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Dear Martin

Private and confidential: commercial references and radio sponsorship

Many thanks for your email to Lisa Kerr of 4 August outlining Ofcom's thoughts on how to progress our request for a review of Sections 9 and 10 of the Broadcasting Code as they apply to sponsorship and commercial references on radio.

I am now writing to outline the Commercial Radio industry's view that whilst clarifications to guidance would be a helpful starting point, a full review of the Code is needed. This review should take a fresh look at the rationale for restricting commercial freedoms through the Code, ensuring that broadcasting standards regulation reflects a media ecology characterised by an increasingly media-literate public, a proliferation of services and declining spectrum scarcity.

We welcome your suggestion that such a review could take place in 2009 and offer our support in making this an urgent and key priority for Ofcom.

This letter responds to your request for a more formal 'shopping list', outlining the types of commercially funded editorial initiatives which we believe should be permitted on Commercial Radio, but which are prevented under a strict interpretation of the current code rules. I have outlined these examples in the attached paper, which also reiterates the background to our request.

Revising the Code to accommodate these ideas represents a key opportunity for the industry to work with Ofcom to secure Commercial Radio's future. I look forward to hearing from you soon to discuss how we can quickly and effectively progress this crucial work.

Yours sincerely

Andrew Harrison
Chief Executive

Commercial references and radio sponsorship

Overview

This confidential paper is designed to explain the rationale and opportunity for reforming the Broadcasting Code rules on commercial references and radio sponsorship before providing detailed examples of why and how change can be delivered.

Change would deliver clear benefits

We urge Ofcom to revise sections 9 and 10 of the Broadcasting Code as they apply to commercial references in radio programming for the following reasons:

- Reform will help to deliver a commercially viable future for radio
- The involvement of sponsors in programming will lead to better content for listeners
- Revising the Code would reduce ambiguity and confusion

Change is appropriate and feasible

We argue that Ofcom has the opportunity to revise the current rules since:

- The Code does not reflect levels of media literacy and the context in which radio content is broadcast
- The European and UK legislative framework gives Ofcom discretion to implement reform

Some specific areas in which Commercial Radio stations would like Ofcom to introduce greater flexibility

We identify five categories of programming and programming elements which warrant increased flexibility

- Competition questions and mechanics which relate to sponsors
- Promotion of public service campaigns
- Outside broadcasts and other cost-intensive programmes for which there is an obvious available sponsor
- Promotion of relevant products and services
- Promotion of online competitions

The rationale for change and the benefits that would flow from it

Reform will help to secure a commercially viable future for radio

Commercial Radio revenue has fallen by around 22% in real terms since 2000¹, whilst its cost base has grown dramatically, with outgoings spread across considerably more services, spectrum and distribution platforms than before.

The cause of this downward revenue trend is an increasingly challenging competitive environment. Significant analogue and DAB licensing and the growth of digital technology mean that spectrum and other platforms for distributing media content are no longer scarce. There were 126 Commercial Radio stations in 1993, whereas there are now over 500 Commercial and Community Radio services². 87% of the UK population now has access to multichannel digital television, broadband penetration has reached 58%, and there continues to be a large number of print publications available.

Reductions in Commercial Radio revenue have significant implications. Most obviously, they undermine the industry's ability to deliver high quality services or fulfil public purposes, with direct implications for listeners. They also undermine the rationale for maintaining more stringent regulatory restrictions on radio than on other media such as press. As Ofcom itself

¹ Based on Q1 2000 MAT figure of £595m and Q1 2008 MAT figure of £608m (Source: RadioCentre/Ofcom) and Office for National Statistics RPI figures for 2000-2007 (http://www.statistics.gov.uk/downloads/theme_economy/RP04.pdf).

² Ofcom, 'The Communications Market Report', August 2008, p. 245.

acknowledged in 2006, "the cost to the radio industry of ... public policy ... may now be becoming disproportionate"³. The annual cost to Commercial Radio of structuring the industry along its current lines to deliver public purposes has been calculated by Ofcom at £135m per annum⁴. Coincidentally, this cost is almost identical to the revenue which we calculate has been lost to the industry in real terms since 2000 (see inset).

Ofcom's work to address this deficit began with the implementation of new localness guidelines in early 2008. It has estimated that these deregulatory measures are likely to deliver annual savings in the order of £9.4m to £11.7m⁵.

Yet if, as Ofcom has acknowledged elsewhere, "radio continues to be at the forefront of developments in convergence"⁶, and if, as Ofcom states, convergence has undermined the justifiability of the existing £135m cost of public policy, then annual savings in the region of £10m or more through localness deregulation will not be sufficient to secure a viable long-term framework for Commercial Radio.

In its November 2006 Future of Radio discussion document, Ofcom addressed the revenue challenges facing Commercial Radio by stating that "there may be more that radio can do to win new revenues, such as a move from spot advertising to sponsorship or the increased use of music downloads"⁷. Indeed, sponsorship revenue now accounts for 17.8% of Commercial Radio turnover (or around £100m), having grown as a proportion of overall revenue by 25% since 2004⁸.

We agree that sponsorship and music downloads offer potential for revenue growth, yet the Broadcasting Code places significant restrictions on each of these areas. Liberalising Sections 9 and 10 of the Broadcasting Code will therefore be essential in accelerating existing growth in sponsorship and other non-advertising revenue.

The involvement of sponsors in programming will lead to better content for listeners

As well as improving Commercial Radio turnover, liberalising Sections 9 and 10 of the Broadcasting Code has the potential to grow overall listening, by allowing the development of better and more appealing content. Provided that it occurred within a framework of editorial principles, we believe that this relaxation would create no listener harm.

One of the key objectives for Ofcom as established in the Communications Act 2003 is for it to secure "the availability throughout the United Kingdom of a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a variety of tastes and interests"⁹. Commercial Radio plays an important role in meeting this objective, as

The accelerating cost of public policy to Commercial Radio licensees

£744m: Commercial Radio revenue, Q1 2000 (MAT), adjusted to today's prices (based on RPI)

£608m: Actual Commercial Radio revenue, Q1 2008 (MAT)

-22%: Growth in annual Commercial Radio revenue in real terms between Q1 2000 and Q1 2008

£136m: Deficit in Q1 2008 annual revenue, compared with 2000 (adjusted for RPI)

£135m: Cost of public policy to the Commercial Radio industry, as estimated by Ofcom in 2006.

£9.4m to £11.7m: Net industry savings from recent localness deregulation, as calculated by Ofcom in 2007

³ Ofcom, 'The Future of Radio: The Next Phase', November 2007, pg 18

⁴ Ofcom, 'The Future of Radio: Discussion Document', November 2006

⁵ Ofcom, 'The Future of Radio: the next phase', November 2007, p. 40, para. 3.95.

⁶ Ofcom, 'Draft Annual Plan 2008/09', page 19, para 4.42

⁷ Ofcom, 'The Future of Radio: discussion document', November 2006, p. 13

⁸ Source: RadioCentre / Ofcom. Sponsorship accounted for 17.8% of radio revenue in June 2008 (MAT), compared with 13.4% in June 2004 (MAT).

⁹ TSO, Communications Act 2003, Section 3 (2) (a)

demonstrated by RadioCentre's 2008 report, 'Action Stations! The Output and Impact of Commercial Radio'¹⁰.

However, as the total number of Commercial Radio stations increases, the share of total radio advertising revenue which is available to any single station is reduced. This restricts the opportunity for stations to invest in expensive programming strands which go beyond their core local news and information, music and entertainment formats.

Sponsorship of output provides an obvious funding solution to this problem, yet the current restrictions in Sections 9 and 10 of the Code restrict sponsor involvement in the creation of programmes. Without such support, and against a backdrop of fierce competition for advertising revenue, it is simply unfeasible for stations to produce expensive but potentially compelling programmes or programming elements unless they can recoup the costs of doing so.

Liberalisation could allow stations to develop more creative programming ideas in partnership with sponsors. Each of the examples we list in the final section of this paper would enhance editorial output and make stations more appealing to listeners.

A new approach to sponsored output may require the industry to develop a new approach to editorial principles to ensure that listeners cannot be harmed in any way. RadioCentre has already begun consideration of this on behalf of the industry following the recent Ofcom seminars on Trust in Broadcasting, and we identify our work in this area as a good opportunity to tackle any concerns that might arise from a revision of the Code.

We consider that the single most important principle to uphold will be absolute transparency for the listener in how the sponsorship arrangement is presented (so that listeners can identify promotional references and interpret them accordingly). The ability to demonstrate editorial justifiability will be a second principle of importance. These could be complemented by overarching principles of integrity, honesty and accountability which could apply to all Commercial Radio output.

Possible principles underpinning the inclusion of commercial references in Commercial Radio editorial output

- Transparency
- Editorial justifiability

Broader principles for Commercial Radio editorial output

- Integrity
- Honesty
- Accountability

Provided that these principles are maintained, RadioCentre believes that it is unnecessary to impose absolutist undue prominence and editorial independence (as opposed to editorial justifiability) requirements on content. This is particularly the case for radio programming, which:

- Consists of a continuous stream of different types of content (including music, news bulletins, weather and travel updates, station production, trails, 'whats on' and community listings and advertisements) rather than individual programmes with distinct production values.
- Has a long tradition of partnerships with sponsors in funding editorial initiatives, to the extent that sponsorship now accounts for 17.8% of all Commercial Radio revenue¹¹.
- Is familiar to listeners as a tool for promoting activities, products and services such as local station charities, community events, Disasters Emergency Committee appeals, programme-related materials and premium-rate telephony.

We do not advocate the complete removal of all restrictions on the inclusion of commercial references. Neither do we suggest that radio stations should have the same freedoms to include promotional messages within editorial output as they currently do within advertising airtime under the BCAP code. Yet by revisiting the key editorial principles that should underpin radio

¹⁰ See http://www.radiocentre.org/rc2008/documents/RC_CRCAPSBReportWEB.pdf

¹¹ Source: RadioCentre / Ofcom.

programming, Ofcom can construct a clear framework which will allow it to introduce greater flexibility to the Broadcasting Code without harming listeners, in each of the areas outlined below.

Revising the Code would reduce ambiguity and confusion

Over the last year, RadioCentre has witnessed a marked increase in requests for advice on running sponsored promotions from its members. This has revealed that there is confusion in advertiser circles about the rules, with government departments and local authorities often amongst those least aware that sponsorship packages cannot be readily combined with on-air editorial references to their products, services and campaigns. The widespread nature of these requests has underlined the extent to which the current code rules are out of sync with advertiser expectations and difficult for stakeholders to understand and implement.

Revisiting the rules would create an opportunity for Ofcom to reduce this confusion and improve the overall credibility of the Broadcasting Code. Our impression is that rules 9.5, 9.6, 10.3, 10.4, 10.5, 10.7 and 10.11 merit particular attention. Where possible, we have noted the impact of individual rules whilst outlining examples of programming ideas below.

In some instances, we feel that guidance could make allowances for certain programming ideas. In other cases, it is more apparent that the principles which underpin the Code need to be revisited. For instance, there is a clear tension between rules 9.5 and 10.3, which state that "There must be no promotional reference to the sponsor" and "Products and services must not be promoted in programmes", and the fact that any radio sponsorship carries the promotion of a brand's product or service as an implicit objective.

Similarly, we believe that the term 'undue prominence', as featured in rule 10.4 ("No undue prominence may be given in any programme to a product or service") is unhelpful and ambiguous. It is also worth noting that the guidance for 10.4 states that the way a brand is referred to should not be the subject of negotiation. We believe that this places excessive strain on the relationship between an advertiser and a station, given that advertisers generally expect such negotiations to occur during discussions with providers on other platforms.

The way that each of these rules is worded discourages all but the most basic of brand credits and we believe that they should be reworded to explain the instances in which it is appropriate for a sponsor or their product, service or campaign to receive favourable coverage.

We also suggest that the rules should be drafted in such a way as to allow the nature of the sponsor's business to be taken into account. For instance, our members have informed us that it is generally harder to describe a service than a product without straying into what could be described as a 'promotional' reference under the code. Examples include a directory enquiries service, or a mobile network's music download service. There is also often difficulty when a brand is launching into the market, such that the brand name alone may not make sense to listeners. Finally, where a brand's business is closely aligned with the content and output of a particular service, it is more likely to be editorially relevant. We suggest that this likelihood could be accommodated in a revised Code.

Change is appropriate and feasible

The Code does not reflect levels of media literacy and the context in which radio content is broadcast

We recognise that the Broadcasting Code needs to protect listeners, and we support the retention of safeguards on the credibility of radio programming. However, our view is that given improved media literacy and the ability of listeners to accommodate a more liberal regime, a controlled relaxation of the Code could take place. This could allow commercial references to be

transparently and justifiably included in editorial in such a way as recognises listeners' modern-day ability to interpret and understand radio.

As the Foreword to the current Code outlines, the Communications Act makes the context within which content is broadcast the focus of regulating standards. This context covers both the medium used to distribute the content (such as radio), as well as citizen and consumer expectations regarding that medium.

The digital media age has witnessed improvements in media literacy (including radio listeners' ability to interpret and understand media), whilst broadcasting standards regulation remains static. Although Ofcom's most recent Media Literacy report did not track how audience attitudes have changed over time, it uncovered evidence of increased access to and usage of media devices in households – key proxies for media literacy¹².

Against this backdrop of increasingly sophisticated media consumption and the media fragmentation outlined above, Ofcom's Media Literacy report identified consumer recognition that regulation of radio content must not be overly restrictive. Of all media, radio secured the highest level of agreement that it should be "free to be expressive and creative" (77%) with 72% agreeing for television. This is significantly higher than the equivalent finding for the internet (53%), which had fallen since 2005¹³.

Media literacy and the changing face of Commercial Radio

126: Number of Commercial Radio stations in 1993

320: Number of Commercial Radio stations in 2007

179: Number of Community Radio stations licensed by July 2008

58%: Household broadband penetration, Q1 2008

77%: People who agree that radio should be free to be expressive and creative+

12%: People who have concerns about what is on the radio

63%: People who have concerns about what is on the internet

Perhaps unsurprisingly, Ofcom also found that consumers feel that the freedom for radio to be creatively expressive should exist within a framework of consumer protection, albeit one that encourages innovative new ideas: 79% of adults agreed that radio users must be protected. In fact this was an area in which audiences had very similar attitudes towards all media surveyed. Similar proportions of people agreed that users of television (76%), internet (78%), and mobile (78%) content should be protected¹⁴. Yet there was much more variation in attitudes towards current editorial standards on different media. In fact Ofcom's research revealed very low levels of dissatisfaction with radio content, with audience concerns overwhelmingly focusing on other media. Only 12% of consumers have concerns about what is on the radio, compared with 63% for the internet and 55% for television¹⁵.

Unfortunately, Ofcom's research did not cover print media such as newspapers and magazines – which is unfortunate given that they would have provided useful points of comparison, given the more flexible regulatory framework to which each is subject.

Nevertheless, these audience attitudes clearly suggest that the current regulatory approach to radio is disproportionate. The restrictions governing radio editorial are more severe than those which cover other media (particularly local print media and the internet). In the absence of clear evidence as to why audiences should be treated differently when the context to their media consumption is a radio broadcast rather than a local newspaper, we believe that Ofcom

¹² Ofcom, 'Media Literacy Audit: Report on UK adults' media literacy', May 2008, p. 5.

¹³ Ofcom, 'Media Literacy Audit: Report on UK adults' media literacy', May 2008, p. 56-58.

¹⁴ Ofcom, 'Media Literacy Audit: Report on UK adults' media literacy', May 2008, p. 56-58.

¹⁵ Ofcom, 'Media Literacy Audit: Report on UK adults' media literacy', May 2008, p. 66.

should deregulate with a view to redressing this imbalance and meeting the objectives for broadcasting standards as laid down in the Communications Act.

The European and UK legislative framework gives Ofcom discretion to implement reform

In its work to maintain broadcast standards through the Broadcasting Code, it is important to note that Ofcom has the legal flexibility to take account of these media literacy trends and evolving consumer expectations. This extends to having significant discretion in the arrangements it makes in relation to the inclusion of commercial references in radio programming, with no prohibitions on this existing in UK or European law.

As well as giving Ofcom new powers to promote media literacy, the 2003 Communications Act was deliberately un-prescriptive in shaping the terms for broadcast programming regulation, with Section 319 instead setting out objectives and matters for Ofcom to take into account in drawing up a standards code¹⁶. Section 321 adds that Ofcom's standards code "must include general provision governing standards and practice in advertising and in the sponsoring of programmes"¹⁷. However, neither section stipulates the treatment of commercial references in radio programming.

Similar flexibility is found in European legislation. Like its predecessor Television Without Frontiers Directive (TWF), the new 'Audio Visual Media Services' Directive (AVMS) does not apply to radio, yet it underpins the approach taken to broadcasting content regulation on both television and radio. For instance, Article 17 of TWF specifies that sponsored television programmes "must not encourage the purchase or rental of the products or services of the sponsor or third party, in particular by making special promotional references to those products or services"¹⁸, a prohibition which is echoed in Article 3(g) of AVMS and Sections 9 and 10 of the Code. Since AVMS does not apply to radio, Ofcom is free to consider whether it is proportionate and necessary to extend to radio a regulatory approach that was designed for television.

Some specific areas in which Commercial Radio stations would like Ofcom to introduce greater flexibility

RadioCentre has received a number of examples of currently prohibited programming ideas from its members, which we have grouped under common headings below. Properly executed, each of these ideas could be compatible with overarching principles of editorial justifiability and transparency and would avoid undermining programming integrity, honesty or accountability.

The examples which follow represent a non-exhaustive list, but they are provided in order to give Ofcom an impression of the types of ideas which the industry has, as well as the principles which underpin them.

Competition questions and mechanics which relate to sponsors

A number of Commercial Radio groups have given us examples of instances where they are asked to run a competition by a sponsor where the question or wider competition mechanic relates to the sponsor. This is currently restricted by Code rules such as 10.11 and has a number of detrimental effects:

- Competitions are used by radio stations as a key way in which to interest audiences and to attract new listeners. The current Code restrictions naturally limit the extent to which a radio station can generate excitement about competitions and prizes.

¹⁶ TSO, 'Communications Act 2003', Section 319.

¹⁷ TSO, 'Communications Act 2003', Section 321.

¹⁸ Television Without Frontiers Directive (97/36/EC), Article 17 (1) (c).

- It is helpful from both a transparency and editorial point of view to be able to establish the 'context' for a competition – specifically why the competition is taking place, specific details of the prize and details of who has supplied it.
- These restrictions prevent radio stations from using compelling and creative material which a sponsor might otherwise be able to supply as part of a competition mechanic.

Examples supplied by RadioCentre members include:

- A number of stations have run competitions to give away a holiday but been unable to ask questions about destinations which the sponsoring holiday company flies to, or, once the prize had been won, to give on-air details about the prize (the flight, the hotel, the activities etc).
- One radio station was recently approached by a leading Premier League football team and its shirt sponsors about a competition which would have involved questions about the team in question.
- A number of Commercial Radio stations recounted requests from leading high-street household and fashion stores to feature shopping-based mechanics. One store requested that the presenter describe a competition by saying 'Clothing Store X has a daily delivery of the latest fashion, so we have a daily delivery of prizes all week on the breakfast show'.
- Film-related competitions are another key area for Commercial Radio stations. From an editorial, creative and interactive point of view, it makes good sense for a radio station to be able to run a competition mechanic which is based on the characters, super powers or setting of a new Spiderman film. At present, when a radio station does a film promotion it is restricted to mechanics which, for example, concern trips to the cinema or popcorn. This type of editorial approach is inevitably less compelling for listeners.

Promotion of public service campaigns

Government departments and local authorities are amongst Commercial Radio's most important clients. These advertisers use Commercial Radio because it offers effective audience targeting. For instance, XFM and Kiss offer access to a large number of young people and are well-suited to adverts for campaigns such as those which strive to reduce drink-driving. Similarly, local stations offer good opportunities to reach specific areas of the UK with targeted messages.

However, because references to a sponsor's activities are prohibited under rule 9.5 of the code, paid-for public information campaigns cannot be featured in Commercial Radio editorial, even when editorially justified. We believe that their integration within programming could be readily achieved without the key principles of transparency and editorial justification being compromised, provided that the sponsorship arrangement with the local or national government department or campaign was made explicit.

There is a similar but related type of idea in which a non-publicly funded organisation expresses an interest in using a radio to promote a public service campaign of its own which has the objective of promoting its credentials as a socially responsible brand rather than directly encouraging the purchase of rental of specific products and services.

Significantly, opportunities to feature either publicly or non-publicly funded campaigns of this kind would have clear public service benefits. They would utilise the traditionally high reach which Commercial Radio has amongst different sectors of the population to deliver public policy objectives across a range of health, crime, education and environmental agendas.

Examples of potential public service campaigns which could be featured in radio programming include:

- A supermarket's competition for children to design an environmentally friendly 'bag-for-life' for use in local stores, with a view to encouraging families to recycle
- A local council's competition for children to create a jingle which could be used in council advertising to encourage recycling

Outside broadcasts and other cost-intensive programmes for which there is an obvious available sponsor

RadioCentre has learned of a number of ideas for one-off programmes or series and outside broadcasts which would be editorially justified and highly attractive to audiences, but expensive to make and therefore unviable without sponsorship. However, such output becomes problematic when sponsored. These programmes are consequently never made, an outcome which benefits neither listeners nor stations.

Examples include:

- An outside broadcast at the opening of Heathrow Terminal 5 which would be of strong interest to listeners in London but which would only be financially viable if BA or BAA could be secured as a sponsor.
- An outside broadcast from a local food festival, with longer or short form programming about local produce from their area. As it stands, this could not be sponsored by the local federation of food manufacturers, something which would be necessary to support and fund the creation of content of this kind.
- An outside broadcast from a theme park on the continent would similarly provide opportunities to enhance editorial output with unusual and appealing programming. Sponsorship of such a broadcast by the theme park operator could be transparently established but it would contravene the code if the sponsor then had any involvement in its content.
- A series of outside broadcasts from local workplaces under the tagline 'you listen to *us* at work, so we're coming to see *you* at work' which is sponsored in some or all instances by local businesses.
- More than one RadioCentre member has been approached in the past by the Ministry of Defence about an opportunity to send a presenter on an Army training course. Although this would have made a compelling programme, it could not be sponsored by Army Recruitment.

In each case, transparency could easily be achieved.

Promotion of relevant products and services

The Broadcasting Code already makes exceptions to the general prohibitions on promotional references in the case of programme-related materials and premium-rate telephone and text numbers. RadioCentre has identified opportunities for a general increase in the amount of flexibility available to radio stations to include commercial references in programmes where editorially justified, with a view to allowing the creation of more compelling and editorially engaging output. This could be targeted at allowing the promotion of products and services which are likely to be of particularly wide relevance to listeners, but which are not directly provided by the broadcaster (such that they cannot be classified as programme-related materials under rule 10.7).

As well as being excessively inflexible, we believe that the current regulatory approach in this area is unfair and inconsistent, in view of the different editorial policy which the BBC operates under. The BBC currently promotes products and services such as tickets agents for third-party events like Glastonbury in a way which Commercial Radio is unable to do. We infer that the BBC may be following a different policy approach in relation to the promotion of programme-related materials, which is giving it an unfair advantage in forming relationships with potential partners in creating editorial output (such as events organisers). This benefits no one but the BBC and is likely to create confusion amongst listeners. That said, the evidence that listeners have not complained about the BBC's more relaxed approach in this area suggests that equivalent freedoms for Commercial Radio would not lead to any consumer harm.

Examples of products and services which we believe should be allowed to be promoted include:

- Tickets for an event, such as a concert or local fair, which a station was covering in editorial output.
- An opportunity to download a song heard on a radio station.

On the latter point, prior to altering its strategy for its download service, Cliq, UBC Media informed us that they would like to be able to enter into agreements with Commercial Radio stations to broadcast promotional references to it at the beginning and end of songs. The following are examples of the type of promotional references which they proposed for inclusion:

- 'You can download the song you just heard right now on <station name>. Text 78901 for your free mobile application now! Or go to <station website> for more details.'
- 'This is one of our most downloaded/requested songs on <station name>. To download it instantly to your PC, just text 78901 for your free mobile application. Go to <station website> for more details.'

Promotion of online competitions

Finally, we believe that there should be greater flexibility for Commercial Radio stations to promote online competitions. These could be permitted in circumstances where the sponsorship arrangement is established transparently and the promotion is editorially justified. Provided that such activity is handled in these terms, we do not view the promotion of online commercial content as being likely to create consumer harm. The current restrictions place a substantial impediment on Commercial Radio's ability to build new online revenue streams to address the gap in on-air advertising revenue affecting many stations.

Online competitions fall into two categories:

- Firstly, Commercial Radio stations are currently permitted to direct people to their websites in programming, but are unable to direct them to online-only sponsored competitions or other commercial content. This has the unintended consequence of forcing stations to create on-air activity that would not have otherwise existed, so as to allow the online material to be promoted as being related to programming.
- Secondly, there are instances in which it would be editorially justifiable for a Commercial Radio station to direct listeners to a competition which is operated by a third party. The Code does not currently account for this.