

**The Association of Entertainment Marketing Agencies
Response to OFCOMS Broadcasting Code Review: Commercial
references in television programming.**

AEMA have responded to the consultation in summary form. Within this summary we have made reference to individual questions which we believe require a more considered response and have further highlighted those areas we feel are key issues.

It is long understood that the appetite for paid for placement will be greatly enhanced should thematic and brand prominence, within reason, be allowed. Additional funds for production companies were cited as one of the major benefits that would result from a relaxation in the existing rules. Therefore the proposed rules for thematic placement (Proposal 4) and editorial justification, with the prohibition of storyline or script creation for the purpose of featuring products is of concern. To date the debate amongst advertisers has made it clear that without thematic placement very little investment will be forthcoming.

Real products, brands, companies and organisations add a sense of reality to a programme, save production costs and can enhance the viewers experience as long as editorially justified. As a result of this we fully support the editorial justification of any and all placements including thematic placements in programmes. We therefore do not believe that 4.2 and the description of thematic placement is satisfactory.

The directive has prohibited paid for product placement in a number of genres including news programmes, children's shows and religious programming. AEMA supports this. However clarification is required with regard to current and consumer affair shows as well as specialist factual shows. The OFCOM rules reference to 'specialist factual' programming requires further and more detailed description if justified 'placement' is to continue. For example the need for cameras in wildlife programmes should remain editorially justified and therefore paid for placement should be allowed. This type of example could also be extended to other styles of specialist factual programming, including but not exclusively, shows where vehicles are used to escort presenters/contestants. Using a vehicle in this manner should also be allowed as this would not affect the integrity of the programme and remains editorially justified. Again a cooking show with food brands, presenters wearing branded clothing and accessories are also clear examples of editorially justified placements which would not affect the integrity of the programme.

AEMA believe that the current ASA adjudication, using the old BCAP Codes should apply to 'Additional prohibited categories' (Proposal 6). Confirmation and clarification on this point would be appreciated. The current proposed restrictions do not allow HFSS or soft gambling products and services to undertake paid for product placement. However these products are allowed to advertise within the commercial breaks of the same programmes. We therefore believe that a fairer system should exist and a more measured form of prohibiting products should apply. AEMA seek

clarification on whether the current proposal of excluding prohibited categories would apply to associated alternatives for a product declared as HFSS e.g. a full fat soft drink versus and no sugar alternative by the same name.

AEMA have major concerns with the rules pertinent to surreptitious advertising (Proposal 14). We do not feel that the description defines the difference between placement and product endorsement i.e. placing a celebrity or person of interest on to the 'couch' of an entertainment/chat show to promote and or discuss their latest album launch or book release. Similarly it is also proven that pixilating branding draws more attention to the product/branding in question, while also interfering with the viewing experience. Viewers are used to seeing branding on and around their programmes on all styles of shows as outlined above and in other genres, this is not exclusively confined to entertainment genres e.g. sports, music. We believe it is naive to think otherwise.

AEMA believe that Proposal 15: 'Removal of virtual advertising rule' is somewhat confusing as this seemingly opposes the rules pertinent to editorial justification and non interference of the production. Surely the inclusion or removal of anything whether virtual branding and or virtual product is fundamentally going against any ruling on editorial justification. If a product and or brand are not included in the original making of the programme how can it be editorially justified. By its very nature this is posthumous placement and influencing the programmes visual integrity.

Product placement in the form of free/reduced cost prop supply has been a long standing practice with many major advertisers in the UK. Providing products free of charge through prop placement agencies enables productions and broadcasters to save money on production budgets whilst enhancing the reality of sets. This is undertaken with no on-screen guarantees for the prop provider with any resulting exposure editorially justified and therefore not unduly prominent. This practice will undoubtedly continue to add benefit to production as it has done for nearly three decades whether paid for placement exists in the same shows or not. As we understand it the government and OFCOM have confirmed that this practice and these opportunities remain unaffected.

AEMA support the introduction of product placement and believe that there is benefit for all stakeholders should the rules be applied correctly. However crucial to this is understanding the viewers desires, commercial partners needs and production/broadcasters benefits without detriment to the current system.

Appendix 1 – AEMA Membership

Be Communications
Brand Exposure
Branded Entertainment
1st Place
Hatched Brands
JBAW
Production Profiles
Prop Portfolio
Propaganda
Rogers & Cowan
Scenario UK
SeeSaw Media
Spotlight