



# Consultation on Sanctions in Broadcast Cases

## Introduction

ERA UK welcomes this consultation, which we believe will help to speed up the process of dealing with teleshopping channels who are in financial difficulty, fail to deliver goods that have been ordered and yet continue to advertise. There have been several examples over the last few years where channels have continued to broadcast and take orders for products long after they were in a position to provide the customer with the products and long after Ofcom had become involved, Auction World being the worst example of this. For the teleshopping industry the prolonged period it has taken to take such broadcasters off air undermines public confidence in the industry as a whole.

Our answers to this consultation will be short, as we agree with all the proposed changes suggested by Ofcom, particularly the 'fast-track procedure for statutory sanctions' which we hope will expedite

proceedings against failing channels who continue to promote products they can longer deliver.

**Q1. Do you agree with the proposed procedure? If not, why not? Please suggest any alternative wording where appropriate.**

Yes, in our view what is proposed is sensible and will help to make the process more transparent and speedier.

**Q2. In particular do you believe it is appropriate, in normal cases where a sanction is being considered, for broadcasters to have two opportunities to make representations to Ofcom (once on the seriousness of the case and once on the nature and level of any recommended sanction)?**

This is a sensible solution to what has for a long time been a flaw within the system. To decide both the seriousness of a case and the level of any recommended sanction at one hearing can undermine the principal of fairness and transparency, as the issue of deciding the level of a sanction at the same hearing can mean a broadcaster has not properly prepared their case either on the seriousness of the case nor the level of sanction. To separate the two will mean each part can be properly prepared and presented.

**Q3. Do you agree that it is appropriate for Ofcom to introduce the new proposed fast-track sanctions procedures in the circumstances suggested?**

As already stated we feel that this is one of the most important reforms of the present system.

**Q4. Do you have any other proposals for making the procedure more effective and/or appropriate?**

No

**ERA UK 2007**