

## World Cancer Research Fund

Question	Your response
<p><b>Question 1:</b></p> <p>Do you consider Ofcom's proposed rule and the proposed definitions to be inserted into the BCAP Code reflect appropriately the requirements of Section 321A of the Communications Act? If not, please explain why.</p>	<p>Yes, they are in line with DHSC's recommendations and we are pleased to see that TV advertising for identifiable less healthy food or drink products will not be allowed to be shown between 5.30am and 9.00pm</p>
<p><b>Question 2:</b></p> <p>Do you consider Ofcom's proposed Rule 9.17A and the associated meaning, to be inserted into the Broadcasting Code, reflect appropriately the requirements of Section 321A of the Communications Act? If not, please explain why.</p>	<p>Yes, they are in line with DHSC's recommendations and we are pleased to see that programming (including a channel) may not be sponsored by an identifiable less healthy food or drink product between 5.30 am and 9.00 pm.</p>
<p><b>Question 3:</b></p> <p>a) Do you agree with Ofcom's proposal to designate the ASA as a co-regulator for the prohibition on online advertising for less healthy food and drink products?</p> <p>b) If you do not agree with the proposal to designate the ASA as a co-regulator, please explain why. If appropriate, please include any alternative approaches to regulating online advertising for less healthy food and drink products under the Communications Act 2003, explaining why such an approach would better fulfil the statutory requirements.</p>	<p>a) Yes. We agree with the proposal to appoint Ofcom as the regulator for broadcast media, with ASA as the co-regulator for online advertising.</p> <p>In relation to Ofcom's role as regulator, we ask that in addition to annual reports being provided to DCMS, a reporting mechanism is created to provide transparent information on the number of complaints, investigations and resolutions.</p> <p>With ASA's existing experience as a co-regulator of television advertising with BCAP, it should be able to extend its remit to online given the right support from Ofcom, government and Trading Standards (the current backstop regulator for online).</p> <p>The ASA, like Ofcom, should have full parity on enforcement and reporting of breaches of the regulations. ASA must also provide a mechanism for regular reporting on complaints</p>

	<p>etc, and on new and emerging online platforms that may be exempt from these restrictions.</p> <p>We consider that it is vital that Ofcom, as the backstop regulator, has full oversight of all complaints submitted to ASA rather than ASA being left to decide which complaints are referred to Ofcom.</p>
<p><b>Any additional comments on: Ofcom's proposed approach to enforcing the new prohibition on advertising for less healthy food and drink products online; and Ofcom's assessment of the impact of our proposed approach to implementing the new restrictions on advertising and sponsorship for these products on TV, ODPS and online.</b></p>	<p><b>Enforcement</b></p> <p>We believe that a strict enforcement regime is needed including:</p> <ul style="list-style-type: none"> <li>• Regular proactive monitoring to identify non-compliance. Reactive complaints are not sufficient.</li> <li>• Financial penalties such as fines for repeat non-compliance to deter repeat offenders.</li> <li>• A detailed definition of what constitutes a repeated and severe breach included in the legislation.</li> <li>• All breaches should be reported to government for robust oversight</li> <li>• Full transparency: Full details of all complaints, investigations and resolutions should be publicly available.</li> </ul>