

Product placement consultation – TV summary.

Proposal 1: Applying the rules to placement for a non-commercial purpose

Question 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.

Yes.

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

Needs to include the area of Government messaging, which is not explicit in current proposal.

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

Definition of non-commercial is important to articulate fully – currently not the case.

Proposal 2: Clarification that product placement is permitted in single dramas

Question 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? (See proposed Rule 9.8). If so, please provide evidence wherever possible.

No.

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

n/a

Proposal 3: Clarification of the prohibition of product placement in news

Question 3.1: Please identify any potential impacts of the rule prohibiting product placement in news, and provide evidence, wherever possible. (See proposed Rule 9.9(a)).

n/a

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

n/a

Proposal 4: Thematic placement

Question 4.1: Do you agree that clarification that thematic placement is prohibited is appropriate? (See proposed Rule 9.10). If not, please explain why.

Agree with the principle and thinking as to why this should be banned, but the approach proposed is likely to mean it happens behind closed doors anyway.

Question 4.2: Do you agree with Ofcom’s proposed description of thematic placement? (See proposed Rule 9.10). If not, please explain why, and suggest drafting changes, if appropriate.

Description OK.

Question 4.3: Please identify any potential impacts of Ofcom’s proposal that you consider should be taken into account, and provide evidence, wherever possible.

As per the concern raised in our response to 4.1, we strongly feel that allowing appropriate thematic placement would be appropriate if this is signposted to viewers as per the proposed PP signposting, i.e., ‘TPP’. Ultimately, programme makers should be looking to make shows that are in touch with the real world and are factually accurate, so to seek counsel from the private sector and have expert input can only enhance the quality of programming output – the current proposal will deny this opportunity.

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

As above.

Proposal 5: Specialist factual programming

Question 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.

The definition of specialist factual programming concerns us with a massive grey area around current affairs, we can’t see how it can be clearly defined and therefore how it can be policed effectively. We therefore believe specialist factual programmes should be allowed to accept PP.

Question 5.2: Do you agree with the meaning for “specialist factual programmes”? (See proposed Rule 9.14). If not, please explain why, and suggest drafting changes, if appropriate.

See above

Question 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.

See above

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

See above

Proposal 6: Additional prohibited categories

Question 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? (See proposed Rule 9.15). If not, please explain why.

Yes – otherwise it will be difficult for all stakeholders to manage effectively and so easier and less risky to apply this approach.

Question 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

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

Yes

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

n/a

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

n/a

Proposal 7: Signalling

Question 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.

No, if a viewer can't see a PP logo they won't see a PP within a show either, so audio not necessary.

Question 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.

Small and unobtrusive, channel ident size in a corner.

Question 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.

n/a

Question 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.

Agree as proposed.

Question 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? (See Rule 9.17(a) and (b)). If not, please explain why.

Yes to both, but text only not logos in the end credits.

Question 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

Question 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 – as long as this is a month across all channels simultaneously, not for each new programme.

Question 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.

No, promotional airtime will be lost which is an issue as this could have an impact on sponsorship credits availability and length – which the new code should not impinge upon.

Question 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.

As above

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

As above

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

As above

Proposal 8: Sponsor references (product placement) within programmes

Question 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

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

n/a

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

n/a

Proposal 9: Identifying sponsorship arrangements (sponsorship credits)

Question 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.

We don’t believe prescriptive language is necessary here; the current approach which allows flexibility of how the relationship is articulated is fine in our opinion – as long as the link is made explicitly.

Question 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.

Yes, agree

Question 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, expect 9.22 as stated above – no need to formalise this.

Question 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.

n/a

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

n/a

Proposal 10: Allowing sponsorship credits during programmes

Question 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

Question 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.

Disagree.

We have concerns around the frequency/timelength restrictions and how this will restrict the relevance of the placements. If there are brands that have a literal fit with the content.

It is surely more appropriate for the credit to be around the point that the product is on screen or technology being used for the reference to come up at that time. E.g Timex logo to appear in coverage of an athletics meet at the time the technology provided by Times is summarising the race times etc.

Question 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.

9.25 yes, 9.29 no – as above.

Question 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.

n/a

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

n/a

Proposal 11: Content of sponsorship credits during programmes

Question 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 but needs clarity as to how restrictive - currently it sounds like it could be too restrictive to enable it to look attractive to the viewer, so in effect damaging the viewing experience.

Question 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

Question 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.

OK, but timing restriction of sponsor credits coinciding with PP is an issue for us – as outlined above.

Question 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.

As above

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

As above

Proposal 12: Principles

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

Yes

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

n/a

Proposal 13: Rule on distinction between editorial content and advertising

Question 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

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

n/a

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

n/a

Proposal 14: Rules prohibiting surreptitious advertising

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

Yes

Question 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

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

n/a

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

n/a

Proposal 15: Removal of the virtual advertising rule

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

Agree

Question 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.

n/a

Relevant requirements of the AVMS Directive and the Act

Question 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.

Agree

Question 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.

n/a

Alternative approaches

Question 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.

n/a

New Code rules in force

Question 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.

Agree

Question 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 consultation – Radio summary.

Option C: Allows the integration of commercial communications and programming (except in relation to spot ads)

Question 4 (a): Do you consider that Option C should be adopted by Ofcom?

Yes

Question 4 (b): If not, please explain why.

n/a

Question 4 (c): Do you agree with our approach to the issue of additional prohibitions or restrictions? Do you agree with our approach to a proposed review period? In particular do you wish to comment on the criteria which could govern a future review?

The issue of charity promotions prohibiting commercial references feels to us an unnecessary regulatory burden as the current the status quo does not cause any problems in this space.

Question 4 (d): Do you agree with our proposed approach prohibiting commercial references in programming primarily aimed at children and the related guidance we propose.

Yes

Question 4 (e): Do you agree with our proposed approach to consumer affairs

Yes

Question 4 (f): Do you agree with our approach to the issue of not-for-profit funders? In particular do you wish to comment on the range of safeguards which would be in place?

Question 4 (g): Do you agree with our approach to the issue of the selection or rotation of music? In particular do you wish to comment on our proposed approach in relation to the Public File guidelines, and our proposed approach to related Code Guidance, including the issue of appropriate intervals for, and content of, broadcast messages directing listeners to the Public File on stations' websites? You are also welcome to provide comments in relation to the selection or rotation of music in programming primarily aimed at children.

Yes

Question 4 (h): Do you have any comments on the rule set for Option C (above)? If so, please refer to any individual rules by reference to the proposed rule numbers set out above.

No

Question 4 (i): Do you have any comments on the discussion on guidance for Option C (above)?

No

Question 4 (j): Do you agree with our assessment of the impact, including in relation to equality issues, of Option C on listeners, the radio industry and any other parties?

Yes

Question 4 (k): If not, please explain why, providing any evidence or data you have to support your response.