2(B).

(b) Sections 1.2 and 8.1.2 above do not apply to such channels.

Additional for Channels 3 – 5.

Teleshopping on Channels 3 – 5 8.1.4(A)

(a) There is no additional airtime for teleshopping on Channels 3–5. Between midnight and 6 a.m. these channels may run long-form advertisements, including teleshopping. This airtime will, however, count towards the daily maximum referred to in Section 1.1(A).

(b) Any such advertisements exceeding 7 minutes’ duration must be separately identified in published programme listings. (See also Section 2.1 Note (vi))

(c) Licensees are reminded that for the purposes of Section 1.2, which implements an EU Directive requirement, any advertising other than a teleshopping feature of a minimum duration of 15 minutes will count towards the 12 minute maximum in any one clock hour.

8.2(B) Self Promotional Channels

(a) For the purposes of these rules, self promotional activities are deemed to be a particular kind of advertising in which the broadcaster promotes its own products, services or channels.

(b) Channels devoted exclusively to self-promotion are permitted and their self-promotional content is not subject to the quantititative limits on advertising in these rules.

(c) Advertising and teleshopping for other products and services on such channels are permitted up to the limits set out in Section 1.1.2(B).

(d) Licensees are reminded that the requirements of the BCAP Advertising code apply in full to self-promotional channels and to any claims made in them.
GENERAL NOTE:
For the avoidance of doubt, channels devoted exclusively to teleshopping under 8.1.3 or to self-promotion under 8.2 above may not broadcast material (other than permitted advertising and teleshopping) which does not contain direct offers to the public in the first instance or promote the broadcaster’s own goods or services in the second. Neither type of channel may contain conventional programme elements such as news, sport, films, documentaries or drama, etc.
SECTION 9

Advertising on Local Television Channels

9.1(B) Definition

For the purposes of this Section a ‘local television channel’ is one which regularly broadcasts programmes about the specific locality in which it is received and which:

(i) is provided only under a single Restricted Television Service Licence or only under a single Television Licensable Content Service Licence which is distributed within contiguous cable areas served by a single head-end; and

(ii) may not be received, directly or indirectly, in one or more other Member States of the European Union

NOTE:
Although condition 9.1(ii) does not bear directly on whether a channel is 'local', in the ordinary sense of the word, it is a necessary one under European law if the regime in this Section is to apply to the channel concerned

9.2(B) Local Advertising Features

Local television channels may use all or part of the airtime for teleshopping windows to which they are entitled for the purpose of broadcasting local advertising features, provided:

(i) the advertising purpose is clearly flagged to viewers, in vision and sound, at the beginning and end of each feature;

(ii) the features are of a minimum duration of 15 minutes and are separately identified in listings;

(iii) a significant proportion of the content of each feature refers specifically to the locality in which it appears. This does not exclude customisation of material prepared for wider purposes but such customisation should be significant e.g. in the case of coverage of national advertisers not be confined to the addition of slides with details of local outlets but should, for example, include extended material filmed at those outlets.

NOTE:
For the avoidance of doubt, licensees are reminded that the content of any such advertising features must comply with the BCAP Advertising code
SECTION 10

Parliamentary Broadcasts

10.1 Introduction
This Section sets out special requirements for the handling of advertising in broadcasts of Parliamentary proceedings, which were adopted after consultation with the authorities of both Houses of Parliament.

NOTE:
The application of these requirements to broadcasts of proceedings in other elected assemblies would need to take account of the wishes of those bodies.

10.2 Definition
‘Parliamentary proceedings’ include proceedings on the floor of either House and Parliamentary Committees.

10.3 Presentation
Normal ITC rules on the amount and scheduling of advertising as set out in Sections 1 and 5 will normally apply, subject to the particular conditions noted below.

10.3.1 No programmes of half an hour scheduled duration or less devoted to live transmission of Parliamentary proceedings may be interrupted.

10.3.2 In live coverage, transition to and from the Chamber must be effected via a programme presenter in vision or sound in order to avoid excessive abruptness.

10.3.3 Breaks in live coverage may only be taken at natural transitional points, and programme directors/editors must be given discretion to advance, delay or cancel breaks to avoid artificial interruptions in live proceedings.

10.3.4 Breaks should be dropped altogether where this would be incompatible with editorial responsibility, for example in coverage of matters of great gravity or emotional sensitivity.

10.4 Exclusion of certain types of advertisement
The following categories of advertisement are not acceptable for transmission during live broadcasts of Parliamentary proceedings, or other programmes that include footage of Parliamentary proceedings other than brief news extracts:

(i) advertisements featuring or referring to Members of Parliament, or Parliamentary parties, or with a Parliamentary setting;
(ii) advertisements with direct and specific relevance to main items of Parliamentary coverage where these are known in advance;
(iii) such other advertisements as Ofcom may from time to time specify in particular or general terms.

10.5 Use of Programme Material
In no circumstances may footage from Parliamentary broadcasts be used in advertisements.
SECTION 11

Amount of Advertising on Text Services

The following rules set out the limits on the amount of advertising permitted on the Public Teletext Service (PTS) and the PTS in digital form.

11.1 Permitted advertising

Advertising may be included in the form of full advertising pages (which may be allocated to one or a number of advertisers) or in the form of advertising messages which appear on pages containing editorial material. Such messages may refer to advertising on other pages.

11.2 Amount of advertising

11.2.1 Advertising on any page containing editorial material must not in area exceed 30% of that page.

11.2.2 In a multi-page which contains any editorial material, full advertising pages must appear for no more than 35% of the time.

11.2.3 The number of full main pages of advertising (including the source pages of advertising multi-pages) must not exceed 35% of the total number of main pages offered by the licensee. For the purposes of this rule only, any multi-page which includes both editorial and full pages of advertising will count as a proportion of one advertising main page and one editorial main page, e.g. two full advertising pages within a six frame multi-page will count as 1/3 of an advertising main page and 2/3 of an editorial main page. (A multi-page carrying only advertising will count as one advertising page regardless of the number of sub-pages it contains.)

2 The rules in this section previously appeared in the ITC Code for Text Services.