

Title:

Forename:

Surname:

Representing:

Organisation

Organisation (if applicable):

The Advertising Association

Email:

What do you want Ofcom to keep confidential?:

Keep name confidential

If you want part of your response kept confidential, which parts?:

Just my personal name, if possible.

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Ofcom should only publish this response after the consultation has ended:

You may publish my response on receipt

Additional comments:

Question 1: a) Is the draft Scope Guidance set out above appropriate? b) If you do not agree that the draft Scope Guidance is appropriate, please explain why and suggest alternative wording where appropriate.:

Question 2: a) Is the proposed allocation of functions relating to set out in paragraphs 4.87 to 4.91 appropriate? b) If you do not agree that the proposed allocation of functions relating to notification is appropriate, please explain why and suggest an alternative, where appropriate.:

Question 3: Do you wish to suggest alternative approaches to either of both: a) the Scope Guidance, and/or b) the proposed allocation of functions relating to notification?:

Question 4: a) Do stakeholders agree with Ofcom's proposal that, subject to the necessary progress being made over the consultation period, it would be appropriate for Ofcom to designate co-regulatory functions to ATVOD on 19 December 2009, or thereafter, when all relevant aspects of the ATVOD Proposal have been agreed, in relation to the regulation of VOD editorial content? b) If you do not agree that it would be appropriate for Ofcom to designate ATVOD as the co-regulator for VOD editorial content, please explain why?:

Question 5: Do you wish to suggest alternative approaches to Ofcom's proposal to designate ATVOD as the co-regulatory body for VOD editorial content, and if so what are these? :

Question 6: a) Do stakeholders agree with Ofcom's proposal that it would be appropriate for Ofcom to designate co-regulatory functions to the ASA on 19 December 2009, in relation to the regulation of VOD advertising? b) If you do not agree that it would be appropriate for Ofcom to designate the ASA as the co-regulator for VOD advertising, please explain why?:

The Advertising Association, which represents all sides of the advertising and promotion industry in the UK, agrees with Ofcom's proposal to designate co-regulatory functions to the ASA in relation to VOD advertising. We confirm that, as mentioned in paragraph 6.11 of the consultation, the Advertising Association has consulted members of CAP and BCAP, as well as others in the advertising industry that provide VOD services, and the industry has agreed to the proposals set out in Ofcom's consultation.

The ASA already has vast experience in regulating VOD advertising and is the established one-stop shop UK advertising regulator. Therefore we strongly endorse the conclusions in sections 6.32-6.34 that designation of responsibility for VOD advertising regulation to the ASA via the Committee of Advertising Practice is the appropriate mechanism for regulating VOD advertising.

We also confirm the issue has been discussed by asbof, which has agreed to fund the ASA's new co-regulatory arrangements subject to a review after two years. We note that, subject to mutual agreement, the arrangements would continue for a further 8 years, consistent with the approach that has been taken for broadcast advertising co-regulation.

Question 7: Do you wish to suggest alternative approaches to Ofcom's proposal to designate the ASA as the co-regulatory body for VOD advertising, and if so what are these?:

No, the Advertising Association does not wish to suggest alternative approaches.

Question 8: a) Do our proposals, as outlined in Sections 4, 5 and 6 concerning: draft Scope Guidance, delegation of functions relating to notification, and the implementation of a new co-regulatory regime for VOD editorial content and VOD advertising have any likely impacts in relation to matters of equality, specifically to gender, disability or ethnicity? b) Do you agree with our proposal to retain the Access Duty in relation to VOD? c) Are there any other possible equality impacts that we have not considered?: