# **Call for evidence on audio description: narrative of responses**

## **Background**

In December, BCAP published a call for evidence on audio description to explore whether it might be justified in allowing advertisers that wished to provide audio-described versions of their ads to give qualifying information that appeared in superimposed text by alternative means, such as a pre-recorded telephone message, instead of reading the text out as part of the audio description track. You can read the call for evidence in full [here](https://www.asa.org.uk/uploads/assets/uploaded/6ed46304-c017-4951-a863aaf2d77a2afd.pdf).

BCAP was especially interested in understanding the experience of those members of the audience for whom audio description is provided, and whether its current approach to this service was appropriate: BCAP was pleased, therefore, to receive five responses from blind and visually impaired members of the public and extends its grateful thanks to those respondents for sharing their experience of and thoughts about audio description.

BCAP received twelve responses to the call for evidence in total. As well as responses from members of the audience affected by the proposal, there were also responses from broadcasters, an agency involved in the provision of audio description, organisations representing blind and visually impaired people or with broader responsibilities relating to the consumer interest in broadcast media, and regulatory bodies. Because of the mixture of public and private, formal and informal responses, BCAP considers it appropriate to provide this narrative summary of responses rather than an evaluation table with attributions.

## **Outcome**

The call for evidence presented respondents with two options: that BCAP maintain its present position and require any qualifying information that appeared in superimposed text in a TV ad to be included in the audio description track – henceforth “the AD track” – or, alternatively, that it should allow advertisers to give that information by alternative means, such as a pre-recorded telephone message via a number given in the AD track, for example.

Responses to the call for evidence tended to affirm the benefits for inclusion of greater provision of audio description, but some responses also identified risks with providing information by alternative means that ultimately persuaded BCAP that it should maintain its present position. However, BCAP wishes to amend its existing statement on access services including audio description in order to assist advertisers who are interested in providing audio described ads to ensure that they comply with the BCAP Code.

## **Responses to the call for evidence**

Responses to the call for evidence from blind and visually impaired people consistently identified a problem with ads that did not audibly identify the product or service they promoted. There was some support for providing an alternative source of information where time did not permit it to be given in the AD track, but also a feeling that more could be done to ensure key information was provided in the AD track itself.

One industry respondent made the point that, if the audio description track could be entirely independent, rather than having to fit around existing dialogue in the audio track, many more ads could be audio described. Presently, audio-described ads were only being developed after the main campaign, which acted as a disincentive to agencies to offer the service because it added to the cost and time necessary for the production process. Industry respondents in general described the disincentive to further provision of audio description represented by the amount of superimposed text in ads typical of diverse sectors such as finance or telecoms where offers usually came with extensive terms and conditions. The alternative option suggested by BCAP was felt to be a good potential solution to this.

One respondent noted that more and more editorial content was provided in audio-described form: if audio description was hindered in advertising, the effects on the overall TV experience would become more pronounced. The respondent considered that BCAP should be mindful that audio description is of benefit to other members of the audience as well as blind and visually impaired people – it may be useful for people with cognitive disabilities and sighted members of the audience who have the television on but cannot use visual cues. The respondent said CAP should consider whether an alternative approach for audio description was relevant for advertising in audiovisual media within remit of its Code too.

Both through responses to the call for evidence and in discussions with industry during the period that the call was open, BCAP was made aware of an increasing investment in “accessibility by design” by some advertisers and broadcasters: the challenge represented by terms and conditions remained, however.

Responses from organisations representing blind and visually impaired people or with broader responsibilities relating to the consumer interest provided valuable evidence on the current state of audio description on TV and the potential benefits of greater inclusion that might arise from an increase in provision. There was some support for BCAP’s alternative option and concern at the potential disincentive that maintaining BCAP’s present position could represent to advertisers considering whether to audio describe their advertising: however, there was also a proposal that a “hierarchy of information” should be offered in audio description that places clear priority on material information over narrative detail.

One respondent warned that accessing a separate source of information would not be an equivalent experience to that of reading the details on-screen while watching the advert. It also drew BCAP’s attention to evidence that both supports the case for the benefit of inclusion that audio description offers, while also describing the shortcomings in present offerings, including “emphasising the wrong aspects, having too little detail, providing too much unnecessary detail, and being inaudible”.

Responses from regulatory organisations tended either to oppose outright or express serious misgivings about BCAP’s alternative option. In some sectors, certain advertising claims trigger requirements to provide qualifying information: it is advertisers that choose to meet those requirements by giving the qualifying information in superimposed text. Any delay in providing the information required would breach the principle of stand-alone compliance under the law. This need not prevent advertisers from audio-describing their ads: it would merely require different choices about what claims to make in the creative. If there were limits to what was practicable in TV advertising, regulatory respondents tended to consider those limits should dictate the contents of the advertising.

BCAP’s present policy was felt to reflect the requirements of the UK’s consumer law framework quite closely, but there was an acknowledgement of the potential for excluding “visually disadvantaged consumers” from information potentially of interest to them: however, this was conceived of quite narrowly, in terms of advertising of particular interest to blind and partially sighted consumers, such as assistive technology advertising. The provision of qualifying information by alternative means was considered to diverge further from the Consumer Protection from Unfair Trading Regulations (2008, henceforth “the CPRs”). The potential that such an option offered for additional access came at the greater risk of misleading omissions.

## **BCAP’s position**

Both options set out in BCAP’s call for evidence on audio description present risks. For BCAP to maintain its present position involves accepting that fewer advertisers may be motivated to provide audio-described versions of their TV ads, hindering efforts to make TV more inclusive for blind and partially sighted members of the audience. That is especially the case for advertisers in sectors where extensive use is made of superimposed text to provide qualifying information, for example financial services or telecoms, but the challenge of trying to accommodate qualifying information from superimposed text in an AD track is likely to be widespread.

However, BCAP takes seriously the legal and regulatory risks identified by regulatory bodies that responded to the call for evidence, and notes that even comparably favourable responses from other organisations and some blind and visually impaired members of the public still express a preference for priority to be given to statements of material information in audio description rather than sacrificing key information so narrative detail can be provided.

In view of the risks noted above, BCAP has decided to maintain its present position, on the basis that the benefit of greater inclusion need not be absolutely prevented if advertisers wish to audio-describe their advertising: rather, hard choices might need to be made about priorities in what to include in the AD track. BCAP does not require all qualifying information to be provided exhaustively in advertising – the ASA, following the key principles set out in section 3 of the BCAP Code, which reflects the CPRs, merely requires that information material to a consumer’s understanding of an advertising claim should be made clear. Some information may indeed be provided by alternative means, but anything directly bearing on a consumer’s decision to enquire further as a result of an advertising claim should be provided immediately.

In order to assist advertisers who wish to audio describe their ads to comply with the Code, BCAP has amended its statement on access services including audio description, to set out what advertisers might helpfully consider when preparing audio-described ads. The statement may be read [here](https://www.asa.org.uk/news/audio-description-and-other-access-services.html).

BCAP thanks all those who responded to the call for evidence.