

BCAP RULES ON THE SCHEDULING OF TELEVISION ADVERTISEMENTS

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BCAP Rules on Scheduling of Television Advertisements

Comprising section 4 of the former ITC Rules on the Amount and Scheduling of Advertising.

Foreword

The BCAP Television Advertising Standards Code sets out the rules that govern advertisements on any television channel licensed by Ofcom. The rules are framed to ensure that advertisements are 'legal, decent, honest and truthful' and do not mislead or cause harm or serious or widespread offence.

Section 4 of the former ITC Rules on the Amount and Scheduling of Television Advertisements is published here as the BCAP Rules on the Scheduling of Advertising. They deal with the specifics of the separation of advertisements and programmes.

From 1 November 2004, the Code and this section of the rules have been the responsibility of the Broadcast Committee of Advertising Practice (BCAP), under contract from the broadcasting and telecommunications regulator Ofcom.

More information is available on the BCAP section of the CAP website via www.cap.org.uk.

Ofcom took over the responsibilities of the former Independent Television Commission (ITC) in December 2003. Under the Communications Act 2003, Ofcom was encouraged towards contracting-out functions to a co-regulatory partnership with effective self-regulation where appropriate.

After public consultation and parliamentary approval, Ofcom authorised BCAP to take responsibility for maintaining, reviewing and updating the Code.

Complaints about apparent breaches of the Code or the rules will be considered by the Advertising Standards Authority, through its broadcasting arm ASA(B). Complaints to the ASA can be made via www.asa.org.uk.

The rules published here are extracted from the original ITC rules. The changes reflect only the new co-regulatory partnership between Ofcom, the ASA and BCAP. The original section numbering has been retained. References in the previous code to the ITC have been reviewed and changed, where necessary, to BCAP, Ofcom or the ASA.

The full rules on the Amount and Distribution of Advertising, to which the BCAP Rules refer, may be consulted on the Ofcom website.

SECTION 4

Particular Separations of Advertisements and Programmes

General Principles 4.1

4.1.1 BCAP expects licensees to exercise responsible judgement on the scheduling of advertising and in particular to operate internal systems capable of identifying in advance, and avoiding, inappropriate juxtapositions between advertising material and programmes, particularly those which could cause distress or offence to viewers.

4.1.2 Particular sensitivity is required in relation to advertising inserted in or around news programmes where a news item, especially one of a tragic nature, may completely transform the context in which an advertisement having some apparent connection with it may be perceived by viewers. In some cases of this kind a separation from news references may be insufficient and it may be preferable to suspend the advertising altogether in order to avoid distress or offence.

Specific Separation Requirements 4.2

GENERAL NOTES:

(i) The term 'adjacent' where used in these rules refers to a break immediately before or after the programme in question.

(ii) The term 'children's programmes' means programmes made for children below the age of 16.

(iii) Channels devoted to children's programmes, or whose programmes are or are likely to be of particular appeal to children, will be unlikely to be able to carry at any time advertising of the kind restricted under 4.2.1 and 4.2.2 below. Such channels should also take particular note of 4.2.3 and 4.2.4. Thus, for instance, dedicated children's channels may not carry any advertising for products or services restricted under 4.2.1(b) below, namely: lotteries, pools and food or drinks assessed as high in fat, salt or sugar (HFSS).

(iv) For the avoidance of doubt, any given timing, programme category or age band restriction subsumes any other less severe restriction. Thus, a 'post 9pm' subsumes both a 'post 7.30 pm' as well as the restriction on scheduling in or adjacent to children's programmes or programmes likely to have a significant child audience. Similarly, a prohibition on transmission in 'children's programmes', includes e.g. programmes made for pre-school children. Particular care needs to be exercised where a programme for, or likely to be of interest to, children is transmitted late in the evening or in the small hours, as for example at Christmas. Where such a programme is transmitted after 9pm, no advertisement carrying a timing restriction may be transmitted in or around that programme.

Children and young people 4.2.1

(a) The following may not be advertised in or adjacent to children's programmes or programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:

(i) alcoholic drinks containing 1.2 per cent alcohol or more by volume; (See also 4.2.5 below) (See note (iii) below on identification of programmes of particular appeal)

(ii) gambling except lotteries, football pools, equal chance gaming (under a prize gaming permit or at a licensed family entertainment centre), prize gaming (at a non-licensed family entertainment centre or at a travelling fair) or Category D gaming machines (*see 4.2.1(b) below*);

(iii) religious matter subject to the rules on Religious Advertising in the BCAP Television Advertising Standards Code;

(iv) slimming products, treatments or establishments.

(b) The following may not be advertised in or adjacent to children's programmes or programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 16:

(i) lotteries;

(ii) football pools;

(iii) equal chance gaming (under a prize gaming permit or at a licensed family entertainment centre);

(iv) prize gaming (at a non-licensed family entertainment centre or at a travelling fair);

(v) Category D gaming machines.

(vi) food or drink products that are assessed as high in fat, salt or sugar in accordance with the nutrient profiling scheme published by the Food Standards Agency (FSA) on 6 December 2005.

(c) The following may not be advertised in or adjacent to children's programmes or programmes which are of particular appeal to children under 10:

(i) female sanitary protection products.

(d) The following may not be advertised in or adjacent to children's programmes:

(i) drinks containing less than 1.2 per cent alcohol by volume when presented as low or no-alcohol versions of an alcoholic drink;

- (ii) liqueur chocolates;
- (iii) matches;
- (iv) medicines, vitamins and other dietary supplements;
- (v) trailers for films or videos carrying an 18- or 15- certificate;

NOTES:

(i) Full details of the FSA's nutrient profiling scheme are available on the FSA website at:

<http://www.food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod>

(ii) The restrictions above include sponsorship of the programme.

(iii) Particular appeal – See ASA Advertising Guidance Note 5 - Audience indexing: identification of programmes likely to appeal to children and young people.

(iv) Depending on content and, in particular, on the extent and nature of any portrayal of violence or sexual activity, an alternative timing restriction such as post 7.30pm, post 9pm or even later may often be appropriate for material in category (d)(v), particularly that which is 18 rated.

(v) Again subject to content, this does not preclude the scheduling in or adjacent to children's programmes of advertisements containing brief extracts from films where these are used in connection with promotional offers derived from films for other types of product or service.

Merchandise Based on Children's Programmes 4.2.2

Advertisements for merchandise based on children's programmes must not be broadcast in any of the two hours proceeding or succeeding episodes or editions of the relevant programme.

NOTE:

The ASA reserves the right to require a wider separation in the case of some programmes, including a prohibition of any advertising while a particular series is running. See also 4.2.7(c) below.

Treatments Unsuitable for Children 4.2.3

Advertisements which might frighten or cause distress to children of particular ages or which are otherwise unsuitable for them (eg because they refer explicitly to sexual matters) must be subject to appropriate restrictions on times of transmission designed to minimise the risk that children in the relevant age group will see them. This does not preclude well-considered daytime slotting for such material but licensees should take account of factors such as school holidays, which may affect child viewing levels. In some cases, material which would be incomprehensible to pre-school children and

could, therefore, reasonably be shown when they are viewing with parents, may be more problematic in relation to older children.

Post-watershed 4.2.4

- (a) The following may not be advertised before 9pm:
Advertisements in which personalities or other characters (including puppets etc.) who appear regularly in any children's television programme on any UK television channel present or positively endorse products or services of special interest to children. *(See Note to 4.2.7(c) below.)*
- (b) The following may not be advertised before 9pm without the prior agreement of BCAP:
- (i) Advertisements in which children are shown having any medicine, or vitamin or other dietary supplement administered to them;
 - (ii) Advertisements for medicines, vitamins or other dietary supplements which use techniques that are likely to appeal particularly to children, such as cartoons, toys or characters of special interest to children.
 - (iii) Condoms.

NOTE:

BCAP has agreed that, subject to copy content, the restriction on the advertising of condoms on Channel 4 will until further notice be 7pm.

Religious programmes 4.2.5

The following may not be advertised in or between religious programmes:

- (i) Alcoholic drinks containing 1.2 per cent alcohol or more by volume. *(See also 4.2.1 (a) above).*

Charities 4.2.6

The following may not be advertised adjacent to any appeal or community service announcement transmitted in programme time:

- (i) Advertisements which fall to be considered under the section of the BCAP Television Advertising Standards Code relating to Charity Advertising.

Persons Appearing in Advertisements and in Programmes 4.2.7

- (a) In order to maintain a distinction between programmes and advertisements that is clear to the viewer, and to minimise any risk of confusion between the two, advertisements featuring a well known personality or performer, or a person who takes a leading role in or whose appearance is central to a programme, must not be scheduled in breaks in or adjacent to that programme. For these purposes cartoon and puppet characters are classed as 'persons'. Notes (i) to (v) below set out permissible exceptions to this rule.

NOTES:

(i) No separation is required in respect of advertisements broadcast in or adjacent to feature films which, for the purposes of this rule, are defined as dramas which are created for the cinema and first shown theatrically or for direct video release.

(ii) No separation is required in respect of advertisements broadcast in or adjacent to news programmes or immediately topical current affairs

programmes.

(iii) An incidental and non-speaking appearance in a programme by a person (eg where a star player is seen only as part of a team in the broadcast of a sporting occasion) will not attract the restriction, provided it is immediately and clearly apparent from the style of the advertisement that the individual's appearance in it could not be taking place at the same location as that of the programme.

(iv) Advertisements containing appearances by persons in extracts from other programme footage should adopt the scheduling restriction of 4.2.8 below. Where the person themselves presented the advertisement the full separation in 4.2.7(a) would apply.

(v) In the case of appearances by persons in magazine style programmes or programmes such as pop concerts or variety shows, the restriction applies only to the breaks adjacent to the programme segment in which they appear.

- (b) Except in the circumstances described in Note (iv) above an advertisement featuring someone who appears regularly as a leading performer or participant in a series or serial must not be broadcast in breaks in or adjacent to the programme in question, whether or not he or she appears in that episode.
- (c) Advertisements in which persons (including puppets, etc.) who appear regularly in any children's television programme on any UK television channel present or positively endorse products or services of special interest to children, must not be broadcast before 9pm.

NOTE:

4.2.7(c) does not apply to public service advertisements or to characters specially created for advertisements. (See also 4.2.4 (a) above)

Extracts from Programme Material 4.2.8

The BCAP Television Advertising Standards Code sets out circumstances in which it is permissible for advertisements for products or services which are based on a particular programme to contain elements from that programme. Such advertisements must not be scheduled in breaks in or immediately preceding any episodes or editions of the programme to which they relate but may appear in the break immediately following provided they are not first in the break.

NOTE:

In the case of advertisements containing extracts from children's programmes the two hour restriction in 4.2.2 above applies.

Programmes Featuring Advertisements 4.2.9

Advertisements for products or services which appear in any advertisement shown as part of programme content may not be transmitted within or adjacent to that programme.

NOTE:

(i) This restriction does not apply to public service announcements transmitted in and around news and current affairs programmes which may show all or part of that announcement as part of the editorial content.

(ii) Ofcom's Broadcasting Code has specific requirements regarding advertisements within programmes (see Section 10.6). See also Section 10.3 for rules specific to the promotion of material in direct support of programmes.

UK Politicians 4.2.10

For the purposes of this rule, a 'politician' is defined as a Member of, or candidate for, the European or UK Parliament, other elected assemblies in the UK, or a local authority, together with any person prominent in a political party organisation.

- (a) Once a General or European Election, or a by-election for the UK or European Parliament, or a local election (excluding a local by-election) has been called, no advertisement featuring a UK politician may be shown in any area in which the election is taking place.
- (b) In the case of Parliamentary by-elections and local authority elections, advertisements featuring candidates must not be shown in breaks in or adjacent to national news or election results programmes in areas where an election is taking place.

Live Parliamentary Broadcasts 4.2.11

There are particular requirements applicable to advertisements in or adjacent to broadcasts of live Parliamentary proceedings. See Section 10.

Other separations and timing restrictions 4.3

- (a) The ASA reserves the right to issue directions requiring separations between particular advertisements or types of advertisement and particular programmes or types of programme for reasons or in ways that go beyond those listed above. These separations will usually be one of the following:
 - (i) not first and / or last in any advertising;
 - (ii) not in the two hours preceding or following a particular programme;
 - (iii) not for the duration of a programme series;
 - (iv) neither for the duration nor for a given period after and/or before the series.
 - (v) not before 7.30pm.
 - (vi) not in or adjacent to programmes with a specific audience index..
- (b) On encrypted subscription services where normal programme content-related scheduling constraints have been relaxed, advertising appearing similarly encrypted on such a service may reflect the programme scheduling
Example: Where the programme watershed has been moved on such a service, say to 8pm, then encrypted advertisements that attract a watershed timing restriction will be permitted after 8pm rather than after 9pm.