

24 May 2013

Guy Parker
Chief Executive
Advertising Standards Authority
Mid City Place
71 High Holborn
London WC1V 6QT

ED RICHARDS
Chief Executive

Direct Telephone +44 (0)20 7981 3520
Direct Facsimile +44 (0)20 7981 3504
ed.richards@ofcom.org.uk

Dear Guy

Later today, Ofcom will be publishing the results of independent research it has commissioned into the exposure of children and young people to TV alcohol advertising. I enclose a copy.

The research suggests that changes in children's viewing habits are exposing them to more alcohol advertising. I am therefore writing to ask the ASA and BCAP to review the effectiveness of current regulation, both in relation to enforcement of the current rules and whether these rules are sufficiently comprehensive.

The research we commissioned shows a gradual decline in the exposure of older children (those aged 10-15) to TV alcohol advertising from 2002 to 2006. However, between 2007 and 2011, exposure fluctuated considerably, but did not return to the level achieved in 2006 and in some years was significantly higher. While the absolute increase might be regarded as modest, the reversal of the downward trend is clearly significant.

At present, the rules prevent the advertising of alcoholic drinks 'in or adjacent to programmes commissioned for, or principally directed at, or likely to appeal particularly to, audiences below the age of 18'¹. However, much of children's viewing is to programmes of broader appeal in which alcohol advertising may be permitted. Some of these attract very large audiences of children. Against this background, the Government has proposed in its alcohol strategy that alcohol advertising should not be shown during 'programmes of high appeal to young people'².

Given the changes in children's viewing habits shown by our research, we believe it is important to reconsider whether the current regulatory arrangements are appropriate. We think that there are two issues that warrant particular consideration.

First, the question of whether the current approach to identifying which programmes should exclude alcohol advertising is working properly?

¹ Section 32.2, BCAP code

² Paragraph 2.15, *The Government's Alcohol Strategy*, March 2012

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98121/alcohol-strategy.pdf)

The supplementary analysis that we have provided to you suggests that, while the advertising rules are applied correctly in the large majority of cases, there may have been some cases in which alcohol advertising has been shown in programmes where it should not have appeared. It is clearly important that these cases are investigated as a matter of urgency, and I understand that the ASA is already doing this.

We are keen to understand how such cases arose, what corrective measures might make the application of the rules more consistent and whether there are circumstances in which it is impractical to apply the rules. As this approach underpins other aspects of advertising regulation, we would wish to be party to any discussions on this topic with broadcasters.

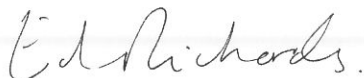
The second question is whether the current approach is sufficiently comprehensive, given that much of children's viewing is to not to children's programmes, but to programmes of broader appeal, in which alcohol advertising may be permitted.

We recognise that advertising is only one of many factors affecting children's attitudes towards alcohol, and there have been some promising indications in recent years that older children are taking a more responsible attitude towards alcohol. Nonetheless, we believe it is important that children's exposure to alcohol advertising should be regulated effectively.

Any significant changes stemming from the review would, of course, be subject to public consultation and agreement with Ofcom. In advance of that, it would be particularly helpful if BCAP could set out to Ofcom its interim proposals no later than October 2013.

It will, of course, be important to understand the effects of any changes to regulation, and to this end we plan to carry out further research into the exposure of children to TV alcohol advertising in due course.

Yours sincerely

A handwritten signature in cursive script, reading "Ed Richards".

Ed Richards

cc: Lord Chris Smith, ASA
Tony Close, Ofcom
Peter Bourton, Ofcom