OFCOM
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

10th September 2012

ASA Review

Thank you for the opportunity to respond to your two-year review of the designation of the ASA as co-regulator of advertising within on-demand programme services (ODPS).

UTV would like to make the following contributions in response to the terms of the review as agreed with Ofcom's Content Board:

a) UTV believes the tests for co-regulation are still being met by the ASA and they remain "an appropriate regulatory authority" for the co-regulation of advertising on ODPS. The ASA has not set to exceed their duties in this area and have shown they are able to take steps to ensure that ODPS providers comply with the requirements of the Communications Act.
The rules and guidance are applied appropriately and the ASA has shown its ability to make decisions when required in respect of a service which has contravened the rules. The support for additional ways of delivery regulatory awareness, such as partners in the ParentPort website is also welcomed and further clarifies and promotes the ASA's function as co-regulator for ODPS. The regulation has a positive benefit to consumers and helps to tackle in particular many of the concerns parents and guardians have.

b) UTV believes that the ASA are meeting the obligations and conditions as set by Ofcom and are still a fit & proper body to be designated to carry out these functions. While the ASA were already experienced in regulating advertising on VOD, this is still a relatively new area of regulation which will be tested by new ideas that differ from a linear TV service. The ASA has shown their adaptability in other areas of shifting trends and therefore believe they can act responsibly without stepping outside their remit. We feel that the ASA have been achieving a good level of awareness both with the public and with the industry.

c) We do not believe there needs to be any changes or further enhancements to the current arrangements with Ofcom.

Yours sincerely,