

Your response

Question	Your response
<p>Question 1a: Do stakeholders agree with Ofcom’s proposed guidance on control of advertising, including the application of the terms ‘marketed, sold or arranged’?</p>	<p>Yes</p>
<p>Question 1b: If you do not agree with the proposed guidance on control of advertising, please explain why, and include any alternative approaches.</p>	
<p>Question 2a: Do stakeholders agree with Ofcom’s proposed framework for regulating VSP-controlled advertising?</p>	<p>Y</p>
<p>Question 2b: If you do not agree with the proposed framework for regulating VSP-controlled advertising, please explain why, and include any alternative approaches for regulating advertising on VSPs.</p>	<p>SafeCast is of the view that consumers always need to know when they are being shown advertisements and sponsored messages rather than non-commercial content. To this end, SafeCast supports the inclusion of provenance, ownership and product placement metadata in all digital advertising so that non-compliant content (and advertising) can be automatically filtered away from viewers through the use of lightweight filters. With embedded labelling as part of the regulated ecosystem, trustworthy brands can enhance and support content of all kinds on all platforms. Such an automated protective measure would stop unfair competition by non-compliant advertisers against trusted digital brands and could eliminate consumer demands for ad blocking.</p> <p>For full details please see the end of this Form</p>

Question 3a: Do stakeholders agree with Ofcom's proposal to designate the ASA as a co-regulator for VSP-controlled advertising?

Y
For full details please see the end of this Form

<p>Question 3b: If you do not agree that it would be appropriate to designate the ASA as a co-regulator for VSP advertising, please explain why, and include any alternative approaches.</p>	
<p>Question 4a: Do stakeholders agree with Ofcom's proposed guidance on non-VSP-controlled advertising?</p>	<p>Y</p> <p>For full details please see the end of this Form</p>
<p>Question 4b: If you do not agree with the proposed guidance on non-VSP-controlled advertising, please explain why, and include any alternative approaches.</p>	
<p>Question 5a: Do stakeholders agree with Ofcom's proposed approach to regulating non-VSP-controlled advertising?</p>	<p>Y</p> <p>For full details please see the end of this Form</p>
<p>Question 5b: If you do not agree with the proposed approach to regulating non-VSP-controlled advertising, please explain why, and include any alternative approaches.</p>	

Please complete this form in full and return to vspreulation@ofcom.org.uk

SafeCast response to Ofcom Consultation

[Ofcom's proposal](#) to put the Advertising Standards Authority (ASA) in control of day-to-day regulation of VSP-controlled advertising, with Ofcom as a statutory backstop regulator, is a light touch regulatory measure which needs to be fully supported by the advertising industry.

The “*Vogue effect*”, in which great advertising enhances the value of the publisher’s offering, is the driver behind successful brands and customer enjoyment. Good and trustworthy advertising is the revenue generator for a mass market of public service content which is free-to-air on television and the internet. Revenues from advertising pay for much of the content which is enjoyed by users and it is important that regulatory compliant advertising on the internet is not blocked. In the major US marketplace, the IAB 2015 report confirmed that advertising “*represents \$350 billion of the U.S. gross national product and consumers depend on it to help make \$9 trillion of annual spending decisions.*”

Ofcom’s regulatory framework in the UK has always required major television and radio broadcasters to make a clear demarcation between advertisements (including product placement) and content. SafeCast supports Ofcom’s regulatory role in making this requirement applicable to VSPs whose rapid growth has outrun regulation. Over recent years a proliferation of ad-blocking technologies, required to combat unacceptable conduct by some new market entrants, has caused harm to the legitimate digital advertising industry and their brands. Unregulated product advertising has abused consumer engagement and enjoyment of both content and advertising.

Advertisements on UK commercial television already contain provenance, ownership and product placement information because all UK television advertising fully complies with the CAP Code and advertisements have to pass through a pre-approval process run for the UK broadcasters by Clearcast. SafeCast considers that consumers who view advertisements and product placement messages on VSPs should be given equivalent protections.

Advertising on all platforms that are available in the UK needs to be traceable and regulatory compliant with click-fraud eliminated so that consumers can continue to rely upon advertising as being “*legal, decent, honest and truthful*”.

SafeCast is of the view that consumers always need to know when they are being shown advertisements and sponsored messages rather than non-commercial content. To this end, SafeCast supports the inclusion of provenance, ownership and product placement **metadata** in all digital advertising so that non-compliant content (and advertising) can be automatically filtered away from viewers through the use of lightweight filters. With embedded labelling as part of the regulated ecosystem, trustworthy brands can enhance and support content of all kinds on all platforms. Such an automated protective measure would stop unfair competition by non-compliant advertisers against trusted digital brands and could eliminate consumer demands for ad blocking.

SafeCast’s suggested enhancements to the ASA regulatory framework

Self-Applied Content Labels in metadata

In anticipation of the enhanced regulatory regime to be brought in under the **Online Safety Bill** which is currently before Parliament, SafeCast cites its previously submitted evidence to the DCMS and the ICO. These materials established that self-applied content labelling and lightweight metadata filtering of user generated videos (e.g. YouTube, TikTok etc) can stop inappropriate content and advertisements being shown to children - without censorship. This same self-applied content labelling classification could be included within a future release of the IAB’s Digital Video Ad Serving Template (VAST) which is currently at Version 4.2 and is a standard across the digital

advertising industry. It can also be embedded in the international video standards specification called [TSP 2121](#). The seven SafeCast Headcodes can be mapped onto the existing Key Stages of the UK National Curriculum, (see [SafeCast Headcode Table](#)), thereby allowing the deployment of a universal, non-proprietary enrolment mechanism for social media usage without the need for mandatory Age Verification technology on mobiles and tablets.

Under this system, during the Video Sharing Platform (VSP) uploading processes, a user would place a self-applied content label declaring the age suitability of the video content with the suggested rating being checked by Artificial Intelligence (AI) and/or third party reviewers. As a spin-off from addressing matters in this manner, the levels of protection for children would become the same across all platforms connecting to the internet. With the cooperation of organisations working for the common good and with the tacit support of regulatory authorities using the medium of technical standards, effective child protection could be implemented without legislative delay. SafeCast considers that the ability to automatically filter away content and advertising which is inappropriate for children of particular ages and maturity levels is essential for the continued support of mass market content and major brand advertising.

HFSS advertising and the IAB Report

SafeCast has considered the June 2019 IAB UK's evidence-based challenge to the proposals for further restricting advertising of products high in fat, salt and sugar (HFSS) to children. In the face of this cogent evidence, SafeCast considers that a proportionate response would be to continue to allow the advertising of HFSS products during family viewing times on television and on tablets and mobile phones used by adults but to ban it on tablets and mobile phones used by children at all times. If such a regulation were based upon the use of metadata labelling and filtering as the protective measure, this would enable the elimination of the 120 index as an ASA regulation for television broadcasting. Such a change would reduce the regulatory burden on UK commercial television broadcasters and advertisers who are required to keep these complex BARB 120 index statistics under constant review. The SafeCast HeadCode metadata labels and our Age Gating proposals would facilitate this outcome.

Age Gating versus Age Verification

In regulating advertising and marketing messages it is SafeCast's view that age verification systems based upon individual attributes of a user are not an appropriate and proportionate response to the harms they seek to eliminate. This is for the following reasons:

- Age verification systems are not a structural part of the internet. Thus restricting access to specific age groups is not the *default* in its current implementation.
- Age verification enrolment systems, which are based upon the exact age of an internet user, automatically give rise to privacy risks which can lead to stalking, grooming and bullying. Safe use of these systems requires additional controls and measures which may not always be available. Thus the trade-off between the design of the internet being open to all runs counter to the use of exact age systems.
- Unlike some EU countries, neither the UK nor the Republic of Ireland has a centralised digitally accessible register of births and deaths, In consequence, any age verification enrolment system for UK and Irish children based upon their exact age will be a proprietary age verification system. Proprietary systems can become non-tariff barriers to new competitors wishing to enter the market.

Rather than requiring age verification systems based upon the actual age of a child to be used to support Age Gating of content on VSP systems, Ofcom's long experience in maintaining the Television Watershed restrictions on regulated television services based on children's age range and times that programmes are shown suggests a better way of addressing the need for Age Gating of content without giving rise to new privacy risks. Following a revision of the Ofcom Broadcasting Code to bring it into line with modern practices, Age Gating could be implemented on mobile devices and tablets using the school-age of a child. SafeCast notes the work recently performed by GCHQ in showing that Age Gating is a feasible and practical means of protecting children online without high regulatory costs and non-tariff barriers.

At a technical level, Age Gating could be deployed by teachers and parents enrolling a child through the use of an anonymised token embedded in the phone or mobile device. A school age token could be generated and loaded as middleware on the child's mobile device following the completion of a secure webform by the child's parent or guardian or teacher. The school age token would be cryptographically signed with the date and time of its installation on the child's mobile device and this information would be logged. Primary schools, nurseries and public libraries would be able to enrol children of identified parents as well as parents and guardians directly from their homes through use of the Government's forthcoming [Document Checking Service](#), which is to give people easier and safer access to digital services that require identity checks. Such an approach would allow Ofcom and the Government to bring in effective protection for children within a very short period of time.

Conclusion

Currently the implementation costs of the **Online Safety Bill** are extremely high - the Full Economic Assessment says that "*A duty of care for user generated content and activity addressing illegal harms and safeguarding children from both illegal and harmful content activity*" will cost the industry £1,689 Million. However, there is a way of markedly reducing these costs to industry whilst at the same time expanding the scope of the Bill to cover product placement and advertising. These changes would be in accordance with a recommendation which was given to the ICO by SafeCast in September 2018 for the inclusion of a generic form of content filtering in video services that are delivered to children. Under this system, during the Video Sharing Platform (VSP) uploading processes, a user would place a self-applied content label declaring the age suitability of the video content with the suggested rating being checked by Artificial Intelligence (AI) and/or third party reviewers. As a spin-off from addressing matters in this manner the levels of protection for children would become the same across all platforms connecting to the internet.

SafeCast considers that the **Online Safety Bill** is an opportunity for the regulated digital advertising industry to build on its long term trusted relationships with British families and broadcasters. Internet services in the home need to be safe and family friendly with adequate protections for children of all ages and maturities. Removal of non-compliant advertisements and content needs to be proportionate, traceable and transparent with the effective elimination of click-fraud being considered to be part of Ofcom's regulatory work within the newly-created Digital Markets Unit. SafeCast considers that the proposed ASA self-regulatory approach would be fully supported by making use of self-applied metadata labelling with associated lightweight filtering, thereby reducing the cost of effective regulation through automation - without censorship.

The SafeCast HeadCode table

Safecast HeadCode	Child's Age	Key Stage mapping	Comments
0	No restrictions	No restrictions	Can be shown at anytime
1	Age 6 and over	Key Stages 1, 2, 3 and 4 can view this without restrictions	Very young children should not see too much of this content - hence logging required in phones and tablets
2	Age 7 and over	Key Stages 2, 3 and 4 can view this without restrictions	Young children should not see too much of this content - hence logging required in phones and tablets. Also the restriction applies to advertising of high fat, high salt, high sugar products and services (HFSS)
3	Age 11 and over	Key Stages 3 and 4 can view this without restrictions	Normal TV Watershed restrictions including on advertising of medicines, alcohol, gambling etc
4	Age 14 and over	Key Stages 4 can view this without restrictions	Enhanced TV Watershed restriction used by UK schedulers
5	Age 18 and over	Adults only	Highly enhanced TV Watershed restriction used by UK schedulers
6	Age 18 and over	N/A	Not permitted to be broadcast or circulated without restrictions