4

HARM AND OFFENCE

Principle

Advertisements must not be harmful or offensive. Advertisements must take account of generally accepted standards to minimise the risk of causing harm or serious or widespread offence. The context in which an advertisement is likely to be broadcast must be taken into account to avoid unsuitable scheduling (see Section 32: Scheduling).

Rules

4.1 Advertisements must contain nothing that could cause physical, mental, moral or social harm to persons under the age of 18.

4.2 Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.
Particular care must be taken to avoid causing offence on the grounds of: age; disability; gender; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

4.3 Advertisements must not exploit the special trust that persons under the age of 18 place in parents, guardians, teachers or other persons.

4.4 Advertisements must not include material that is likely to condone or encourage behaviour that prejudices health or safety.

4.5 **Radio only** – Advertisements must not include sounds that are likely to create a safety hazard, for example, to those listening to the radio while driving.

4.6 **Television only** – Advertisements must not include visual effects or techniques that are likely to affect adversely members of the audience with photosensitive epilepsy. For further guidance, see Ofcom's Guidance Note for Licensees on Flashing Images and Regular Patterns in Television at:

Section-2-Guidance-Notes.pdf (Annex 1)

4.7 **Television only** – Advertisements must not be excessively noisy or strident. The maximum subjective loudness of advertisements must be consistent and in line with the maximum subjective loudness of programmes and junction material.

Broadcasters must endeavour to minimise the annoyance that perceived imbalances could cause, with the aim that the audience need not adjust the volume of their television sets during programme breaks. However, BCAP recognises that commercial breaks sometimes occur during especially quiet

parts of a programme, with the result that advertisements at normally acceptable levels seem loud in comparison.

Measurement and balancing of loudness levels should preferably be carried out using a means of subjective loudness measurement conforming to standards derived from relevant ITU recommendations.

BCAP considers that subjective loudness-based measurement techniques represent best practice. However, if broadcasters use a peak programme meter (PPM) instead, the maximum level of the advertisements must be at least 6dB less than the maximum level of the programmes to take account of the limited dynamic range exhibited by most advertisements.

Broadcasters are urged to refer to BCAP's guidance on sound levels in advertising for more information on the technical aspects of the rule and information about its application (available here).

4.8 Advertisements must not condone or encourage harmful discriminatory behaviour or treatment. Advertisements must not prejudice respect for human dignity.

4.9 Advertisements must not condone or encourage violence, crime, disorder or anti-social behaviour.

4.10 Advertisements must not distress the audience without justifiable reason. Advertisements must not exploit the audience's fears or superstitions

4.11 **Television only** – Animals must not be harmed or distressed as a result of the production of an advertisement.

4.12 Advertisements must not condone or encourage behaviour grossly prejudicial to the protection of the environment.

4.13 Advertisements must not portray or represent anyone who is, or seems to be, under 18 in a sexual way. However, this rule does not apply to advertisements whose principal function is to promote the welfare of, or to prevent harm to, under-18s, provided any sexual portrayal or representation is not excessive.

4.14 Advertisements must not include gender stereotypes that are likely to cause harm, or serious or widespread offence.

See Advertising Guidance: "Depicting gender stereotypes likely to cause harm or serious or widespread offence?"