



APPENDIX 3 VSPS
ADVERTISING RULES FOR
VIDEO-SHARING PLATFORMS
REGULATED BY STATUTE

Definition

Some VSPs are subject to regulation under the Communications Act 2003 (as amended). The rules in this section apply to those services that are subject to statutory regulation in the UK as set out [here](#).

The rules in this section apply only to advertising that is "marketed, sold or arranged" by a regulated VSP, also referred to as "VSP-controlled advertising". Ofcom has published guidance on VSP-controlled advertising, which may be read [here](#).

Principle

The rules in Appendix 3 reflect the legal requirements in the Communications Act 2003 (as amended) with which Video-Sharing Platforms ("regulated VSPs") must ensure they comply. Failure to ensure that advertising included in a regulated VSP complies with these rules may result in the matter being referred to Ofcom. If Ofcom concludes that the regulated VSP has contravened the relevant requirements of the Act, this may lead to Ofcom considering imposing a statutory sanction against the regulated VSP.

Advertisements on regulated VSPs are also separately subject to the CAP Code. The marketer, not the regulated VSP, bears the primary responsibility for ensuring compliance with the CAP Code.

Rules

- 31.1 Advertisements included on a regulated VSP:
- 31.1.a must be readily recognisable as such; and,
 - 31.1.b must not use techniques which exploit the possibility of conveying a message subliminally or surreptitiously.
- 31.2 Advertisements on a regulated VSP must not:
- 31.2.a prejudice respect for human dignity;

- 31.2.b include or promote discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;
 - 31.2.c encourage behaviour prejudicial to health or safety;
 - 31.2.d encourage behaviour grossly prejudicial to the protection of the environment;
 - 31.2.e cause physical, mental or moral detriment to persons under the age of 18;
 - 31.2.f directly exhort such persons to purchase or rent goods or services in a manner which exploits their inexperience or credulity;
 - 31.2.g directly encourage such persons to persuade their parents or others to purchase or rent goods or services;
 - 31.2.h exploit the trust of such persons in parents, teachers or others; or,
 - 31.2.i unreasonably show such persons in dangerous situations.
- 31.3 Advertisements for the following are prohibited:
- 31.3.a cigarettes and other tobacco products;
 - 31.3.b electronic cigarettes and electronic cigarette refill containers;
 - 31.3.c prescription-only medicines
- 31.4 Advertisements for alcoholic drinks must comply with the general advertising requirements set out in 31.1 (a-b) and 31.2 (a-i), and must not:
- 31.4.a be aimed at persons under the age of eighteen;
 - 31.4.b encourage immoderate consumption of alcohol.