Disclosure of host-read ads in podcasts

Advertising Guidance
(non-broadcast)

CAP

Foreword

The Committee of Advertising Practice (CAP) offers guidance on the interpretation of the UK Code of Advertising (the CAP Code) in relation to non-broadcast marketing communications.

The Broadcast Committee of Advertising Practice (BCAP) offers guidance on the interpretation of the UK Code of Broadcast Advertising (the BCAP Code) in relation to broadcast marketing communications.

Advertising Guidance is intended to guide advertisers, agencies and media owners how to interpret the Codes but is not a substitute for those Codes. Advertising Guidance reflects CAP's and/or BCAP's intended effect of the Codes but neither constitutes new rules nor binds the ASA Councils in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team via our online request form.

For advice on specific radio advertisements, consult Radiocentre, and for TV advertisements, Clearcast.

For the full list of Advertising Guidance, please visit our website.

Background

This guidance is intended to help advertisers comply with the requirements of CAP rules and ensure that host-read ads in podcasts are obviously identifiable as ads to the audience. It sets out a series of principles that the ASA will consider when assessing whether an ad is identifiable, drawing on findings from [consumer research](#).

The CAP Code includes rules requiring advertisers to ensure that ads are obviously identifiable and are not confused with editorial content. In many cases, the commercial nature of paid-for content is obvious from its context. However, in other cases, for example when it is placed adjacent to editorial content and shares many common characteristics with it – social media, a newspaper or magazine – then additional steps are needed to ensure consumers recognize it as advertising. This is true within the medium of podcasting, where it is very common for the hosts of a show to also lend their voices to paid-for ads during breaks in the programming.

A podcast is an episodic audio programme that is made available in digital format for download or streaming over the internet. Many podcasts are also available as online videos, for example on YouTube, but it is primarily an audio format. While the medium bears similarity to radio in some respects, it is not broadcast and advertising within it is therefore subject to non-broadcast advertising rules.

CAP's guidance on recognition of advertising in non-broadcast media was not written with an audio-only format in mind. There are also some terms commonly used in podcast ads that reflect those used to denote commercial references in radio programming (an area of regulation that is administered by Ofcom). In 2023, the ASA decided to conduct research into consumers' recognition of host-read advertising in podcasts, in order to understand whether specific guidance was needed for this medium.

The guidance applies to ads featured in or around podcast episodes, which are read by the host or hosts of the podcast in question. That could include ads in ad breaks, or paid-for content incorporated into the episode's editorial content. The guidance does not apply to ads in podcast ad breaks that are read out by a third party, who is not a presenter of the surrounding podcast, as these are generally identifiable from context.

This guidance is not intended to be prescriptive, but sets out best practice principles. By adhering to these, advertisers are more likely to comply with the Code.

CAP Code rules

2.1   Marketing communications must be obviously identifiable as such.

2.3   Marketing communications must not falsely claim or imply that the marketer is acting as a consumer or for purposes outside its trade, business, craft or profession; marketing communications must make clear their commercial intent, if that is not obvious from the context.

2.4   Marketers and publishers must make clear that advertorials are marketing communications; for example, by heading them "advertisement feature".

Guidance

Distinguishing terms

To ensure a host-read ad is obviously identifiable to the audience, advertisers are strongly advised to disclose advertising content using a clear, up-front signifying term. Research indicated that this was most likely to be effective if spoken at the very start of the ad.

The most effective terms are those that state unambiguously that the content is an ad, for example:

- "this is a paid ad/advertisement for…"
- "this is an ad/advertisement for…"

The research also found that the below terms were well-recognised as denoting advertising in podcast ads:

- "sponsored by…"
- "our sponsor today is…"

Please note that this is not intended to be an exhaustive list of terms. The ASA will take into account the individual merits and context of an ad when considering whether it has breached the Code. However, the research indicated that the above terms were more likely to comply than others, when used in combination with other factors laid out in this guidance.

Other factors

The following are factors that can help mark an ad as separate from the main programming and further enhance the impact of clear labelling terms, according to CAP's consumer research. They are likely to contribute to listeners' understanding that content is advertising, in addition to the use of distinguishing terms, as described above.

Ads are more likely to be compliant if one or more of the following factors is employed, in addition to an appropriate, up-front distinguishing term.

Music/jingles, sound effects and tone

Use of a distinctive piece of music, a jingle or another sound effect before and after the ad break. This is more likely to be effective where the same sound is consistently used to mark the beginning and end of ad breaks.

In addition, the host may announce the break before the ads are played. Research indicates a change in the host's tone of voice can support the audience to obviously identify an ad from adjacent editorial, but this is unlikely to be needed if other techniques are used to effectively mark the ad as separate from the main programming.

Length

Keeping an ad relatively short and focused on the product or service being promoted and avoiding the conversation diverging onto other unrelated topics is also likely to aid recognition. This is not intended to discourage advertisers and hosts from finding creative and show-relevant ways to talk about the product, but they should bear in mind that lengthy tangents may contribute to listeners' confusion about whether content is an ad or part of the editorial.

Other considerations

Paid-for content in the main editorial

Where paid-for references feature within the main programming (rather than in ad breaks) they should also be made clearly identifiable – for example, by stating that the segment is paid-for, or referring to a sponsor brand at the outset of the content appearing.

Ad content appearing in audio-only podcasts as well as other media

Podcast content may appear in a number of different media, in addition to a pure audio form. Advertisers should always have regard to the particular characteristics of the medium in which the podcasts is made available to audiences in order to ensure that the audience knows when they are being advertised to in that particular medium.

Video podcasting

Podcasting originated as, and predominantly remains, an audio-only format. However, podcasters are increasingly diversifying their content across platforms and many podcasts are also available as videos on video-sharing platforms, such as YouTube – whether in the form of a static image or audiogram with audio, film of the hosts recording, or with more varied visual accompaniment.

Generally, spot ads that are featured in the audio-only version of an episode are not included in the video version, as they are designed for the podcast format, and any advertising will more likely use the ad infrastructure of the video-sharing platform in question. However, in the event that a host-read audio podcast ad is

featured in a video episode, advertisers should ensure that they adhere to ad recognition guidance appropriate to that medium.

Radio to podcast

Some commercial broadcast radio programmes are also released as podcasts on catch up. Advertisers should ensure that any advertising meets with the guidance on identifiability in podcasts when made available in that format.

Accessibility

Where available, people who are deaf or have hearing impairments may access podcast content in the form of episode transcripts. These are provided by some podcast producers, at their discretion, and some platforms offer auto-transcriptions of all their original content. Advertisers should be mindful that, where ad content is included in transcripts, there are sufficient markers to indicate it is advertising, given that other audio markers will not be accessible to this audience. In the event there is a risk the transcribed version of the ad would not be adequately identifiable as such, advertisers should consider whether it is appropriate to include the ad at all.

Where podcast ads are made available in other media that have additional accessibility provisions (for example, a video with captions), advertisers should take measures to make clear to all members of the audience that they are being presented with advertising.

Other Code rules

Advertisers are reminded that the content of their advertising in podcasts must also comply with all other CAP Code rules and guidance, in addition to being identifiable.