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Proposal for the regulation on advertising on Video-Sharing Platforms

The Antisemitism Policy Trust is a charity that aims to educate and empower parliamentarians and policy makers to address antisemitism. For more than ten years, the Trust has provided the secretariat to the All-Party Parliamentary Group (APPG) Against Antisemitism.

We welcome plans to regulate advertising on Video-Sharing Platforms, in order to protect internet users from harm. We find the proposed regulatory framework comprehensive and are pleased that it includes measures against material that can incite hatred or violence against a group, or a member of a group. We support the notion that online advertisers should adhere to the general advertising requirement.

The division into VSP controlled and non-VSP controlled advertisements seems sensible, as are the penalties for VSPs that fail to carry out their duties. We welcome the decision to regulate non-VSP advertising, that can lack transparency and promote harmful content.

We have previously engaged with the Advertising Standards Agency (ASA) and found it to be a helpful and constructive interlocutor. However, we do have a concern regarding its designation as co-regulator of VSP-controlled advertisements. The ASA took a decision a number of years ago not to regulate political advertising during elections in non-broadcast media¹. The All-Party Parliamentary Inquiry into Electoral Conduct found in its 2013 inquiry that racism and discrimination – including antisemitism² and far-right material³ – is prevalent in campaigning, including in political advertising. The panel argued that the lack of a code of conduct for online political advertising has been problematic and that “It may be that codes in broadcast media have

¹ <https://www.asa.org.uk/news/why-we-don-t-regulate-political-ads.html>

² https://www.antisemitism.org.uk/wp-content/uploads/2019/02/3767_APPG_Electoral_-_Parliamentary_Report_emailable.pdf p.19.

³ Ibid. p.20.

enabled the development of a culture of responsibility which could be replicable.”⁴ Based on this, the Antisemitism Policy Trust has called for a code of conduct for political advertising to be adopted by political parties and for regulation. Unfortunately, no binding code exists today. We believe that the gap in regulating political advertising by the ASA, both online and offline, needs to be closed. Failing to do this will make the regulation less effective in protecting the public.

In addition, the proposed Online Safety Bill, as currently drafted, places additional duties to protect content of 'democratic importance' on what will be designated category one platforms. This means that politicians and political parties might in some cases be provided additional protections when expressing racist, misogynistic and other hateful views, and disseminate disinformation, including in political advertising. These parties or individuals would not only be potentially protected under the law – but perhaps through the lack of regulation under the proposed advertising arrangements for VSPs. Allowing extremists and racists to spread their harmful content freely, without adhering to regulation and to the general advertising requirements can undermine the democratic process rather than protect it. Our [briefing](#) on the Online Safety Bill addresses this issue. We recommended that: “The wording of the counter-balancing duties should be amended to add specificity to the relevant categories of content, or to reference a set of standards to be outlined by the regulator.”⁵

In short, we hope Ofcom will consider and risk-assess a potential double loophole provided both by the Online Safety Bill and the ASA’s reluctance to regulate in this area, and seek to put in place appropriate protections, which might include specific guidelines around electoral advertising.

The Trust would be pleased to speak with Ofcom and ASA officials about these or related concerns.

⁴ [https://www.antisemitism.org.uk/wp-content/uploads/2019/02/3767_APPG_Electoral - Parliamentary Report_emailable.pdf](https://www.antisemitism.org.uk/wp-content/uploads/2019/02/3767_APPG_Electoral_-_Parliamentary_Report_emailable.pdf). p.68.

⁵ <https://antisemitism.org.uk/wp-content/uploads/2021/07/Draft-Online-Safety-Bill-7.pdf>, p.6.