

Confirmation Decision: Investigation into First Time Video LLC's failure to comply with requirements to implement Highly Effective Age Assurance

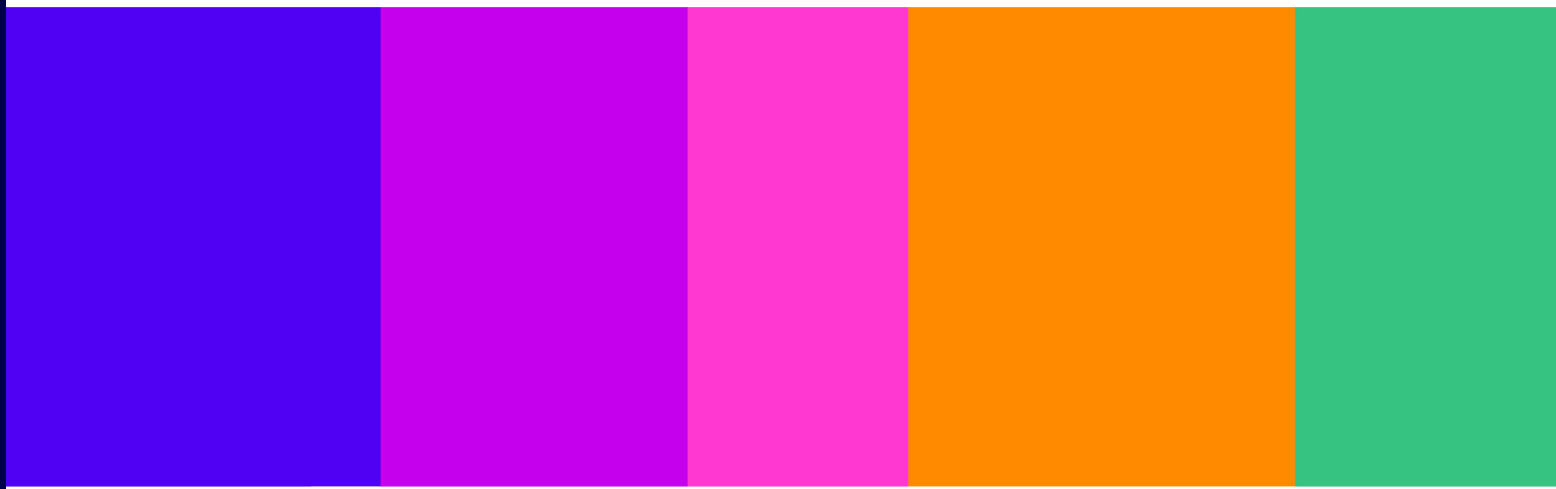
Issued under section 132 of the Online
Safety Act 2023

Non-confidential version – redactions marked with [X]

Non-confidential Confirmation Decision

Issued: 3 July 2026

Case reference: CW/01309/06/25



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1. Overview

- 1.1 This is a Confirmation Decision (**'Confirmation Decision'**) under section 132 of the Online Safety Act 2023 (the **'Act'**) in respect of First Time Videos LLC (**'FTV'**), which operates the websites ftvgirls.com and ftv milfs.com (the **'FTV Websites'**).
- 1.2 For the reasons given in this document, Ofcom considers that FTV has failed to comply with its duties under section 81 of Part 5 of the Act, including to protect children from encountering pornographic content through the use of highly effective age assurance.

What Ofcom has decided – in brief

Failure to comply with Section 81 of the Act

From 17 January 2025, section 81 of the Act required FTV to ensure, through the use of age verification and/or age estimation, that children are not normally able to encounter pornographic content on its services.

During the period from 17 January 2025 until at least 15 June 2026 (the **'Relevant Period'**), both of the FTV Websites did not implement age assurance methods that were capable of being highly effective at determining whether a user was a child. As a result, children were not effectively prevented from encountering pornographic content on the FTV Websites.

Ofcom considers that this failure is ongoing as at the date of the Confirmation Decision.

Specifically, Ofcom has determined that, during the Relevant Period, FTV failed to comply with the following duties under section 81 of the Act:

- Section 81(2): A duty to ensure, by the use of age verification or age estimation (or both), that children are not normally able to encounter content that is regulated provider pornographic content in relation to the service, noting that such age verification or age estimation must be of such a kind, and used in such a way, that it is highly effective at correctly determining whether or not a particular user is a child.
- Section 81(4): A duty to make and keep a written record, in an easily understandable form, or the kinds of age verification or age estimation used, how they are used, and the way in which the provider, when deciding on the kinds of age verification or age estimation and how they should be used, has had regard to the importance of protecting United Kingdom users from a breach of any statutory provision or rule of law concerning privacy that is relevant to the use or operation of a regulated service (including, but not limited to, any such provision or rule concerning the processing of personal data).
- Section 81(5): A duty to summarise the written record in a publicly available statement, so far as the record concerns compliance with the duty set out in subsection (2), including details about which kinds of age verification or age estimation a provider is using and how they are used.

As a result of the above breaches, Ofcom will impose the following:

- A single penalty of £80,000 on FTV in respect of its failure to comply with the duties under Section 81 of Part 5 of the Act.

- A requirement for FTV to comply with section 81 by taking steps to implement highly effective age assurance on the FTV Websites, which it operates, by 21 June 2026 (72 hours starting from the date of issue of this Confirmation Decision).

In the event of continuing non-compliance, Ofcom will impose a daily penalty at a rate of £100 per day starting from 21 June 2026 (72 hours after the date of issue of this Confirmation Decision) in respect of the breaches described in this Confirmation Decision (the '**Age Assurance Compliance Date**') until whichever is the sooner of:

- the date on which the section 81 duty is complied with in respect of both of the FTV Websites, or Ofcom otherwise directs that the daily penalty should cease; or
- 29 September 2026 (100 days starting from the Age Assurance Compliance Date).

The overview section in this document is a simplified high-level summary only. Ofcom's findings and reasoning are set out in the full document.

2. Legal Framework

- 2.1 The Act creates a new regulatory framework with the general objective of making regulated internet services safer for users in the United Kingdom (UK), particularly for children.¹

Scope of the Part 5 duties

Internet services subject to the Part 5 duties

- 2.2 Part 5 applies to a provider where its internet service meets the following three conditions:
- i) Regulated provider pornographic content is published or displayed on the service.
 - ii) The service is not out of scope of Part 5 or exempt; and
 - iii) The service has links with the United Kingdom.
- 2.3 Where these conditions are met, the provider must comply with the duties set out in section 81 of the Act.

Regulated provider pornographic content

- 2.4 “Provider pornographic content” means pornographic content that is published or displayed on the service by the provider (or a person acting on its behalf), including content generated via software, automated tool or an algorithm applied or made available by the provider.²
- 2.5 The definition expressly covers content generated “by means of an automated tool or algorithm in response to a prompt by a user,”³ and treats such content as published or displayed even if it is initially blurred, embedded, or visible only momentarily to the prompting user.
- 2.6 Not all pornographic content is included under the definition of regulated provider pornographic content. The following content is expressly excluded:
- Pornographic content that is user-generated content in relation to an internet service (see paragraph 2.7 below).
 - Pornographic content that: a) consists only of text, or b) consists only of text accompanied by:
 - i) a GIF which is not itself pornographic content;
 - ii) an emoji or other symbol; or
 - iii) a combination of a GIF which is not itself pornographic content and an emoji or other symbol;
 - Content that consists of a paid-for advertisement.⁴

¹ Under section 3 of the Communications Act 2003, Ofcom must further the interests of citizens and consumers and, in carrying out its online safety functions, secure the adequate protection of citizens from harm, having regard in particular to the risks of harm on regulated services, the need for a higher level of protection for children, and the need for proportionate, transparent and accountable regulatory action (including ensuring providers can comply with their duties in a proportionate way).

² Section 79(2) of the Act.

³ Section 79(6)(a)(iii) of the Act.

⁴ Sections 79(4) and 79(5) of the Act.

The service is not out of scope of Part 5 or exempt

- 2.7 A service is ‘exempt’ for the purposes of Part 5 if it is a user-to-user service or search service of a description that is exempt as provided for by Schedule 1 or an internet service of a kind described in Schedule 9.⁵ This means that user-generated content on a user-to-user service (or combined service) and the search results on a search service (or combined service), are outside the scope of Part 5 and instead are regulated under the provisions of Part 3 of the Act.
- 2.8 Part 5 does not apply in relation to a service to the extent it is an on-demand programme service within the meaning of section 368A of the Communications Act 2003 (“the 2003 Act”).⁶ There are also additional exemptions for services within the scope of Schedule 1 or Schedule 9 to the Act, the principal effect of which is to remove internal business services (e.g., intranet services) from Part 5, provided they meet the specified requirements in the Schedules.

The service has UK links

- 2.9 A service has UK links if it either:
- a) has a significant number of UK users; or
 - b) UK users form one of its target markets.
- 2.10 The Act does not define ‘significant number’. Ofcom’s Guidance on highly effective age assurance and other Part 5 duties (**‘the Guidance’**)⁷ explains that the concept of “significant number of UK users” should be understood as meaning that the number of UK users on the service is material in the nature and context of the service in question, rather than the number of UK users of the service necessarily being a large or substantial number in absolute terms.⁸
- 2.11 The Act does not define what constitutes a ‘target market’. However, the Guidance notes that ‘target market’ relates to a specific group of people (or organisations) that a provider is aiming its service toward.⁹ It further notes¹⁰ that there are a variety of factors which could indicate the UK is a target market for a service, including if the service in question:
- a) is designed for UK users;
 - b) is promoted or marketed toward UK users;
 - c) generates revenue from UK users either directly (e.g. via subscriptions or sales) or indirectly (e.g. through advertising to UK users, including people or organisations);
 - d) includes functionalities or content that is tailored for UK users; or
 - e) has a UK domain or provides a UK contact address and/or telephone contact number.

⁵ Section 80(2)(b) and (3) of the Act.

⁶ Section 80(6) of the Act.

⁷ [Guidance on highly effective age assurance and other part 5 duties](#) published 16 January 2025.

⁸ See paragraph 3.31 of [Guidance on highly effective age assurance and other part 5 duties](#).

⁹ See paragraphs 3.33 and 3.34 of [Guidance on highly effective age assurance and other part 5 duties](#).

¹⁰ See paragraph 3.33 of the [Guidance on highly effective age assurance and other part 5 duties](#).

Duties under section 81

Age assurance duties

- 2.12 Section 81 of the Act imposes the following core duties relating to age assurance on service providers in scope of Part 5:
- a) To ensure, through age verification or age estimation (or both), that children are not normally able to encounter content that is regulated provider pornographic content;¹¹ and
 - b) To ensure that the age assurance method is of a kind and used in such a way, that it is highly effective at correctly determining whether or not a particular user is a child.¹²
- 2.13 Our Guidance explains that providers must deploy age assurance which is highly effective. If a user is determined not to be an adult, the provider must prevent them from encountering regulated provider pornographic content.¹³
- 2.14 This means that no pornographic content should be accessible before age verification is completed. Providers must implement highly effective age assurance either at the point of entry or ensure that no content is visible before they have completed the age check.¹⁴
- 2.15 To be considered highly effective, age assurance should meet four criteria:¹⁵
- i) technically accurate;
 - ii) robust;
 - iii) reliable; and
 - iv) fair.

Kinds of age assurance that are capable of being highly effective

- 2.16 The Guidance sets out a non-exhaustive list of methods considered capable of being highly effective, including:
- Open banking;
 - Photo-identification matching;
 - Facial age estimation;
 - Mobile-network operator (MNO) age checks;
 - Credit card checks;
 - Email-based age estimation; and
 - Digital Identity Services.
- 2.17 Providers must be able to demonstrate that the method has (or methods have) been implemented in such a way that ensures the overall process as a whole is highly effective.¹⁶

¹¹ Section 81(2) of the Act.

¹² Section 81(3) of the Act.

¹³ Paragraph 4.3 of Ofcom's [Guidance on highly effective age assurance and other part 5 duties](#).

¹⁴ Paragraph 4.7 of Ofcom's [Guidance on highly effective age assurance and other part 5 duties](#).

¹⁵ The full, detailed criteria to ensure an age assurance process is highly effective is set out in Table 4.2 and from paragraphs 4.22 to 4.82 of Ofcom's [Guidance on highly effective age assurance and other part 5 duties](#).

¹⁶ The kinds of age assurance that are considered capable of being highly effective are set out from paragraphs 4.8 and 4.12-4.18 of Ofcom's [Guidance on highly effective age assurance and other part 5 duties](#).

Kinds of age assurance that are not capable of being highly effective

- 2.18 Additionally, Ofcom set out details of the kinds of age assurance that **are not capable** of being highly effective, including:¹⁷
- Self-declaration of age;
 - Age verification through online payment methods which do not require a user to be over the age of 18 (for example, debit cards); and
 - General contractual restrictions on the use of the regulated service by children.

Record-keeping duties

- 2.19 Section 81 of the Act establishes two record-keeping duties that support transparency and oversight.
- 2.20 Providers must maintain a written record¹⁸ of:
- i) The kinds of age assurance used and how they are implemented;
 - ii) How privacy and data protection considerations were addressed in choosing and applying the methods.
- 2.21 Providers must publish a summary of the record, including:
- i) The types of age assurance used;
 - ii) How they are implemented; and
 - iii) How the provider has considered privacy and data protection.¹⁹

Ofcom's powers to issue Confirmation Decisions

- 2.22 Where Ofcom has issued a provisional decision to a person and the period allowed for representations has expired, Ofcom has powers under section 132(3) of the Act to issue a confirmation decision to that person if they are satisfied that the person has failed, or is failing, to comply with a notified requirement. For the purposes of section 132, a 'notified requirement' means a duty or requirement to which a provisional decision relates.
- 2.23 A confirmation decision issued by Ofcom under section 132(3) of the Act may require the person to take steps to comply with the notified requirement and/or remedy the failure to comply. It may also require the person to pay a penalty.²⁰
- 2.24 Where a person is required to take steps to comply with the notified requirement and/or remedy the failure to comply, the confirmation decision must specify the steps that are required; set out Ofcom's reasons for the decision to impose those requirements; specify each notified requirement to which the steps relate; specify the period during which the failure to comply with a notified requirement has occurred, and whether the failure is continuing; specify a reasonable period within which each of the steps specified must be taken; contain details of the rights of appeal under section 168 of the Act; and contain information about the consequences of not complying with the requirements included in

¹⁷ See paragraphs 4.19 to 4.21 of Ofcom's [Guidance on highly effective age assurance and other part 5 duties](#).

¹⁸ Section 81(4) of the Act.

¹⁹ Section 81(4)(b) of the Act.

²⁰ Section 132(5).

the decision (including information about the further kinds of enforcement action that it would be open to Ofcom to take).²¹

- 2.25 A confirmation decision must also contain information about any penalty imposed, including information about the consequences of not paying a penalty.
- 2.26 Where a confirmation decision imposes a daily rate penalty in respect of a continuous failure to comply with a notified requirement, it must, in addition to the matters outlined at paragraph 2.24 above, state the daily rate of the penalty and how the penalty is calculated; state that the person will be liable to pay the penalty if that same failure continues after the compliance date; state the date from which the penalty begins to be payable, which must not be earlier than the day after the compliance date; and provide for the penalty to continue to be payable at the daily rate until i) the date on which the notified requirement is complied with, ii) if the penalty is imposed in respect of a failure to comply with more than one notified requirement, the date on which the last of those requirements is complied with, or iii) an earlier date specified in the Confirmation Decision or Ofcom otherwise directs that the daily penalty shall cease.

²¹ Section 137(5)(g) of the Act.

3. Ofcom's investigation and findings

Content warning – explicit descriptions of sexual activity included in this section

A: Ofcom's investigation

- 3.1 In January 2025, Ofcom announced it was opening an enforcement programme into age assurance measures across the adult sector, which initially focused on regulated providers' compliance with the Part 5 duties.
- 3.2 In December 2024 Ofcom conducted reviews of a set of websites that displayed or published pornographic content to establish if they were likely to be within scope of Part 5 duties. On 9 December Ofcom initially reviewed the FTV Websites, where it ascertained that regulated provider pornographic content was published on these sites. Ofcom therefore identified that the FTV Websites were within scope of Part 5 of the Act and that the provider's obligations for age assurance would come into force on 17 January 2025.

Correspondence with FTV

- 3.3 In January 2025, Ofcom wrote to a number of service providers that display or publish pornographic content (Part 5 Service Providers) to inform them of their obligations under the Act. Given the duty came into force at the same time as the Guidance²² was published, Ofcom allowed providers of Part 5 services a reasonable implementation period to meet the requirements of the Act and requested confirmation of the age assurance provisions they would be implementing to achieve compliance with their duties under Part 5 of the Act.
- 3.4 As part of this communications campaign, Ofcom wrote to FTV on 17 January 2025 (the 'Advisory Letter') to alert them to these requirements and to request confirmation of the age assurance provisions they would be implementing to achieve compliance with their duties under the Act. The deadline for responding was 3 March 2025.²³ Ofcom did not receive a response.
- 3.5 Ofcom subsequently wrote to FTV again on 27 May 2025, requesting that they respond within five days and attaching a copy of the letter sent in January.²⁴ Ofcom did not receive a response.
- 3.6 On 4 June 2025, Ofcom reviewed the FTV Websites and was concerned that FTV had not taken action to implement highly effective age verification or age estimation methods on these sites.
- 3.7 On 9 June 2025, Ofcom wrote to FTV to inform them that Ofcom had opened an investigation to consider whether FTV had complied with its duties under section 81 of the Act, which includes a requirement to implement highly effective age assurance.²⁵ Ofcom

²² [Guidance on highly effective age assurance and other part 5 duties.](#)

²³ **Annex 3** – Letter from Ofcom to First Time Videos LLC dated 17 January 2025 ('advisory letter').

²⁴ **Annex 4** – Letter from Ofcom to FTV dated 27 May 2025.

²⁵ **Annex 5** - Case opening letter from Ofcom to First Time Videos LLC dated 9 June 2025.

received a ‘delivered’ receipt from the email addresses [REDACTED]@ftvgirls.com and [REDACTED]@ftvgirls.com on 9 June 2026 in response to the email attaching the case opening letter.²⁶

- 3.8 On 18 August 2025, Ofcom reviewed the FTV Websites and noted that both services had introduced a pay wall requiring users to provide payment details before any pornographic content was accessible. PayPal was listed as an accepted payment method.
- 3.9 Following these reviews, Ofcom issued a statutory Information Notice to FTV in December 2025 requesting details of the payment methods available on the FTV Websites.²⁷ In response to this request, on 15 January 2026, FTV (through its legal representative) provided details of the available payment methods on the FTV Websites, including direct payment and PayPal functionalities.²⁸

Expanding the scope of the investigation

- 3.10 On 4 December 2025, Ofcom became aware of three additional sites - ftvx.com, ftvhunter.com and ftvcuties.com – and on 8 January 2026, expanded the scope of the investigation to consider whether these sites also fell within Part 5 of the Act (see **Annex 8**). Following correspondence from FTV’s legal representative that ftvhunter.com and ftvcuties.com are not operated by FTV, and that ftvx.com does not display pornographic content (and therefore does not constitute a Part 5 service) (see **Annex 9**), Ofcom decided not to pursue any further investigation into these additional sites and makes no findings in relation to them.
- 3.11 As part of the same scope expansion on 8 January 2026, Ofcom also considered whether FTV’s failure to respond to Ofcom’s statutory Information Notice of 12 December by the deadline constituted a potential breach of section 102(8) of the Act. In light of the information provided by FTV’s legal representatives on 15 January 2026, and that FTV has provided the requested information in full²⁹, Ofcom decided not to pursue this potential breach and makes no findings in respect of section 102(8).

Provisional findings

- 3.12 On 30 March 2026, Ofcom issued a Provisional Decision to FTV via email in which Ofcom set out its provisional findings that FTV had failed, and was continuing to fail, to implement highly effective age assurance to prevent children from encountering pornographic content on the FTV Websites.
- 3.13 In the Provisional Decision, Ofcom informed FTV that it had until 5pm (BST) on 27 April 2026 to make written representations to Ofcom about the matters set out in the Provisional Decision and to inform Ofcom if it would also like to make oral representations.

²⁶ See **Annex 18**, p.3 – copy of email delivery receipts.

²⁷ **Annex 7** – Ofcom’s Information Notice to FTV dated 12 December 2025.

²⁸ **Annex 12** - response from FTV’s legal representative with response to questions regarding online payment methods, dated 15 January 2026.

²⁹ In relation to the potential section 102(8) breach, FTV’s representative advised that FTV did not receive Ofcom’s correspondence of 9 June 2025 (**Annex 5** - the case opening letter) or 12 December 2025 (**Annex 7** - the final Information Notice); we note above the delivery receipts received by Ofcom to these communications (see **Annex 18**, p.3 and p.5). FTV’s representative provided the information requested in Ofcom’s Information Notice on 15 January 2026 (**Annex 12**). FTV also responded within the deadline to a later Information Notice issued on 16 February 2026.

- 3.14 On 1 April 2026, FTV (through its legal representative) requested a meeting to “discuss the matter in greater detail”.³⁰ Ofcom reviewed and responded to the request in line with its Online Safety Enforcement Guidance in relation to oral representation requests³¹.
- 3.15 FTV did not respond to Ofcom’s correspondence³² regarding an oral hearing.
- 3.16 Ofcom did not receive any representations from FTV about the matters set out in the Provisional Decision.

B: Application of Part 5 Duties of the Act to FTV

FTV is the provider of a regulated service

- 3.17 FTV is a limited liability company based in the USA.³³ It operates the sites ftvgirls.com and ftv milfs.com (the FTV Websites),³⁴ which display pornographic content consisting of sexually explicit images and videos.
- 3.18 For the reasons set out below, Ofcom considers that the FTV Websites satisfy the following three conditions set out in section 80(2) of the Act from 17 January 2025 to (at least) 15 June 2026 and are therefore within scope of Part 5 of the Act during the Relevant Period.³⁵

Condition 1 – Regulated provider pornographic content is published or displayed on the services

- 3.19 The Part 5 duties only apply to ‘regulated provider pornographic content’³⁶ that is published or displayed on the service by the provider of the service, or by a person acting on behalf of the provider.
- 3.20 Paragraphs 2.2 to 2.8 cover how ‘pornographic content’ is defined in the Act; what content is treated as being ‘published or displayed’ by the provider; and what types of pornographic content are expressly excluded from the definition of ‘regulated provider pornographic content’.³⁷

Ftv girls.com and ftv milfs.com

- 3.21 Ofcom conducted a review of the sites ftv girls.com and ftv milfs.com on 9 December 2024 as part of an exercise to identify websites potentially in scope of Part 5 of the Act. Ofcom also conducted a further review of the sites in June 2025. The reviews showed that the

³⁰ **Appendix 20** – Correspondence from [redacted] requesting meeting with Ofcom, 1 April 2026.

³¹ Paragraphs 6.28- 6.34 of Ofcom’s [Online safety Enforcement Guidance](#)

³² **Annex 21** – Ofcom’s letter to FTV regarding oral representation requests, dated 14 April 2026.

³³ **Annex 2** - Terms and Conditions for ftv girls.com and ftv milfs.com, accessed 3 December 2025.

³⁴ FTV’s legal representative confirmed FTV’s ownership/operation of the sites ftv girls.com and ftv milfs.com in their correspondence of 2 March 2026 (**Annex 16**).

³⁵ A service falls within the scope of Part 5 of the Act where: (1) regulated provider pornographic content is published or displayed on the service; (2) the service is not exempt; and (3) the service has links to the United Kingdom.

³⁶ Section 79(3) of the Act.

³⁷ Section 79(6)(a) of the Act.

principal purpose of the sites was to display sexually explicit images and video content, and that the sole method of age assurance was the self-declaration of age on entry to the site.³⁸

- 3.22 In light of the content of the sites (see paragraphs 3.34 to 3.45), Ofcom considers that it is reasonable to assume that the images and videos published on the sites were produced solely or principally for the purposes of sexual arousal and therefore constitute ‘pornographic content’ within the meaning of Section 236 of the Act.
- 3.23 On the ‘Our Mission’ section of each of the sites, text states “we shoot all original content and do not buy content from other sites...” and “models tend to use FTV as their ‘first step’ into the adult industry.”³⁹ Accordingly, the content is considered to be generated by the provider, as defined under Section 79 of the Act.
- 3.24 Ofcom conducted further reviews of the sites on 18 August 2025 and noted that paywalls had been implemented which prevented users from accessing pornographic content prior to subscribing to the sites and inputting payment details. Text on the paywall webpages included “meet the models of FTV girls”, “[

Condition 2 – The FTV Websites are not out of scope of Part 5 or exempt

- 3.25 Ofcom considers that the FTV Websites are not out of scope of Part 5 of the Act, nor exempt. The FTV Websites are not user-to-user or internet search services of a description that is exempt as provided for by Schedule 1, or internet services of a kind described in Schedule 9,⁴⁰ which are regulated under the provisions of Part 3 of the Act.

Condition 3 – The FTV Websites have links with the United Kingdom

- 3.26 The final condition is that the service must have “links with the United Kingdom”.⁴¹ As noted at paragraph 2.9 above, the service only has such links if either of the following two conditions is met in relation to the service:
- the service has a significant number of UK users;⁴² or
 - UK users form one of the target markets for the service, or the only target market.⁴³

Significant number of UK users

- 3.27 As noted at paragraph 2.10, the Act does not provide a specific definition of what constitutes a ‘significant number’ of UK users for the purposes of considering whether a service has ‘links with the UK’.
- 3.28 Ofcom considers “significant number of UK users” to mean UK user numbers that are material in the context of the service, rather than necessarily large or substantial. Providers

³⁸ See **Annex 1A**. Ofcom recorded its findings from its initial reviews in writing and has subsequently obtained screenshots from web.archive.org to demonstrate the material present on the FTV Websites at this time.

³⁹ For example see **Annex 1** - FTV Websites user journey mapping (p.19).

⁴⁰ Section 80(2)(b) and (3) of the Act.

⁴¹ Section 80(2)(c) of the Act.

⁴² Section 227(1) of the Act explains that, for the purposes of the Act, a user is a “United Kingdom user” of a service if either (a) where the user is an individual, the individual is in the United Kingdom; or (b) where the user is an entity, the entity is incorporated or formed under the law of any part of the United Kingdom.

⁴³ Section 80(4) of the Act.

should therefore err on the side of caution when assessing whether they have a significant number of UK users. A user does not need to be registered to count, but persons acting in the course of the provider’s business should be excluded. Providers should be able to distinguish these categories when determining whether there is a significant number of UK users.

- 3.29 The number of UK unique monthly users for the FTV Websites for January, July, November 2025 and January 2026 using data provided by Similarweb⁴⁴ is provided in the table below. The definition of a "user" includes registered and unregistered users⁴⁵, and so Ofcom considers the Similarweb unique visitor data (which would include both registered and unregistered users) to be an appropriate data source to rely on for the unique monthly user numbers for the FTV Websites.

Service	UK unique monthly users January 2025	UK unique monthly users July 2025	UK unique monthly users November 2025	UK unique monthly users January 2026
Ftvgirls.com	17,736	10,439	8,341	8,230
Ftvmilfs.com	5,556	8,284	1,664	4,696

- 3.30 In addition, Ofcom has identified features and content on each service that indicate targeting of UK users.
- 3.31 Ofcom consider that a monthly user base of the above numbers is significant within the meaning of section 4(5)(a) of the Act.

C: FTV’s compliance with its duties under Part 5 of the Act

Section 81(2) and 81(3): FTV failed, and is continuing to fail, to use highly effective age assurance to ensure children are not normally able to encounter pornographic content

- 3.32 For the following reasons, Ofcom considers that there are reasonable grounds to believe that FTV failed, and is continuing to fail, to use highly effective age verification or age estimation to ensure that children are not normally able to encounter pornographic content on the FTV Websites.
- 3.33 Ofcom makes this finding in respect of the period from 17 January 2025 until at least 15 June 2026 (the Relevant Period).

Pornographic content was available on the FTV Websites

Content warning – explicit descriptions of sexual activity included in this section

⁴⁴ Similarweb estimated unique visitors to the websites via desktop or mobile browser. Data extracted May 2026. All data made available by Similarweb is estimated based upon data obtained from third parties and is intended for informational purposes only.

⁴⁵ Section 227(1) and (2) of the Act.

- 3.34 As noted at paragraphs 3.21 to 3.24 of this Confirmation Decision, Ofcom’s review of the FTV Websites⁴⁶ showed that pornographic content was available on each of the FTV Websites during the Relevant Period.
- 3.35 A summary of Ofcom’s findings is set out in the rest of this section. Please see the full user mapping journey for the FTV Websites in Annex 1.

Ftvgirls.com

- 3.36 On 9 December 2024, Ofcom conducted an initial review of the site ftvgirls.com, where Ofcom observed that users were able to view sexually explicit pornographic content on the site after self-declaring that they were over the age of 18. Ofcom therefore identified that ftvgirls.com was within scope of Part 5 of the Act and that its obligations for age assurance would come into force on 17 January 2025.
- 3.37 On 4 June 2025, Ofcom conducted a further review of the service. Upon immediately accessing the site, users were met with a box which stated “this website contains age restricted materials. If you are under the age of 18 years, or under the age of majority in the location from where you are accessing this website you do not have authorization or permission to enter the website or access any of its materials”. Users were required to select either “enter” or “exit” to proceed to the main site. Images on the homepage included a woman exposing her breasts.⁴⁷
- 3.38 On selecting the central image of the site’s homepage, users were taken to a page with hyperlinks including “[X]”, “public nudity” and “extreme fetish”. Images included a woman sat in a sexually suggestive position with text stating “supercute teen teaser having fun all around town // looking sexy and intimate with her toys”.⁴⁸
- 3.39 The images and video displayed or published on ftvgirls.com are sexually explicit and pornographic content, in that the content is of such a nature that it is reasonable to assume that it was produced solely or principally for the purpose of sexual arousal.⁴⁹
- 3.40 On 18 August 2025, Ofcom conducted a further review of the site.⁵⁰ Ofcom noted that a paywall had been implemented which prevented users from accessing pornographic content prior to inputting payment details. Text on the paywall webpage included “meet the models of FTV girls”, “[X]”, and “fetish”. Ofcom therefore considers that it is reasonable to conclude pornographic content could be accessed beyond this paywall. For these reasons, Ofcom finds that pornographic content was available on the site during the Relevant Period and continues to be available.

Ftvmilfs.com

- 3.41 On 12 December 2024, Ofcom conducted an initial review of the site ftvmilfs.com, where Ofcom observed that users were able to view sexually explicit pornographic content on the site after self-declaring that they were over the age of 18. Ofcom therefore identified that ftvmilfs.com was within scope of Part 5 of the Act and that its obligations for age assurance would come into force on 17 January 2025.

⁴⁶ **Annex 1** - FTV Websites user journey mapping and **Annex 1A** (screenshots obtained from web.archive.org).

⁴⁷ Screenshots obtained from web.archive.org can be found at **Annex 1A**.

⁴⁸ **Annex 1A** p.5 (screenshots obtained from web.archive.org).

⁴⁹ Section 236 of the Act.

⁵⁰ **Annex 1** - FTV Websites user journey mapping (pp. 5-7).

- 3.42 On 4 June 2025, Ofcom conducted a further review of the service.⁵¹ Upon immediately accessing the site, users were met with a box which stated “this website contents age restricted materials. If you are under the age of 18 years, or under the age of majority in the location from where you are accessing this website you do not have authorization or permission to enter the website or access any of its materials”. Users were required to select either “enter” or “exit” to proceed to the main site. Images on the homepage included nude or partially nude women.
- 3.43 On selecting the central image of the site’s homepage, users were taken to a page which included a woman with her breasts exposed, with text stating “Welcome to FTV // first time experiences...real orgasms”. Image hyperlinks to model videos, including explicit content, were also contained on this webpage.
- 3.44 On 18 August 2025, Ofcom conducted a further review of the site.⁵² Ofcom noted that a paywall had been implemented which prevented users from accessing pornographic content prior to inputting payment details. Text on the paywall webpage included “meet the models of FTV girls”, “[

3.45 The images and videos displayed / published on fvmilfs.com are sexually explicit and pornographic content, in that the content is of such a nature that it is reasonable to assume that it was produced solely or principally for the purpose of sexual arousal.⁵³ For these reasons, Ofcom finds that pornographic content was available on the site during the Relevant Period.

The FTV Websites did not use highly effective age verification or age estimation to identify children and prevent them from accessing pornographic content

- 3.46 Under section 81(2) and 81(3) of the Act, providers of Part 5 services must use age verification or age estimation (or both) to ensure that children are not normally able to encounter content that is regulated provider pornographic content in relation to their services. The age verification or age estimation used must be of such a kind, and implemented in such a way, that it is highly effective at correctly determining whether or not a particular user is a child.
- 3.47 As set out at paragraphs 2.16 above, Ofcom’s Guidance sets out the kinds of age verification or age estimation that may be capable of being highly effective at determining whether or not a particular user is a child. Section 230 of the Act, and paragraph 4.19 of the Guidance,⁵⁴ expressly note that a measure which requires a user to self-declare their age (without more) is not to be regarded as age verification or age estimation.
- 3.48 Ofcom’s initial reviews and user journey exercises of the FTV Websites in December 2024 and June 2025 demonstrated that users could access pornographic content without undergoing any form of age verification or age estimation measure that could be capable of being highly effective at identifying or preventing children from accessing such content. In both reviews, access was possible by self-declaring age (by selecting ‘enter’ on the age-warning screen) without any further age-verification or age assurance step.

⁵¹ Screenshots obtained from web.archive.org can be found at **Annex 1A**.

⁵² **Annex 1** – FTV Websites user journey mapping (pp. 9-11).

⁵³ Section 236 of the Act.

⁵⁴ Ofcom’s [Guidance on highly effective age assurance and other Part 5 duties](#).

- 3.49 The terms and conditions of each of the FTV Websites state that “by subscribing to [the service], you certify that you are 18 years of age or older; that you are familiar with all local laws in your area affecting your legal right to access erotica or adult-oriented materials”.⁵⁵
- 3.50 As set out above, both FTV Websites introduced a paywall by August 2025. However, the evidence obtained through Ofcom’s statutory information request demonstrates that these paywalls did not amount to highly effective age assurance.⁵⁶
- 3.51 On 15 January 2026, and in response to Ofcom’s Information Notice of 12 December 2025, FTV’s representative confirmed that debit cards could be used as a payment method to access the site.⁵⁷ As debit cards do not have 18+ age requirements, this method is not considered to constitute highly effective age assurance.⁵⁸
- 3.52 Accordingly, while the introduction of the paywall meant that users were required to input payment details before accessing pornographic content, the availability of debit card payment meant that children continued to be able to access the services without any form of age assurance capable of correctly determining whether a user was a child. Therefore, at no stage whilst accessing the FTV Websites between January 2025 and 15 June 2026⁷ were reviewers required to complete any form of age verification or age assurance that would meet the criteria of being capable of being highly effective at identifying children.

Section 81(4) and (5): FTV failed to make and keep a written record of its age assurance processes or publish that written record

- 3.53 In addition, Ofcom has reasonable grounds to believe that FTV has breached its duties under sections 81(4) and (5) of the Act. These provisions require providers of regulated services to:
- keep a written record of the age assurance methods used and how they are applied, including how the provider has had regard to the privacy and data protection laws in selecting and implementing those methods; and
 - publish a publicly available summary of the relevant parts of that written record, specifically those relating to the implementation of highly effective age assurance.
- 3.54 While reviewing the FTV Websites, Ofcom was unable to locate any written record of the age assurance methods used on the FTV Websites. As a result, Ofcom considers that FTV has failed to generate or maintain the written documentation required under section 81(4), and to publish the summary required under section 81(5). Ofcom considers that these omissions constitute a breach of the duties set out in those subsections.

⁵⁵ **Annex 2** – Terms and Conditions of ftvgirls.com and ftvmilfs.com.

⁵⁶ **Annex 1** – FTV user journey mapping (p.11, 25, 42, 57 and 66).

⁵⁷ **Annex 12** - Response from [redacted] dated 15 January 2026.

⁵⁸ Ofcom’s [Guidance on highly effective age assurance and other Part 5 duties](#)

4. Remedy and Penalty

Remedy

- 4.1 Section 133 of the Act gives Ofcom the power to require that the provider of a regulated service takes steps to comply with a notified requirement or remedy the failure to comply with a notified requirement – in this case, Section 81 of the Act.

Representations by FTV on remedy and penalty

- 4.2 As noted in paragraph 3.16 above, FTV did not make any representations about the remedy or penalty proposed in the Provisional Decision.
- 4.3 Taking into account all relevant evidence, Ofcom considers it is appropriate to confirm the remedy and penalty proposed in the Provisional Decision. Ofcom sets these out in more detail below.

Confirmation Decision on remedy

- 4.4 Where a confirmation decision requires a person to take steps for the purpose of complying with a notified requirement, Ofcom must specify a reasonable period within which each of the steps specified in the decision must be taken or, if a step requires the use of a system or process, a reasonable period within which the system or process must begin to be used.⁵⁹
- 4.5 As such, Ofcom requires FTV to comply with section 81 by taking steps to implement highly effective age assurance⁶⁰ on the FTV Websites. This requirement will come into effect from 5pm GMT on 21 June 2026 (72 hours starting from the date of issue of this Confirmation Decision). Ofcom considers this period is reasonable given the wide-ranging publicity and communications by Ofcom designed to raise industry awareness of the requirement to implement highly effective age assurance from 17 January 2025, including communications sent directly to FTV on 17 January 2025 and 27 May 2025, before Ofcom opened its investigation.
- 4.6 Further, there are a wide variety of age assurance solutions currently available in the market that would be likely to meet the criteria set out in our Guidance and can be implemented within 72 hours. As such, we consider this period of time to be sufficient for to implement an age assurance process that is capable of being highly effective at correctly determining whether or not a user is a child.

⁵⁹ Section 133(4)(f).

⁶⁰ In paragraph 4.20 of Ofcom's [Guidance on highly effective age assurance and other Part 5 duties](#), age verification through online payment methods which do not require a user to be over the age of 18 (e.g. debit cards) are cited as **not** capable of being highly effective.

Penalty

- 4.7 Under the Act, Ofcom can, in a confirmation decision, impose a single penalty amount and/or a daily rate penalty (or a combination of both), depending on what is proposed in the provisional notice of contravention.⁶¹
- 4.8 A single penalty amount is one amount covering the specified breaches.⁶² A daily rate penalty may be imposed where the contravention that Ofcom has identified is continuing and the confirmation decision requires the subject of the decision to take action to bring itself into compliance. A daily penalty will be payable for the period specified in the decision, which will generally be until the date on which the subject takes the action required in the decision to bring it into compliance.⁶³
- 4.9 Section 143 of the Act and Schedule 13 to the Act set out the principles that apply when determining the amount of any penalties to be imposed upon a person. In particular, paragraph 2(4) of Schedule 13 to the Act requires that a penalty must be of an amount that Ofcom considers to be appropriate and proportionate to the failure (or failures) in respect of which it is imposed.
- 4.10 Paragraph 2(1) of Schedule 13 to the Act requires that in determining the amount of a penalty to be imposed on a person, Ofcom must take into account any representations made, and evidence provided, by the person, and the effects of the failure (or failures) in respect of which the penalty is imposed.⁶⁴
- 4.11 As set out in Ofcom's Enforcement Guidance,⁶⁵ Ofcom may impose a financial penalty in respect of a contravention if it considers that appropriate and proportionate, taking account of the circumstances in the round. In considering the appropriate level of penalty, Ofcom will also take into account the principles set out in its Penalty Guidelines⁶⁶ published under section 392 of the Communications Act 2003.⁶⁷
- 4.12 The maximum penalty Ofcom can impose on a person in respect of a regulated service is £18 million or 10% of the person's QWR for the person's most recent complete accounting period, whichever is greater.⁶⁸ Ofcom's Online Safety Fees & Penalties Statement⁶⁹ defines a provider's QWR as the total amount of revenue the provider receives during the

⁶¹ Section 137(1) of the Act.

⁶² Section 130(7)(b) and 137(1)(a).

⁶³ See section 130(7)(b), section 137(1)(b), (2) and (8) and [Online Safety Enforcement Guidance](#), para 6.43.

⁶⁴ Schedule 13, para 2(1). Where the penalty is imposed in a Confirmation Decision, Ofcom must also take into account any steps taken by the person towards complying with the duty or requirement specified in the provisional notice of contravention or to remedy the failure (Schedule 13, para 2(3)).

⁶⁵ [Online Safety Enforcement Guidance](#).

⁶⁶ [Penalty Guidelines](#).

⁶⁷ Schedule 13, para 2(5) and [Online Safety Enforcement Guidance](#), para 6.43.

⁶⁸ Schedule 13, para 4(1). Under section 85(1)(a) of the Act Ofcom has a power to make regulations for the purposes of determining the qualifying worldwide revenue of a provider of a regulated service for an accounting period. Ofcom will also make regulations determining the qualifying worldwide revenue for the purposes of considering financial penalties for group entities, see ss 85(1)(a) and (6) and paragraph 5(9), Schedule 13 to the Act. On 26 June 2025, Ofcom published its [Statement on the implementation of the fees and penalties regime](#) under the Act. The [Online Safety Act 2023 \(Qualifying Worldwide Revenue\) Regulations 2025](#) were laid before Parliament on 26 June 2025 and are now in force.

⁶⁹ [Online Safety Fees & Penalties Statement](#).

qualifying period that is referable to the regulated service.⁷⁰ Revenue is treated as referable to a regulated service⁷¹ only if and so far as it arises in connection with the provision of that regulated service.⁷²⁷³

Penalty considerations

It is appropriate to impose a financial penalty in this case

- 4.13 Ofcom considers it is appropriate to impose a penalty for FTV's failure to comply with section 81 of the Act because:
- a) **Preventing children from encountering pornographic content is a priority outcome for the UK's online safety regime:** One of the strategic priorities of the Act is to ensure that children do not encounter harmful content online, including pornographic content. Imposing a financial penalty would send a strong message to the industry that non-compliance in this space will not be tolerated.
 - b) **FTV was made aware of the requirements in advance of the implementation date:** Ofcom wrote to FTV on 17 January 2025 (see **Annex 3**) and then again on 27 May 2025 (see **Annex 4**) to inform them of the new requirements.⁷⁴ Despite this, FTV failed to implement any form of highly effective age assurance. In any case, it is Ofcom's view that regulated services operating in the UK have a duty to ensure that they are up to date with any new laws that impacts them and implements these accordingly.
 - c) **Imposing a penalty would deter FTV, and the wider sector, from future contraventions:** As set out in Ofcom's Penalty Guidelines,⁷⁵ the central objective for imposing a financial penalty is to effectively deter contraventions of regulatory requirements. Ofcom considers that imposing a financial penalty in this case would incentivise FTV's management to take appropriate steps to ensure that it complies in future. It would also send out a broader message to the industry to demonstrate that Ofcom takes compliance with the highly effective age assurance duties extremely seriously and is willing to take action should providers fail to comply.

Amount of penalty

- 4.14 Ofcom has published Penalty Guidelines which set out the factors it may take into account when determining the appropriate amount of a financial penalty.⁷⁶ In accordance with paragraph 2(5) of Schedule 13 to the Act, section 392 of the Communications Act 2003, and Ofcom's Online Safety Enforcement Guidance,⁷⁷ Ofcom has had regard to the Penalty

⁷⁰ [Online Safety Act 2023 \(Qualifying Worldwide Revenue\) Regulations 2025](#), para 6(2), read with Schedule 13, para 4(9) of the Act.

⁷¹ For the purposes of Part 5, the regulated service comprises provider-controlled pornographic content.

⁷² References to revenue "referable to the regulated service" relate to the provider-controlled pornographic content constituting the regulated service.

⁷³ [Online Safety Act 2023 \(Qualifying Worldwide Revenue\) Regulations 2025](#), para 4(2).

⁷⁴ See **Annex 18**, pp.1-2 for the delivery receipts for this correspondence.

⁷⁵ [Penalty Guidelines](#).

⁷⁶ [Penalty Guidelines](#).

⁷⁷ Ofcom is required to have regard to these penalty guidelines when determining the amount of any penalty under s. 392(6) Communications Act 2003; see also paragraph 6.42 of Ofcom's [Online Safety Enforcement Guidance](#).

Guidelines and has set out below its consideration of these factors, to the extent that they are relevant to this case.

- 4.15 Ofcom has also considered whether there are any relevant precedents, noting that while past decisions may be relevant, they are not binding and Ofcom may, considering the circumstances of each case, impose higher penalties in future cases than in previous ones to secure effective deterrence.⁷⁸ On the basis of the various elements considered in this section of this Confirmation Decision, Ofcom considers that the penalties proposed in this case are both appropriate and proportionate, while being sufficiently high to effectively deter future breaches.

Deterrence

- 4.16 As set out in Ofcom's Penalty Guidelines, the central objective of imposing a penalty is deterrence.⁷⁹
- 4.17 Any penalty Ofcom imposes should be sufficiently high to both deter a provider of a regulated service from contravening regulatory requirements, and to deter the wider industry from doing so. The level of the penalty should be high enough that the provider recognises that it is not more profitable for a business to break the law and pay the consequences than it is to comply with the law in the first instance, therefore encouraging good practice and a culture of compliance across the organisation.⁸⁰

Seriousness, harm and culpability

Seriousness

- 4.18 The requirement of providers to implement highly effective age assurance on their services under section 81 of the Act is key in achieving the Act's primary objective of making regulated internet services safer for UK users, and particularly for children. Where providers contravene these requirements, children are at risk of encountering harmful⁸¹ content online. In Ofcom's view, this is therefore a serious contravention of the Act.
- 4.19 In addition, under section 3(2)(g) of the Communications Act 2003, Ofcom is required to secure the adequate protection of citizens from harm presented by content on regulated services, through the appropriate use by providers of systems and processes designed to reduce the risk of such harm. Under section 3(4A) of the Communications Act, in undertaking this provision, Ofcom must have regard to, in part, the need for a higher level of protection for children than for adults. As such, it may be appropriate to impose higher penalties for infringements that expose children to risks of harmful content than contraventions of other duties, but this will necessarily be considered on a case-by-case basis.
- 4.20 FTV's contravention of the duties under section 81 lasted for the period between 17 January 2025 until at least 15 June 2026. During this period, users – including children – were able to view regulated provider pornographic content on the FTV Websites without any highly effective age assurance in place. Prior to the introduction of the paywall, access to such content was possible solely through self-declaration. Following the introduction of

⁷⁸ See paragraph 1.3 of [Penalty Guidelines](#).

⁷⁹ See paragraph 1.11 of [Penalty Guidelines](#).

⁸⁰ See paragraph 1.5 of [Penalty Guidelines](#).

⁸¹ As defined under section 60(2)(a) of the Act, in accordance with section 61(2).

the paywall, users could still access the FTV Websites by providing payment details, including debit card details, which do not constitute highly effective age assurance. Accordingly, at no point during this period were child users normally prevented from encountering such content.

Harm

- 4.21 Ofcom has also considered the degree of harm, whether actual or potential, caused by the alleged contravention.⁸²
- 4.22 The protection of children from normally encountering pornographic content is a cornerstone of the online safety regime in the UK, as provided for in the Act, and is therefore a fundamental priority for Ofcom in exercising its functions under the Act. Ensuring that providers comply with their duties under the Act to prevent children from normally encountering pornographic content from their services is central to securing Parliament's intention to create a safer life online for UK children.
- 4.23 Ofcom has noted that at some point during the Relevant Period, FTV implemented a paywall on the FTV Websites. This paywall did not constitute highly effective age assurance as debit cards were accepted. However, Ofcom considers that the introduction of the paywall may have had some limited mitigating effect on harm to child users, insofar as it may have reduced access beyond the paywall for certain users.

Culpability

- 4.24 In line with Ofcom's Penalty Guidelines, Ofcom has considered the extent to which the contraventions occurred deliberately or recklessly, including the extent to which senior management knew, or ought to have known, that a contravention was occurring or would occur.⁸³
- 4.25 Given the wide-ranging publicity and communications designed to raise industry awareness of the new duties under the Act, as well as the notifications sent directly to FTV in January and May 2025 by Ofcom in relation to its duties under Part 5⁸⁴, Ofcom considers that FTV was aware of the need to implement highly effective age assurance on the FTV Websites and had sufficient opportunity to do so. Ofcom also considers that FTV was aware of the potential consequences if it did not comply with the requirements of the Act.
- 4.26 Ofcom further considers that, at some point during the Relevant Period, FTV took steps towards compliance with the duties, by changing its approach from self-declaration of age to the implementation of a paywall. However, the paywall on both FTV Websites allowed payment by debit card, which does not constitute a form of highly effective age assurance. Ofcom's Guidance, published 16 January 2025, states at paragraph 4.20 that age verification through only payment methods which do not require a user to be over the age of 18, for example, debit cards, are not capable of being highly effective.

⁸² See section 1.12 of [Penalty Guidelines](#).

⁸³ By 'culpability' Ofcom means 'the extent to which the contravention occurred deliberately or recklessly, including the extent to which senior management knew, or ought to have known, that a contravention was occurring or would occur', taken from [Penalty Guidelines](#).

⁸⁴ Ofcom received delivery receipts from the email addresses concierge@ftv.com and info@ftv.com for correspondence sent on 17 January 2025 and 27 May 2025, notifying providers of the requirements under section 81 of the Act (**Annex 18** p.1-2).

The size and financial position of FTV

- 4.27 In line with Ofcom’s Penalty Guidelines,⁸⁵ Ofcom considers the size and turnover of the regulated body to ensure that the overall amount of the penalty is appropriate and proportionate to the contravention in respect of which it is imposed.
- 4.28 In response to Ofcom’s request for financial information, FTV reported a total Qualifying Worldwide Revenue (QWR) of [£X].⁸⁶ The profit and loss from the information provided indicates that FTV has significant financial size and strength. Ofcom has taken this information into account when determining the proposed penalty.
- 4.29 FTV did not make any representations about the penalty proposed in the Provisional Decision.

Precedent

- 4.30 Ofcom has previously imposed penalties under the Act for breaches of section 81 and such penalties have been taken into account when assessing an appropriate penalty amount.
- 4.31 While Ofcom has imposed penalties for breaches of section 81 in previous decisions, those penalties are not determinative. Ofcom may depart from earlier penalty levels where necessary to secure effective deterrence, in accordance with the Penalty Guidelines.⁸⁷
- 4.32 Having considered appropriate precedents, as well as the financial information provided by FTV, Ofcom considers that the proposed penalties are proportionate and appropriate in the facts and context of this case for the reasons set out in this section.

Additional considerations

- 4.33 Ofcom has also taken into account the following factors when considering the appropriate amount of penalty to impose in this case.

Implementation period

- 4.34 While the statutory duty to implement highly effective age assurance under Part 5 of the Act came into force on 17 January 2025,⁸⁸ Ofcom acknowledges that the Guidance on highly effective age assurance and other Part 5 duties was only published the day before, on 16 January 2025. As noted at paragraph 3.4, Ofcom sent an advisory letter to many providers of Part 5 services, including FTV, on 17 January 2025, alerting them to their statutory duties and requiring them to “contact Ofcom to tell us what you are intending to do to meet your duties in order to implement highly effective age assurance by 5:00pm (GMT) on 3 March 2025.”⁸⁹
- 4.35 This communication signalled that Ofcom was affording providers a limited period to demonstrate how they intended to comply with the requirements of Section 81 of Part 5 of the Act. As such, in determining the appropriate level of any financial penalty in relation to this contravention, Ofcom has taken into account the fact that providers were given until 3 March 2025 to engage with Ofcom and outline their compliance plans. This is therefore

⁸⁵ [Penalty Guidelines](#).

⁸⁶ When converted using a 0.76 exchange rate (\$ to £), gives [£X] QWR.

⁸⁷ Paragraph 1.7, [Penalty Guidelines](#).

⁸⁸ The Online Safety Act 2023 (Commencement No. 4) Regulations 2024.

⁸⁹ See **Annex 3** for a copy of the advisory letter and **Annex 18** p.1 for a copy of the delivery receipt.

considered a mitigating factor in the calculation of the penalty, reflecting Ofcom's regulatory discretion and the practical realities of implementation.

- 4.36 For the avoidance of doubt, this notice does not alter the Relevant Period, which remains set to the statutory commencement date of 17 January 2025.

Co-operation with investigation

- 4.37 Between Ofcom's initial correspondence with FTV on 17 January 2025 and early January 2026, FTV did not acknowledge nor respond to any of Ofcom's correspondence regarding its duties under Part 5 of the Act.
- 4.38 Following Ofcom's letter to FTV of 8 January 2026, regarding the expansion of the scope of Ofcom's investigation (see **Annex 8**), Ofcom received correspondence from FTV's legal representative on 9 January 2026 (see **Annex 9**). They stated that FTV had not received Ofcom's earlier correspondence; however, Ofcom received 'delivery' receipts and also a 'delivery' and 'deleted' receipt in relation to Ofcom's statutory Information Notice sent on 12 December. (See **Annex 17** for a breakdown of Ofcom's correspondence to FTV and the delivery status. **Annex 18** provides screenshots of FTV's delivery receipt emails.)
- 4.39 Ofcom has therefore considered FTV's initial lack of engagement and its lack of co-operation with the investigation as an aggravating factor when determining what Ofcom considers to be an appropriate penalty.

Gain

- 4.40 By failing to comply with the requirements under section 81 of the Act, Ofcom considers that FTV would have benefitted from financial gain through the alleged contravention, both by avoiding the costs associated with implementing highly effective age assurance, and also potentially by attracting additional UK users to its services, who may have wished to avoid age assurance measures in place on services complying with their duties under Part 5 of the Act, to the detriment of those compliant services which may have lost customers as a result.
- 4.41 When determining the penalty amount, Ofcom has also considered the potential harm caused to other businesses that have complied with their duties under the Act. Providers of compliant services invested time and resources to meet these duties, which may have caused them to lose users and business to non-compliant competitors. If not complying with the Act allows providers to benefit, it discourages compliance. In addition to any potential gain made by FTV, the proposed penalty therefore also reflects the unfair disadvantage placed on providers in the sector who have implemented the required measures.
- 4.42 As such, and while Ofcom does not consider it necessary to quantify these amounts, Ofcom considers that any penalty imposed should be set at a level to at least remove any financial benefit gained through non-compliance, and ensure that regulated providers recognise that it is not more profitable for a business to break the law and pay the consequences, than it is to comply with the law in the first place.

Previous breaches

- 4.43 Ofcom has not previously found FTV to be in breach of the Act.

Confirmation Decision on penalty

- 4.44 Ofcom has determined that FTV has failed to comply with section 81 of the Act. As such, Ofcom finds that it is appropriate to impose a financial penalty that has both a single and daily rate element. The daily rate aims to incentivise FTV to comply with its duties under the Act as soon as possible, while acknowledging that a single penalty is appropriate to the seriousness of the failure to comply with section 81 to date and to incentivise FTV to comply with its duties in the future.
- 4.45 Taking into consideration the factors set out above, Ofcom therefore has decided to impose a single penalty of:
- £80,000 in respect of FTV's contravention of section 81 of the Act during the Relevant Period, by failing to implement age verification or age estimation (or both) to ensure that children are not normally able to encounter regulated provider pornographic content.
- 4.46 In respect of the contravention of section 81 of the Act, in the event of continuing non-compliance, Ofcom will impose a daily rate penalty at a rate of £100 per day starting from 21 June 2026 (the Age Assurance Compliance Date⁹⁰), until whichever is the sooner of:
- i) the date on which the section 81 duty is complied with in respect of both the FTV Websites, or Ofcom otherwise directs that the daily penalty shall cease; or
 - ii) 29 September 2026 (100 days starting from the Age Assurance Compliance Date).
- 4.47 Ofcom requires FTV to pay the single penalties by no later than 18 August 2026 and to pay the total daily rate penalties by no later than two calendar months from the final day on which the daily rate penalties are incurred.
- 4.48 Taking into account all the circumstances of this case, we consider that the penalty is compatible with Article 10 of the Human Rights Act 1998.⁹¹
- 4.49 In the event that FTV fails to pay the penalty specified above, Ofcom may seek recovery of the penalty in accordance with paragraph 6 of Schedule 13 to the Act.
- 4.50 Under section 168 of the Act, if FTV wishes to challenge this Confirmation Decision, it has a right to appeal to the Upper Tribunal. The Upper Tribunal will decide such an appeal by applying judicial review principles and has the power to quash the Confirmation Decision. Further information about the Upper Tribunal, including guidance about the appeal process, is available on its website: <https://www.judiciary.uk/courts-and-tribunals/tribunals/upper-tribunal/>.

⁹⁰ This is 72 hours after the date of issue of this Confirmation Decision.

⁹¹ Ofcom recognises that the obligations imposed by the Act and the imposition of a financial penalty engage Article 10 of the European Convention on Human Rights. Any interference is prescribed by law and pursues legitimate aims, in particular the protection of children from harm. The measures in this Decision, including the requirement to implement highly effective age assurance, are targeted, do not prevent lawful access to content by adults, and are proportionate, as is the level of penalty imposed having regard to the nature and duration of the contraventions. Ofcom therefore considers this Decision is compatible with Article 10.

5. Annex index

Annex reference	Summary of contents	Name of document
Annex 1 Content warning: explicit content	FTV websites user journey mapping (evidence captures)	FTV websites user journey mapping (evidence captures)
Annex 1A Content warning: explicit content	Screenshots obtained from web.archive.org	FTV - Wayback Machine Screenshots
Annex 2	Terms and Conditions for ftvgirls.com and ftv milfs.com	Ftvgirls.com and Ftmilfs.com terms and conditions accessed 03 Dec 25
Annex 3	Ofcom's advisory letter dated 17 January 2025	Ofcom advisory letter dated 17 January 2025
Annex 4	Ofcom's email to FTV dated 27 May 2025, attaching the advisory letter of 17 January 2025	Email from Ofcom to FTV with advisory letter, 27.5.25
Annex 5	Ofcom's case opening correspondence to FTV dated 9 June 2025	Case Opening Letter First Time Videos LLC
Annex 6	Ofcom's Draft Information Notice to First Time Videos LLC dated 30 September 2025	Request for Information - First Time Videos LLC 30.09.25
Annex 7	Ofcom's Final Information Notice to First Time Videos LLC dated 12 December 2025	Final Legal Notice - First Time Videos LLC 12.12.25
Annex 8	Ofcom's letter to FTV regarding the expansion of the scope of the investigation dated 8 January 2026	FTV - Expansion of Scope Notification
Annex 9	Correspondence from FTV's authorised legal representative dated 9 January 2026	Email from [redacted] to Ofcom re FTV investigation
Annex 10	Ofcom's response to FTV's legal representative dated 14 January 2026	Letter to [redacted] re First Time Videos LLC Investigation
Annex 11	Correspondence from FTV's legal representative regarding the information notice, dated 14 January 2026	Email from [redacted] to Ofcom re information notice
Annex 12	Correspondence from FTV's legal representative with response to questions regarding online payment methods, dated 15 January 2026	Email from [redacted] to Ofcom response to Information Notice

Annex 13	Ofcom's Draft Information Notice to First Time Videos LLC dated 28 January 2026	FTV s100 Draft Notice, 28.1.26
Annex 14	Response to Ofcom's Draft Notice from FTV's legal representative, dated 3 February 2026	Email from [X] to Ofcom response to draft Notice
Annex 15	Ofcom's Final Information Notice to First Time Videos LLC dated 16 February 2026	FTV s100 Final Notice, 16.02.26
Annex 16	Correspondence from FTV's legal representative including response to Legal Notice, dated 2 March 2026	Email from [X] to Ofcom - response to Final Legal Notice
Annex 17	Correspondence with FTV - email status delivery table	Email status - delivery receipts table
Annex 18	Correspondence with FTV - delivery status emails	Copy of delivery receipt emails
Annex 19	Cover letter to accompany the Provisional Decision, dated 30 March 2026	Cover letter to accompany the Provisional Decision
Annex 20	Correspondence from FTV's legal representative requesting a meeting with Ofcom, dated 1 April 2026	Email from [X] to Ofcom re meeting
Annex 21	Ofcom's response to FTV's meeting request, dated 14 April 2026	Letter to [X] re Oral Hearing Request