

Annex 6

Glossary

The following is a glossary of television broadcasting terms to assist readers of this document:

Advertiser-funded programming	Advertiser-funded programming is sponsored programming .
Advertising	Any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods and services, including immovable property, rights and obligations, in return for payment ¹ .
Associate	In relation to connected person , “associate” has the same meaning as set out in paragraph 1, Part 1, Schedule 2 of the Broadcasting Act 1990.
AVMS Directive	The Audiovisual Media Services Directive (Directive 2010/13/EU) – the European legislation relating to audiovisual media services which amended and replaced the TWF Directive .
Children’s programme	A children’s programme, in the context of product placement only, is “a programme made for a television programme service or an on-demand programme service, and for viewing primarily by persons under the age of sixteen” ² .
Commercial references	Any visual or audio reference within programming to a product, service or trade mark (whether related to a commercial or non-commercial organisation).
Connected person	In summary, the following persons are connected with a particular person (‘person’ includes an individual as well as a body corporate and other incorporated and unincorporated legal entities): a) a person who controls that person; b) an associate of that person or of the person in (a); and c) a body which is controlled by that person or an associate of that person.

¹ This definition is from Article 1(ii)(i) of the AVMS Directive and is replicated in Ofcom’s Code on the Scheduling of Television Advertising: <http://stakeholders.ofcom.org.uk/binaries/broadcast/other-codes/tacode.pdf>.

² See Schedule 11A, paragraph 3(2), of the Act.

Control	In relation to connected person , control has the same meaning as set out in paragraph 1, Part 1, Schedule 2 of the Broadcasting Act 1990.
Costs	In relation to sponsorship , costs means any part of the costs connected to the production or broadcast of the programming .
Current affairs programme	A current affairs programme is one that contains explanation and/or analysis of current events and issues, including material dealing with political or industrial controversy or with current public policy.
Films	“Films” includes films made for cinema and films (including single drama and single documentaries) made for television or other audiovisual media services.
HFSS foods and drinks	Foods and drinks which are high in fat, salt or sugar (“HFSS”). HFSS foods and drinks are defined by the nutrient profiling scheme which was devised by the UK’s Food Standards Agency for use by Ofcom. This can be found at http://www.food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod
Product placement	“The inclusion in a programme of, or of a reference to, a product, service or trade mark where the inclusion is for a commercial purpose, and is in return for the making of any payment, or the giving of other valuable consideration, to any relevant provider or any connected person with a relevant provider, and is not prop placement ” ³ (emphases added).
Programme-related material “PRM”	Consists of products or services that are both directly derived from a programme and specifically intended to allow viewers to benefit fully from , or to interact with, that programme.
Programmes produced under UK jurisdiction	Any programme produced or commissioned by either: a) the provider of the television programme service or any person connected with that provider (except in the case of a film made for cinema); or b) any other person with a view to its first showing taking place in a television programme service under the jurisdiction of the United Kingdom (for the purposes of the AVMS Directive).
Programming	All broadcast content except spot advertising and teleshopping. Programmes, trailers, cross-promotions and sponsorship credits are all forms of programming.
Prohibited categories	Categories of products, services and trade marks that cannot be advertised on television, as set out in the Broadcast Committee of Advertising Practice (BCAP) UK Code of Broadcast Advertising.

³ See Schedule 11A, paragraph 1(1) of the Act.

Promotional reference	This includes, but is not limited to, references (either explicit or implicit) that encourage, or are intended to encourage, the purchase or rental of a product or service.
Prop placement	“The inclusion in a programme of, or of a reference to, a product, service or trade mark where the provision of the product, service or trade mark has no significant value, and no relevant provider, or person connected with a relevant provider, has received any payment or other valuable consideration in relation to its inclusion in, or the reference to it in, the programme, disregarding the costs saved by including the product, service or trade mark, or a reference to it, in the programme” ⁴ (emphases added).
Premium rate services (PRS)	Premium rate services telephony services as defined by PhonepayPlus.
Relevant provider	“The provider of the television programme service in which the programme is included or the producer of the programme” ⁵ .
Residual value	In the context of prop placement, “residual value” means “any monetary or other economic value in the hands of the relevant provider other than the cost saving of including the product, service or trade mark, or a reference to it, in a programme” ⁶ (emphases added).
Signalling	The means of informing audiences of instances of product placement.
Significant value	In relation to prop placement, “significant value” is a residual value that is more than trivial.
Sponsor	Any public or private undertaking or natural person (other than the broadcaster or programme producer) who is funding the programming with a view to promoting its products, services, trade marks and/or its activities.
Sponsor reference	Any reference to the sponsor’s products, services or trade marks.
Sponsored programming/channel	Sponsored programming (which may include a programme, channel, programme segment or block of programmes) is programming that has had some or all of its costs met by a sponsor. It includes advertiser-funded programmes.
Sponsorship credit	An announcement which informs the audience when content is sponsored and by whom.
Spot advertisement	Sometimes referred to as a ‘commercial’ or ‘spot ad’, this is an

⁴ See Schedule 11(A), paragraph 1(2), of the Act.

⁵ See Section 321(1)(c) and Schedule 11A, paragraph 6(1)(c) of the Act.

⁶ See Schedule 11(A), paragraph 9, of the Act.

advertisement found in an advertising break.

Surreptitious advertising

Surreptitious advertising involves a reference to a product, service or trade mark within a programme, where such a reference is intended by the broadcaster to serve as advertising and this is not made clear to the audience. Such advertising is likely to be considered intentional if it occurs in return for payment or other valuable consideration.

Trade mark

In relation to a business “includes any image (such as logo) or sound commonly associated with that business or its products or services”⁷ (emphases added).

TWF Directive

The Television Without Frontiers Directive – the European legislation relating to television broadcasting services, which has been amended and replaced by the AVMS Directive.

⁷ See Schedule 11A, paragraph 9, of the Act.