

Title:

Mr

Forename:

Dirk

Surname:

Koopman

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?:

The 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

Advertising has traditionally been the means by which the commercial networks have funded themselves.

For many years this worked well, but the aims of the commercial networks seem to have changed. They are now pursuing profit above anything else.

The quality of programming has plummeted, the viewing figures have followed. This is *particularly* apparent on ITV1. I actually watch more ITV2/3/4, usually repeats of older, better, programs than I do "new" programming on ITV1.

Because the viewing figures have gone down so drastically, the commercial networks are not making so much money. They seem unable/unwilling to invest in programming which would encourage more viewers and thus obtain higher prices for advertising slots.

The *only* reason people watch television is to fulfill needs (eg, entertainment, information, removal of boredom etc). Adverts are generally an intrusion and will only be tolerated if the programming around them satisfies the need to watch.

Ofcom should resist the temptation to allow the companies to commit commercial suicide by alienating viewers further.

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

No, absolutely not.

As far as I am concerned, companies should be aiming to enhance the viewer experience and not make it worse. This is achieved by reducing the number of interruptions.

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?:

I do not agree. The current system works reasonably well for viewers.

The main problem with this proposal is that it weakens->gets rid of protection for the non-teleshopping based channels. The temptation to move more and more teleshopping onto "entertainment" channels will be too great to bear.

This will be another detriment to the viewer experience. It will also prove counter-productive to the companies.

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. Has the world gone completely mad? Are you seriously suggesting that we should have an advertising break every 20 minutes through the next coronation or some solemn church service that ITV might actually want to cover as well as or instead of the BBC?

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

No. The gap should be lengthened. Not scrapped.

It is bad enough to have one advert break in a half hour programme. What these proposed rules suggest is that there should now be (at least the possibility of) two.

The full impact of this during an hour's worth of programming, split into two programmes, means that there will be adverts before a programme, two breaks during a program, then more adverts, then two more breaks during the next program, followed by more adverts. Rinse, repeat. Who wants to be distracted from the content that often and for so long?

Nowhere in this consultation has anyone mentioned that more and more space is being found for indirect or TV company advertising of one form or another. None of this extra time seems to be taken into account sufficiently in the existing or proposed rules.

The net result of this is to reduce *content* (the bit that we the viewer *want* to see) even further.

We already have product placement, this seems to me to be a less invasive method of advertising than advert 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.

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

No I don't believe it has. Ofcom seems to be marching to the companies (misguided, in my view) agenda. It does not seem to have a good mechanism in place to evaluate the views of viewers.

I think Ofcom should conduct an transparently authoritative survey on viewers views. And that means doing more than a telephone survey on a "representative" ~1000 people.

Without viewers ITV et al will die. Think of what the viewers will *want* not what the companies can get away with. That way, the companies may not just stay in business, but thrive.

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. In fact I think advertising should be banned around children's programming completely. Advertising during religious services seems to me to be anathema as well.

There is plenty of research out there that shows that adverts aimed at children cause many societal problems and now you are seriously suggesting *relaxation* of the rules? Come *on*!

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?:

Deferred, period.

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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The answer is *still* no to all of these.

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

No, see above.

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

No, see above.

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, this seems a reasonable idea.

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?:

If this leads to more adverts on PSB channels then no.

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

The whole concept misses the point. Improve programming. Interrupt it as little as possible. Gain viewers.

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

My main concern is that PSB channels are for Public Service Broadcasting and that nothing should be done to blur the distinction between PSB and non-PSB channels.

It seems to me that the language being used allows that blurring. The possibility of 3 minutes of teleshopping (per hour!) would be enough for me never to watch commercial PSB broadcasting ever again.

If someone wants to run a channel based purely on advertising / shopping that is fine. Everyone knows where they stand and the channel will sink or swim accordingly. The problem is that those channels, currently, are not sufficiently lucrative and the temptation will be for some cross fertilisation with PSB channels.

If it happens that non-PSB channels start to show PSB / entertainment programming, then that is fine. I suspect the public would strongly oppose "shopping" content flowing in the opposite direction onto PSB channels.

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

see above

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.:

My problem with your starting assumptions is that you fail to take a view on the reasons why advertising revenues have decreased.

It is this that needs to be researched, transparently. I strongly suspect that one of the answers you will get is that programming on the PSB channels is not perceived to be as good as it was. Therefore not as many people watch, therefore the value of an advertising slot has decreased.

Increasing the number of slots, however it is done, will not improve matters. The only thing that will improve matters is for the commercial sector to improve their programming. To provide something that viewers will watch - through the advertising breaks.

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:

In 1.22 you make this statement: "Ofcom's research also seems to suggest that most people would not like to see any more advertising. Some viewers may have switched their viewing to BBC channels, which carry no paid-for advertising."

I am one of those viewers. I am not alone. I would change the words "Some viewers may" to "Many viewers". And I predict that if the changes go ahead as proposed, the words will change again to "Many more viewers".

It is difficult to over-emphasise the distraction and annoyance to viewers caused by overly frequent breaks for advertising.

The commercial model used in television today is broken. Adding more overt, direct, advertising and breaking up content more frequently will not fix it. Adverts are tolerated only so long as the content around them is worth watching. The content, today, is generally poor.

Increase the quality and attractiveness of the content and viewers will return. Annoy them with more frequent and longer adverts and they will go away (as they are now).

The only people making a huge fuss about the BBC License Fee are politicians and commercial broadcasters. Both of these groups are complaining because they regard the success of the BBC as a threat. Giving certain companies a slice of the existing license fee would not be acceptable. However, adding a small increase, on the strict understanding that would fund PSB and minimise breaks, might be acceptable.