

**Title:**

**Forename:**

**Surname:**

**Representing:**

Self

**Organisation (if applicable):**

**Email:**

**What do you want Ofcom to keep confidential?:**

Keep name confidential

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

**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

**Question 1: Do you agree that these proposed regulatory objectives strike an appropriate balance between the duties and other considerations that Ofcom must take account in reviewing advertising regulation? If not, please explain why, and what objectives you would consider more appropriate?:**

There fundamentally seems to be a bias towards to the needs of the industry to drive up revenue. Whilst understandable this appears not to be tempered by consideration of whether the changes would drastically reduce the actual watchability of programming. TV is fast becoming adverts (either full breaks, banners, tickers, idents etc) interspersed with occasional programming.

**Question 2: Do stakeholders agree that the new Code should discontinue detailed genre-specific rules on natural breaks?:**

Absolutely not. The industry can not be relied upon to not sacrifice the actual watchability of the programming in the drive to fill their balance sheets.

**Question 3: Do stakeholders agree that the new Code should allow advertising and teleshopping breaks to be signalled in sound or vision or by spatial means, and should drop the requirement for teleshopping segments to be distinguished from programmes by both sound and vision?:**

Within reasonable limits this probably is a benign proposal. A short aural flag would be acceptable - a minute-long jingle less so.

**Question 4: Do stakeholders agree that the new Code should discontinue the requirement for a buffer between advertising and coverage of a religious service or Royal occasion?:**

Again, absolutely not. Little on TV is handled with the appropriate decorum and the idea that you might end up with adverts for loo roll after the Remembrance Day service is unconscionable. A buffer is the price that the companies have to pay as part of their role as a broadcaster of national events of importance.

**Question 5: Do stakeholders agree that the rule requiring a 20-minute interval between advertising breaks should be scrapped?:**

Definitely not. 20 minutes is an appropriate time to develop concentration around a topic and to appreciate the program - which, after all, is the whole point of the exercise. To drop requirement would be to invite TV to descend to US levels of advertising, which is to sacrifice the programming and treat each channel as a primarily a means for delivering adverts. Advertising is an important part of TV but it is not the point of it - it belies and arrogance on the part of the broadcast industry to believe that people like or want advertising. It is only tolerated as a means to pay for the programming. Perhaps they should be looking at other alternatives to plug financial gaps - perhaps fewer 'celebrity' presenters, an assessment of the true desirability of 24-hour scheduling, or a reduction in little-watched digital channels.

**Question 6: Do stakeholders agree that there should be limits on the number of advertising breaks within programmes of a given scheduled duration?:**

See reply to Question 5. Again, the status quo is a widely accepted and pleasing mix. The only demands for change are coming from the broadcast industry - not the actual viewers. Perhaps OFCOM should favour more the side of the viewers and force compromises from the companies instead.

**Question 7: Has Ofcom identified the right options for break frequencies? What issues should Ofcom take into account in formulating proposals for consultation?:**

Not really as I reject the fundamental premise that there is a problem that requires fixing. Adverts have developed a satisfactory balance and to upset that is to drive more viewers away from scheduled broadcasts and towards legal or illegal downloads which put the viewer back in control.

**Question 8: Do stakeholders agree that the restrictions on advertising in films, documentaries and religious programmes and children's programming should be relaxed to the extent permitted by the AVMS Directive? :**

No. Advertising is a means to an end, not the end in itself.

**Question 9: Do stakeholders agree that changes to the rules on advertising breaks in news and children's programmes that must be made to secure compliance with the AVMS Directive should be deferred until December 2009?:**

It is unlikely that other European countries will bow to the whims and desires of the advertising companies. I'd argue that we should look for the lightest touch implementation of any mandatory requirements and not look to do our usual 'gold-plating'.

**Question 10: Do stakeholders agree that:**

- a. the Code should make clear that advertisements are permitted between schools programmes?
- b. the requirement for a buffer between coverage of a religious service or Royal occasion and advertising should be discontinued?
- c. the rule prohibiting advertising after an epilogue should be discontinued? and
- d. the rule allowing Ofcom to exclude adverts from specified programmes should be discontinued?

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a/ yes, within limits regarding content, duration and social values (e.g. no fatty food etc)

b/ no. See answers above.

c/ no. The current allocation of breaks is perfectly acceptable.

d/ no. OFCOM should always retain such rights to ensure that there is a stick which can be used to influence companies in cases where their excesses may jeopardise the quality or appropriateness of programming.

**Question 11: Do stakeholders agree that the rules limiting the length of individual advertisements on PSB channels should be discontinued?:**

No. The rules benefit viewers and ensure that the programming is not rendered unwatchable by mini-epic adverts directly competing with the program as though they are the point of the viewer giving up their time to watch TV.

**Question 12: Do stakeholders agree that the new Code should discontinue rules on the length of breaks on PSB channels?:**

No. See answer to Q11.

**Question 13: Do stakeholders agree that the draft Code should establish the principle that the distinction between advertising and editorial content must be readily recognisable, and set out the means for doing this, but avoid more prescriptive rules?:**

Yes but with the caveat that this will be monitored closely for instances where the broadcasters - particularly those owned by larger organisations with associated products or services - have tried to blur the line.

**Question 14: Do stakeholders agree that the current arrangements for transferring unused minutage should remain in place, and be applied to Channel 4 in place of the special arrangements in respect of schools programmes?:**

No comment

**Question 15: What views do stakeholders have on the possible approaches to advertising minutage regulation outlined above?:**

No comment.

**Question 16: What views to stakeholders have on the teleshopping options and preliminary assessment outlined above in relation to non-PSB channels?:**

No comment.

**Question 17: What views do stakeholders have on the teleshopping options and preliminary assessment outlined above in relation to PSB channels?:**

No comment.

**Question IA1: Do you agree with this overview of the impact of the current rules? Do you agree with our starting hypothesis in respect of the extent to which the current rules are likely to impose a constraint on different broadcasters i.e. PSBs and non-PSBs? If not, please set out your reasoning.:**

No comment.

**Question IA2: Do you agree with the broad assessment of the impact on different stakeholders of changes to the rules on the distribution of TV advertising set out in Part 2? If not, please set out your reasoning.:**

No comment.

**Question IA3: Do you consider that our optimisation approach is a reasonable approximation as to how additional advertising minutage would be used by broadcasters in practice? If not, please set out how you would approach this modelling issue and what assumptions you would adopt.:**

No comment.

**Question IA4: Do you consider dividing non-PSB channels into the three categories of "sold out", "nearly sold out" and "unsold inventory" reflects the realities of the TV advertising market for non-PSB channels. If not, how would you suggest we approach this issue in modelling terms?:**

No comment.

**Question IA5: Do you agree that the assumptions of no drop-off effect is a reasonable assumption to make for the purposes of this modelling exercise? If you disagree, please explain your reasoning and provide data to support any alternative assumptions that you would use.:**

No comment.

**Question IA6: Do you consider that this range of scenarios is appropriate? Are there any other types of scenarios that you believe we should explore as part of our modelling work?:**

No comment.

**Question IA7: Is the modelling of the changes in the volume of commercial impacts/share of commercial impacts for these different scenarios broadly in line with any modelling work you have carried out? If not, we would be interested to understand what results you have obtained in modelling these scenarios.:**

No comment.

**Question IA8: To what extent do you think that is reasonable to assume a constant price premium in light of changes to minutage restrictions? If you think that this could be unreasonable, please set out what you think might happen and how that could be modelled.:**

No comment.

**Question IA9: To what extent do you think that this approach would be a reasonable modelling approach to adopt?:**

No comment.

**Question IA10: To what extent do you think that is reasonable to make use of the elasticity estimates derived from the PwC study? Are they in line with your own views as to the operation of the TV advertising market? If not, please explain your reasoning.:**

No comment.

**Question IA11: To what extent is there evidence to support the argument that an increase in advertising minutage could reduce overall advertising expenditure on TV, i.e. that the advertising market is inelastic?:**

No comment.

**Question IA12: To what extent do you consider that these estimates of the financial impact of changes to the rules on the amount of advertising minutage provide an indication of the potential overall scale of any changes as well as the distribution of the impact between PSBs and non-PSBs? Are they in line with your own views as to how the TV advertising market would adjust to such changes? If not, please explain your reasoning.:**

No comment.

**Question IA13: The discussion of the modelling approach set out above has focused on the potential impact on different types of broadcasters. To what extent could there be an impact on other stakeholders, particularly media buying agencies and their clients, the advertisers? What is the attitude of these stakeholders to changes in the volume of advertising minutage?:**

No comment.

**Question IA14: Do stakeholders agree with the analysis of the impact of these options on non-PSB channels? If not, please set out your reasons, providing evidence to support your analysis wherever possible.:**

No comment.

**Question IA15: Do stakeholders agree with our analysis of the impact on PSB channels of these three options? If not, please explain your reasons, providing evidence to support your analysis wherever possible.:**

No comment.

**Additional comments:**