

**Submission to Ofcom
Broadcasting Code Review:
Commercial references in
television programming**

pact.

September 2010

Executive summary

- 1) Pact supports the introduction of product placement in the UK within effective regulatory safeguards. As Ofcom is aware, investment in original (i.e. UK-made) content is under pressure: Ofcom's latest annual market report states that commissioning spend on first-run original content by the five main PSB channels fell by more than 20% between 2004 and 2009.¹
- 2) Product placement, while by no means a panacea, represents a source of additional investment for the creation of UK-made content, and a way for UK companies to develop their business models.
- 3) While we understand concerns over potential excesses, we believe the Audiovisual Media Services Directive (AVMS) Directive, coupled with UK measures, represents an effective regulatory framework for guarding against this. We note that product placement is already present in the UK through imported programming and films, which remain popular with audiences despite commercial references, and that this places UK programme-makers and broadcasters at a competitive disadvantage in raising funding for their content. Our experience also is that, as a rule, programme-makers themselves are wary of excessive commercial references that might alienate audiences, through we acknowledge this is not a substitute for effective regulation.
- 4) We broadly welcome Ofcom's proposals for regulating commercial references in programmes. Our main concerns or suggestions include:
 - Ofcom should clarify that product placement is permitted not just in single drama, but in all single commissions in other permitted genres.
 - We agree that it is appropriate to clarify that thematic placement is prohibited, but are concerned that it must be clear that prohibition is not extended to story lines and themes where the placement is editorially justified and does not make any promotional references.
 - While we recognise concerns over editorial integrity, this does not mean that a blanket ban on product placement in specialist factual is appropriate. We propose that product placement be permitted in a programme where the product placed is not directly related to the subject

¹ Communications Market Report, 2010, Ofcom, page 129

matter and where there is no editorial influence by the brand. For example, an educational programme about the Titanic featuring an exploration of the wreck might feature brand logos on the air-tanks of the divers without any risk to editorial independence.

- We are concerned that an audio signal risks spoiling viewers' enjoyment and also may draw undue attention to the product placement in the programme. We therefore do not consider an audio signal to be appropriate. If Ofcom disagrees, however, we would favour a voiceover announcement as audiences are already accustomed to this to denote contents of a programme that may cause offense or be distressing.
- We do not think it is appropriate for a visual logo to appear throughout a programme, which would in our opinion be obtrusive for viewers.
- Enabling sponsors to product place is a positive step, encouraging broadcasters to form integrated deals with brands, potentially across different programmes, channels and platforms. However, there is a risk that such integrated arrangements will potentially impact on editorial independence, with broadcasters seeking to impose product placement with a certain brand, under certain conditions, on individual commissions with independent producers. These conditions are likely to be pre-arranged and as such may require the editorial content of a proposal to be adjusted in order to win the commission. This may conflict with Ofcom's duty to have regard to: "the desirability of maintaining the independence of editorial control over programme content."² We therefore ask Ofcom to consider developing high-level guidelines to inform the commissioning of independent productions which involve product placement. At the very least, we ask Ofcom to make it clear that a broadcaster cannot require product placement in an independently-produced programme. Pact has already held extensive discussions with broadcasters about developing an industry standard agreement, which we detail in an Appendix to this submission.

² Communications Act 2003, section 319 (4); referred to in the Consultation Paper page 14, section 3.2

Introduction

- 1) Pact is the trade association that represents the commercial interests of independent production companies, involved in creating and distributing television, film and interactive content.
- 2) The independent production sector creates around half of all new UK television programmes each year,³ as well as acclaimed UK films. The sector's turnover is £2.2 billion per year⁴ and it employs 20,950 people – more than the terrestrial broadcasting and the cable and satellite sectors respectively.⁵
- 3) For further information, please contact Pact's director of policy, Adam Minns.

³ Ofcom, Communications Market Report, 2008

⁴ Pact Census 2010

⁵ Employment Census 2006, Skillset

Response to Ofcom's questions

1.1 Do you agree that it is appropriate to apply product placement rules to paid-for references in programmes that are not included for a commercial purpose? If not, please explain why.

We agree. Regardless of whether placement is for a commercial purpose or not, there is a risk to editorial independence and of misleading the viewer.

1.2 Please identify any potential impacts of Ofcom's proposal that you consider should be taken into account, and provide evidence, wherever possible.

We are not aware of any potential impacts.

1.3 Please identify any areas of this proposal which, if it is accepted, you consider Ofcom should issue guidance on.

A definition of commercial purpose would be critical.

2.1 Are there any impacts we have not identified above that you think would result from our proposal to clarify that single dramas are a form of film made for television? If so, please provide evidence wherever possible.

We are not aware of any further impacts. We note that the drama genre (as a whole) is one of the most expensive genres to make – Ofcom figures indicate that drama is the most expensive in terms of cost per hour⁶ - and like other public service genres faces funding pressure.

2.2 Please identify any areas of this clarification which you consider Ofcom should issue guidance on.

⁶ Ofcom figures supplied to Pact show that drama cost on average £451,000 per hour in 2007, the highest of any programme genres. The figures do not break down drama further and so do not offer cost per hour for single drama.

Clarifying that product placement is permitted not just in single drama, but in all single commissions in other permitted genres, would be helpful to producers and broadcasters raising funding for this area of programming.

3.1 Please identify any potential impacts of the rule prohibiting product placement in news, and provide evidence, wherever possible,

We are not aware of any further impacts that Ofcom has not highlighted.

3.2 Please identify any areas of this rule which you consider Ofcom should issue guidance on.

Ofcom should make reference to the definition of a news programme.

4.1 Do you agree that clarification that thematic placement is prohibited is appropriate. If not please explain why.

We note that protecting editorial independence is of primary concern in this area. As Ofcom's consultation paper points out, European-level regulations "make clear that thematic placement is unacceptable because of its impact on the responsibility and editorial independence of the broadcaster." Ofcom also notes that one of the requirements of the Communications Act is that product placement does not undermine the editorial independence of the broadcaster.⁷

Therefore, while we agree that it is appropriate to clarify that thematic placement is prohibited, we are concerned that it must be clear that prohibition is not extended to story lines and themes where the placement is editorially justified and does not make any promotional references.

4.2 Do you agree with Ofcom's proposed description of thematic placement? If not, please explain why, and suggest drafting changes if appropriate.

In the clause in 9.10 specifically about thematic placement, we ask Ofcom to include additional clarification that a condition of thematic placement be where the funder has exerted editorial influence. Section 9.10 might be amended as follows: "In particular, product placement arrangements must not involve

⁷ Consultation Paper, 4.45

thematic placement, i.e. where the payment by a third party has an unjustified editorial influence over the creation of storylines/scripts...”

4.3 Please identify any potential impacts of Ofcom’s proposals that you consider should be taken into account and provide evidence where possible.

A brand or funder may pay in full or in part for the creation of a show but not exert editorial influence over the broadcaster. For example, Beat: Life On The Street was fully funded by the Home Office. While Ofcom found that the series breached sponsorship rules regarding references and transparency (rules 9.5 and 9.7), it concluded that there was no influence over the editorial independence of the broadcaster (rule 9.4). At the time, Ofcom stated: “There is no evidence to suggest that the sponsor influenced the content of the programme so as to undermine the independence of the broadcaster and, as such, we do not find the series in breach of Rule 9.4.”⁸

4.4 Please identify any areas of this proposal which, if it is accepted, you consider Ofcom should issue guidance on.

We have asked Ofcom to clarify in the code that a condition of thematic placement be where there has been editorial influence. If Ofcom considers it inappropriate to do so in the code itself, then this should be made clear in guidance.

5.1 Do you consider that it is appropriate to prohibit product placement in specialist factual programmes produced under UK jurisdiction? If not, please explain why.

While we recognise concerns over editorial integrity, this does not mean that a blanket ban on product placement in specialist factual is appropriate. Like drama, specialist factual is a core public service genre, and is one of the genres facing most funding pressure. To help safeguard editorial independence while allowing programme-makers and broadcasters a degree of flexibility in raising production funding, we propose that product placement be permitted in a programme where the product placed is not directly related to the subject matter and where there is no editorial influence by the brand. For example, an educational programme about the Titanic featuring an exploration of the wreck

⁸ Ofcom Broadcast Bulletin Issue Number 126 - 26/01/09

might feature brand logos on the air-tanks of the divers without any risk to the editorial independence of the broadcaster.

We also note that product placement would remain prohibited in current affairs as this is explicitly ruled out at European-level.

5.2 Do you agree with the meaning for “specialist factual programmes”? If not, please explain why, and suggest drafting changes if appropriate.

As noted above, we propose that product placement be permitted in specialist factual where the product sponsored is not directly related to the subject of the programme and where there is no influence over the editorial independence of the broadcaster by the brand. We therefore propose that clause 9.14 (d) of the code read: “specialist factual, unless the product placement can be shown not to relate to the main subject matter of the programme.”

We are unclear if natural history programmes would be included under this definition.

5.3 Please identify any potential impacts of either permitting or prohibiting product placement in specialist factual programmes that you consider should be taken into account, and provide evidence wherever possible.

As noted above, a blanket ban on all specialist factual, even where there is no risk to editorial independence, would in our view unnecessarily restrict the ability of producers and broadcasters to raise funding for what is a core public service genre.

5.4 Please identify any areas of this proposal which, if it accepted, you consider Ofcom should issue guidance on.

We have proposed an amendment to clause 9.14 (d) of the code above. Alternatively this might be reflected in guidance.

6.1 Do you agree that it is appropriate to prohibit the placement of those products and services that are not allowed to be advertised on television? If not, please explain why.

We agree that in principle prohibiting product placement of goods and services that are not allowed to be advertised is consistent and therefore appropriate.

We note, however, that there is an inconsistency in permitting alcohol companies to sponsor programmes but not product placement, and suggest that this be re-considered in due course with a view to enabling alcohol brands to product place where appropriate. As Ofcom is aware, alcohol companies are not prohibited from product placement under the Audiovisual Media Services Directive, unless content is aimed specifically at minors or encourages excessive consumption.

6.2 Do you consider that the wording of proposed Rule 9.15 (f) is appropriate? If not, please explain why, and suggest drafting changes where appropriate.

Yes

6.3 Do you agree that it is unnecessary to apply advertising scheduling restrictions to product placement? If not, please explain why.

Yes – as Ofcom notes the circumstances in which it would be possible to place a product in a programme around which it could not be advertised are extremely limited.

6.4 Please identify any potential impacts of the proposals that you consider should be taken into account, and provide evidence wherever possible.

We are not aware of any further possible impacts.

6.5 Please identify any areas of this proposal which, if it is accepted, you consider Ofcom should issue guidance on.

We do not consider that guidance is necessary.

7.1 Do you consider it is appropriate to require broadcasters to identify product placement by means of a universal neutral logo and universal audio signal? (See proposed Rule 9.16). If not, please explain why, suggesting alternative approaches where appropriate.

We are concerned that an audio signal risks spoiling viewers' enjoyment and also may draw undue attention to the product placement in the programme. An audio signal is in our view not appropriate, nor required by European law providing an alternative method of identification is used.

It should also be noted that as this rule will only apply to programmes produced or commissioned by the provider of the service, it will not apply to acquired content. UK programmes may therefore be placed at a disadvantage compared to imported shows.

7.2 Please provide comments on the proposed criteria for determining how any universal neutral logo looks, and any additional or alternative criteria which you consider should define the visual signal, including views on the nature, size and duration of the signal.

We do not think it is appropriate for a logo to appear throughout a programme, which would in our opinion be obtrusive for viewers.

7.3 Please provide comments on the proposed criteria for determining how any universal audio signal sounds, and any additional or alternative criteria which you consider should define the audio signal, including views on the nature and duration of the signal.

As noted above, we do not consider an audio signal to be appropriate. If Ofcom disagrees, we would favour a voiceover announcement as audiences are already accustomed to this to denote contents of a programme that may cause offense or be distressing.

7.4 Please provide comments on whether you consider that such criteria should be specified in the Code or in Ofcom's guidance. If you consider that the criteria should not be specified in either, please explain why.

We suggest this be a matter for guidance only so that Ofcom may more easily refine its approach based on audience and stakeholder feedback once the revised code is implemented.

7.5 Do you consider it is appropriate to require broadcasters to provide the audience with a list of products/services that appear in a programme as a result of product placement arrangements, either in the end credits or on the broadcaster's website? If not, please explain why.

We consider that a list of products and/or services would be intrusive for viewers if it had to be included in the programme credits, and therefore support broadcasters having a choice as to whether the list of brands is available in the credits or on the broadcasters' website.

7.6 Do you consider that the wording of proposed Rule 9.17(a) and (b) is appropriate? If not, please explain why, and suggest drafting changes, if appropriate.

Yes.

7.7 Do you agree that broadcasters should include additional description text alongside the visual and audio signal for the first month that they are transmitted? If not, please explain why.

Yes.

7.8 Do you agree that broadcasters should transmit an audience awareness message if they show programmes that must be signalled during the first six months of the rules being in force? If not, please explain why.

Our understanding is that a typical advertising campaign lasts three months and that six months is therefore excessive. We are concerned that any additional costs to broadcasters will result in cuts to broadcasters' programme budgets.

7.9 Please provide your comments on the proposals we have set out on the key messages, timing and duration of the audience awareness campaign.

We have no further comments.

7.10 Please identify any potential impacts of Ofcom's proposals that you consider should be taken into account, and provide evidence, wherever possible.

We are not aware of any further potential impacts.

7.11 Please identify any areas of these proposals which, if they are accepted, you consider Ofcom should issue guidance on.

We have no specific requests in this area.

8.1 Do you consider that it is appropriate to allow sponsors to product place in programmes they are sponsoring? If not, please explain why.

Yes. In addition to being consistent with the lifting of the prohibition on product placement, we believe that this will make sponsorship more flexible, increasing opportunities for raising production funding with no risk to editorial independence, due to the protections laid out elsewhere in this code. We note Ofcom's example of the US market, where brands already sponsor and place products in programmes successfully. It is envisaged that brands may seek to follow this example and invest in both sponsorship and product placement, so growing overall revenues for the industry. Preventing sponsors from engaging in product placement risks reducing the attractiveness of sponsorship and so potentially displacing, rather than growing, industry revenue, as Ofcom notes in its consultation paper.

In our view, it is not appropriate to prohibit alcohol companies, who are able to sponsor programmes, from engaging in product placement. As Ofcom is aware, although there are restraints to protect minors and guard against abuse, total prohibition is not a requirement of the Audiovisual Media Services Directive.

8.2 Please identify any potential impacts of Ofcom's proposal that you consider should be taken into account, and provide evidence, wherever possible.

As noted above, enabling sponsors to product place is a positive step, encouraging broadcasters to form integrated deals with brands, potentially across different programmes, channels and platforms. However, there is a risk that such integrated arrangements will potentially impact on editorial independence, with broadcasters seeking to impose product placement with a certain brand, under certain conditions, on individual commissions with independent producers. These conditions are likely to be pre-arranged, and as such may require the editorial content of a proposal to be adjusted in order to win the commissions. This may conflict with Ofcom's statutory duty under the Communications Act to have regard to: "the desirability of maintaining the independence of editorial control over programme content."⁹

8.3 Please identify any areas of this proposal which, if it is accepted, you consider Ofcom should issue guidance on.

As we have explained, we see this proposal as essentially positive but also one that creates a risk to editorial independence. We therefore ask Ofcom to consider developing high-level guidelines to inform the commissioning of independent productions which involve product placement. At the very least, we

⁹ Communications Act 2003, section 319 (4); referred to in the Consultation Paper page 14, section 3.2

ask Ofcom to make it clear that a broadcaster cannot require product placement in an independently-produced programme. This would create a significant danger of undermining editorial independence.

Pact has already held extensive discussions with broadcasters about developing an industry standard agreement in this area, which we detail in an Appendix to this submission.

9.1 Do you consider it is appropriate to replace the rule requiring sponsorship arrangements to be transparent with a requirement that all sponsorship credits include a clear statement informing the audience of the sponsorship arrangement? (See proposed Rule 9.22). If not, please explain why.

Yes. Our understanding is that this will help ensure audiences are protected from surreptitious advertising.

9.2 Do you consider it is appropriate to amend those rules requiring sponsorship credits to be separated from editorial and advertising, to rules requiring that credits must be distinct from editorial and advertising? (See proposed Rules 9.23 and 9.24). If not, please explain why.

We have no objections to this change.

9.3 Do you consider the drafting of proposed Rules 9.22, 9.23 and 9.24 is appropriate? If not, please explain why, and suggest drafting changes were appropriate.

Yes.

9.4 Please identify any potential impacts of Ofcom's proposals that you consider should be taken into account, and provide evidence to support these, wherever possible.

We are not aware of further impacts.

9.5 Please identify any areas of these proposals which, if it is accepted, you consider Ofcom should issue guidance on.

We do not require specific guidance in this area.

10.1 Do you consider that it is appropriate for sponsorship credits to be broadcast during programmes? (See proposed Rule 9.25). If not, please explain why.

Yes. We anticipate that this will afford broadcasters more flexibility in raising revenues. However, we are concerned that this could give rise to occasions where broadcasters insert sponsorship credits that breach an agreement made separately between the independent producer and the brand placing.

10.2 Do you agree that sponsorship credits shown during programmes should not coincide with sponsor references (product placement) within the programme? (See proposed Rule 9.29). If not, please explain why.

Yes. However, as noted above, we are concerned that Ofcom has only addressed occasions where the company placing a product is also the sponsor. We are concerned that, without guidance or an industry standard agreement, there may be occasions where broadcasters insert sponsorship credits that breach an agreement made separately between the independent producer and a different brand that is product placing.

10.3 Do you consider the drafting of proposed Rules 9.25 and 9.29 is appropriate? If not, please explain why, and suggest drafting changes, where appropriate.

As noted above, rule 9.29 refers to sponsors who are placing products in programmes they are sponsoring. We are concerned that there is a different issue related to when sponsorship credits are inserted into programmes in which another brand has placed product.

Yes.

10.4 Please identify any potential impacts of Ofcom's proposal that you consider should be taken into account, and provide evidence to support these, wherever possible.

We are not aware of any further potential impacts related to Ofcom's proposals to address issues around programmes where the same brand places product and has sponsorship credits inserted. However, as we have pointed out, Ofcom has not considered cases where the sponsorship credit and product placement relate to different brands, contracted separately by broadcaster and producer.

10.5 Please identify any areas of these proposals which, if they are accepted, you consider Ofcom should issue guidance on.

We ask Ofcom to issue guidance for cases where the sponsorship credit and product placement relate to different brands, contracted separately by broadcaster and producer.

11.1 Do you consider that it is appropriate to limit the content of sponsorship credits broadcast during programmes? (See proposed Rule 9.27). If not, please explain why.

Yes. We see this as important to ensuring that audiences do not find sponsorship credits broadcast during programmes to be obtrusive.

11.2 Do you agree that sponsorship credits broadcast during programmes should not conflict with product placement restrictions? (See proposed Rule 9.28). If not, please explain why.

Yes. This is consistent with existing regulations and protects audiences.

11.3 Do you consider the drafting of proposed Rules 9.27 and 9.28 is appropriate? If not, please explain why, and suggest drafting changes, where appropriate.

Yes.

11.4 Please identify any potential impacts of Ofcom's proposals that you consider should be taken into account, and provide evidence to support these, wherever possible.

We are not aware of further impacts.

11.5 Please identify any areas of these proposals which, if they are accepted, you consider Ofcom should issue guidance on.

We do not require guidance.

12.1 Do you agree with the proposed revisions to the principles? If not, please explain why, and suggest drafting changes, where appropriate.

Yes.

12.2 Please identify any potential impacts of Ofcom's proposals that you consider should be taken into account, and provide evidence, wherever possible.

We are not aware of any further possible impacts.

13.1 Do you consider that the proposed Rule 9.2 requiring that there is distinction between editorial content and advertising is appropriate? If not, please explain why, and suggest drafting changes, where appropriate.

Yes.

13.2 Please identify any potential impacts of Ofcom's proposal that you consider should be taken into account, and provide evidence, wherever possible.

While we agree with the proposal, the change of wording from "separation" to "distinction" might create a risk to editorial independence without clear regulation elsewhere in the code preventing brands from having any influence over editorial.

13.3 Please identify any areas of this proposal which, if it is accepted, you consider Ofcom should issue guidance on.

We ask for guidance to reiterate that brands must not exert influence over editorial.

14.1 Do you consider it is appropriate to include a rule prohibiting surreptitious advertising? If not, please explain why.

Yes, this is an important protection for audiences.

14.2 Do you consider that the wording of the proposed rule and meaning is appropriate? (see proposed Rule 9.3). If not, please explain why, and suggest drafting changes, where appropriate.

Yes.

14.3 Please identify any potential impacts of the proposed rule that you consider should be taken into account, and provide evidence, wherever possible.

We are not aware of further potential impacts.

14.4 Please identify any areas of this proposal which, if it is accepted, you consider Ofcom should issue guidance on.

We do not require specific guidance on this.

15.1 Do you consider that it is appropriate to remove the virtual advertising rule? If not, please explain why.

Yes, we agree that permitting product placement renders the prohibition of virtual advertising obsolete.

15.2 Please identify any potential impacts of the proposed removal of the virtual advertising rule that you consider should be taken into account, and provide evidence, wherever possible.

We are not aware of further impacts.

16.1 Do you agree that the explicit requirements of the AVMS Directive and the Act are reflected appropriately in the proposed rules for product placement, as set out in Part 4? If not, please explain why and suggest drafting changes, if appropriate.

We agree.

16.2 Are there any other relevant matters you consider that Ofcom should take into account in this Review? If so, please provide details, with supporting evidence, wherever possible.

No.

16.3 Do you wish to suggest an alternative approach to the regulation of product placement, and its impact on sponsorship, and other rules in the revised Section Nine of the Code? If so please outline your proposals, which must comply with the Communications Act 2003 (as amended by The Audiovisual Media Services (Product Placement) Regulations 2010), the AVMS Directive, Article 10 of the European Convention on Human Rights and Schedule 1 of The Consumer Protection from Unfair Trading Regulations 2008:

No.

16.4 Do you agree that the revised Section Nine of the Code should come into force on the same date it is published by Ofcom? If not, please explain why.

Yes. We would prefer the revised Section Nine to be implemented immediately on publication in order to allow industry to develop revenue streams from product placement as soon as possible.

16.5 If you would prefer that the revised Section Nine of the Code does not come into force at the time it is published, to allow a period of preparation/ implementation, how long would you prefer this period to be? Please give reasoning.

N/A.



PRODUCT PLACEMENT CODE

Guided by the AVMS Directive the aim of this document is to illustrate the approach broadcasters and producers would take to paid-for product placement (as opposed to prop placement) in UK originated content if its introduction in the UK is permitted:-

Transparency: as set out in the Directive, a visual indicator to signpost paid for product placement in UK originated programming will be displayed at the beginning, end and as programmes resume after a break. To ensure consistency and clarity for the viewer this should be an easily recognisable, industry-wide logo used by all commercial broadcasters .

Presence not promotion: our guiding principle for product placement is that it should constitute brand presence in a programme where this is editorially justified and not unduly prominent. There can be no question of promotional references to such brands.

Editorial independence: the separation of the commercial and creative in the process outlined below will ensure that there will be no programme distortion for commercial purposes.

Process

The following process would ensure that the principles of brand presence, editorial independence and editorial justification are adhered to. Creative and commercial activity are structurally separated. Product placement opportunities are identified by the production team and agreed by the broadcaster. These opportunities are not identified until the script/programme concept has been finalised ensuring that product placement is creatively, rather than commercially, led.

The process for all paid for product placement would be as follows:

1. Script/programme concept and production budget are finalised.
2. Opportunities for product placement are identified in the script/programme concept by the producer/executive producer.
3. Opportunities, as identified by the producer/executive producer are agreed by the broadcaster at an editorial level after which brands are approached and commercial terms agreed. This is a separate commercial process. Brands are not guaranteed prominence or hold.
4. Products are passed to the producers with no prescription as to the manner and/or length of their exposure. Guided by the finalised script/programme concept the producer decides how to incorporate products, ensuring the producer is the sole custodian of the creative process.
5. The broadcaster must have the final say on whether a product placement is compliant and appropriate.
6. There should be transparency in the price payable for product placement and the value only ascertained once the programme has been delivered to and agreed to be compliant by the broadcaster i.e. based on actual screen presence in terms of prominence and hold (measured in seconds).

Content that could contain product placement would include:

- Films
- Films and drama or other series made for television or on demand delivery
- Sports programmes
- Entertainment programmes

For the avoidance of doubt the following content will never contain paid for product placement of any sort:

- news bulletins and news desk presentations.
- news and current affairs programmes on television (programme containing explanation/analysis of current events/issues, political or industrial controversy or with current public policy).
- Consumer advice programmes
- Children's programming

We recognise that it would ultimately be for Ofcom and the co-regulator to decide the types of programming in which product placement should be prohibited.

Restricted product placement

- Where there are existing restrictions on advertising particular products around certain categories of programming, products falling into the same categories should not be placed in such programming. For instance, products classified as HFSS should not be placed into programmes which the broadcaster considers are of particular appeal to 4-15 year olds in line with the 120 index.

Other

- A product placing company must not influence the content and/or scheduling of a channel or programme such that the responsibility or editorial independence of the broadcaster is affected.
- There must be no promotional reference (a ref that encourages purchase or rental of the product/service in question) to the placed item. Non-promotional references are permitted only where they are editorially justified.

For further details: Dawn McCarthy-Simpson ~~XXXXXXXXXXXX~~

