

Title:

Forename:

Surname:

Representing:

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?:

No. For too long, television companies have been allowed to ride roughshod over their franchise agreements, over the wishes of the viewing public and over the regulator and have changed for the worse. When TV companies, especially sky and ITV want action taken, Ofcom agrees without thinking about the television viewing public. In recent years Childrens television has disappeared from the after-school slot of 3-5pm on ITV. ITV also doesn't seem to be making it's own childrens programmes anymore for its digital only customers. Advertising is now often timed at fourteen

minutes per hour or almost one in four minutes of an "hour" long programme. In addition, the first break in a programme often takes place within 7 or 8 minutes of the start. This also happens in films where opening titles may have only just finished. This applies on ITV 1 as much as other channels.

Taking at random an example from the TV and Radio yearbook 1988, published by the old IBA, the amount of advertising was 7 minutes on average throughout the whole day with a maximum of 9 minutes during peak time. This included the breaks between programmes.

Three commercial breaks during an hour long TV programme is far too much and interrupts the flow of a programme. Programmes should be allowed one break during a programme of more than fifteen minutes but less than 30 minutes, 2 breaks during a programme of 1 hour duration and one break every 30 minutes for any programmes longer than 1 hour.

I could accept twelve minutes per hour of advertising if it was in two programme breaks and the commercials between programmes. This has been the time when people will traditionally get up to make a cuppa, use the loo, or talk and it will still happen with more breaks, just more often.

TV companies must not complain about the fall in revenue requiring more time for adverts, they should instead make programmes that more people to watch without being lazy and putting on wall to wall soaps or endless fly-on-the-wall CCTV shows.

Ofcom should go back to the last of the Franchise rounds and insist that ITV stick to its agreements. Ofcom should also take control of the first five slots on all television platforms and every ten years to award those slots to companies that meet a quality threshold as in the old Franchise rounds. The major difference is that companies could still continue broadcasting on multichannel TV but lack of quality would lead to them receiving a lower EPG placing.

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

ITV and other companies on Freeview have already ignored this rule anyway. On ITV 3, for example, recent episodes of the Two Ronnies were often cut in the middle of five minute sketches. Other repeats have had people cut off mid sentence due to trying to reduce a 50 minute programme to 45 minutes. These programmes have also lost their advertising titles which breaks the old rule about a clear break between programming and advertising.

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?:

Teleshopping should not be allowed at all. It is advertising and it goes over even current limits. If people wish to sell goods, they should pay for it like anybody else. ITV has made its own problems by selling advertising through a national body meaning many local companies are now unheard during traditionally cheaper slots. This is partly as a result of breaking the agreement on local identities.

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?:

I agree it should be discontinued during Royal Occasions but during religious programming it would be dependent on whether it is live or recorded (I am an atheist). Do non-BBC channels still have any religious content anyway?

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

No. But the twenty minute rule should mean that programmes like the Bill, for example, do not have a break within 8 minutes of the start as happens at present. A twenty minute interval would be better if that includes a break between programming.

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

Yes. No programmes of less than 15 minutes should have any advertising breaks between them and should only be able to have one break before or after.

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

Advertising breaks must also include the break between programmes. Any more breaks and more people will switch channels even more. At the current time with multi-channels people are more likely to surf during the 14 minutes of advertising per hour, many do not return if they find something else more appealing.

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

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?:

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?

:

- a) Yes
- b) Yes
- c) Don't know
- d) True

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

NO

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

NO

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 to a clear break, but no to relaxing the rules.

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

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

Channels to have no more than 12 minutes per hour during peak time, including the break before or after a programme and no more than 8 minutes per hour at other times.

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

There should be no teleshopping on terrestrial television where bandwidth is limited. People who are awake during the night should have more choice than News 24 or Sky News as happened in the past.

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

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.:

All television channels must broadcast by the same rules and if channels disagree with this they should be removed from the airwaves.

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.:

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.:

If advertisers are given more space, they will use it to the detriment of programmes. If they have to live with what they have got, they'll manage. They have in the past. But there again, in the past they had Lou Grade and Sydney Bernstein who wanted to make programmes first and money second whereas now the idea seems to be to make as much money now, and put on a lot of relatively cheap soaps to bring in that money.

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?:

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.:

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?:

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.:

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.:

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

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.:

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?:

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.:

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?:

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.:

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.:

Additional comments: