

SECTION 27: INTRODUCTION AND DATING SERVICES

Question 135: Given BCAP's policy consideration, do you agree that rule 27.4 (Precautions when meeting people) should be included in the proposed BCAP Code? If your answer is no, please explain why.

Rule 27.4: Broadcasters must satisfy themselves that advertisers give customers clear advice on precautions to take when meeting people through an advertisement for an introduction or dating agency.

<p><i>Responses received in favour of BCAP's proposal from:</i></p> <p>Charity Law Association; Kraft Foods Ltd; Square1 Communications Ltd; Association for Interactive Media and Entertainment; An organisation</p>	<p><i>Summaries of significant points:</i></p> <p>1. Respondents consider proposed rule 27.4 should be included in the new BCAP Code.</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>1. N/A</p>
<p><i>Responses received against BCAP's proposal:</i></p> <p>Radio Centre</p>	<p><i>Summaries of significant points:</i></p> <p>2. The new rules proposed in these areas [distance selling and introduction and dating services] represent a significant burden of responsibility on broadcasters, particularly in relation to checking the business practices of distance sellers and the safety advice provided by dating services. The</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>2. BCAP considers the requirement on the broadcaster to obtain an assurance is too prescriptive, given that the broadcaster may determine that an advertiser complies with this condition through, for example, information included on the advertiser's website. BCAP considers this is less of a burdensome</p>

	<p>rules on distance selling reflect legislation and stem from a television-led concern (Auctionworld), not a radio one. We are concerned about any increase in regulatory burden, especially for smaller stations, and have therefore asked the RACC to verify with BCAP and the ASA that its proposed safeguards (including amendments to its standard checklists) will be sufficient for compliance.</p>	<p>requirement on the broadcaster whilst ensuring that individuals, particularly the vulnerable, are given clear advice on precautions to take when meeting people through those services.</p>
<p>Question 136: Given BCAP's policy consideration, do you agree that it is not necessary to require a broadcaster to obtain an assurance that the advertiser will not disclose data to a third party without the client's consent, and the client's name will be promptly deleted on request? If your answer is no, please explain why.</p>		
<p><i>Responses received in favour of BCAP's proposal from:</i></p> <p>Association for Interactive Media and Entertainment; An organisation; Charity Law Association; Kraft Foods Ltd; Square1 Communications Ltd; An organisation</p>	<p><i>Summaries of significant points:</i></p> <p>3. Respondents agree it is unnecessary to require a broadcaster to obtain an assurance that an advertiser will not disclose data to a third party without the client's consent, and the client's name will be promptly deleted on request.</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>3. N/A</p>
<p><i>Responses received against BCAP's proposal:</i></p>	<p><i>Summaries of significant points:</i></p>	<p><i>BCAP's evaluation of those points and action points:</i></p>

	No significant points received.	N/A
Question 137: Given BCAP's policy consideration, do you agree the proposed BCAP Code provides adequate protection from the potential for harm or offence from advertisements that encourage or condone promiscuity? If your answer is no, please explain why.		
<i>Responses received in favour of BCAP's proposal from:</i> Association for Interactive Media and Entertainment; Charity Law Association; Kraft Foods Ltd; Square1 Communications Ltd;	<i>Summaries of significant points:</i> 4. Respondents agree the proposed BCAP Code provides adequate protection from the potential harm or offence from advertisements that encourage or condone promiscuity.	<i>BCAP's evaluation of those points and action points:</i> 4. N/A
<i>Responses received against BCAP's proposal:</i> Archbishops Council, Church of England:	<i>Summaries of significant points:</i> 5. We do not endorse any proposal that weakens the specific prohibition on advertising that appears to encourage or condone promiscuity. The Church's traditional teaching on sexual activity states 'sexual intercourse is an act of total commitment which belongs properly within a permanent married relationship'. While, of course, we recognise that a variety of relationships exist in today's society, and these will understandably be reflected in contemporary advertising, that is	<i>BCAP's evaluation of those points and action points:</i> 5. BCAP considers the TV rule 11.7.1(b) and radio rule 3.14(e) likely reflect a concern that such messages might cause serious or widespread offence, or cause harm by, for example, endorsing a lifestyle that significantly increases an individual's chances of catching a sexually transmitted disease. BCAP considers the general offence rule (4.1 'Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.'), the new social

	<p>quite distinct from actively portraying promiscuous behaviour in a way that suggests it is acceptable.</p> <p>Furthermore, it is clear that the rise in unplanned pregnancies and Sexually Transmitted Diseases is due in part to the increase in the number of people engaging in sexual activity with multiple partners.</p> <p>The whole of society shares the goal of helping young people develop a mature understanding of sexuality and relationships. Broadcasters have a part to play in ensuring we all work to create a society where promiscuous behaviour, particularly by the young, is not glamourised or normalised through programming and advertising. We are not convinced that the very broad general regulations are sufficient to make this point of principle clear, and believe that there remains a place for a particular rule making clear the generally held public opinion on this matter.</p>	<p>responsibility rule (2.1 'Advertisements must be prepared with a sense of responsibility to the audience and to society.') and the general scheduling rule (32.1) that prevents inappropriate juxtapositions between advertisements and surrounding programme material, adequately regulate advertisements that include messages that encourage or condone promiscuity. BCAP considers reference to these rules in the Principle to the Introduction and Dating section is sufficient.</p> <p>BCAP considers the Code should and does prevent ads that are likely to cause serious or widespread offence and with appropriate scheduling and content, advertisers may target a legitimate audience. BCAP has, in addition, cross-referenced this section of the Code with the existing rules on prohibited categories to ensure advertisements for dating or introduction services do not indirectly promote an unacceptable product or service, for example sexual massage.</p>
Christian Concern for our Nation/Christian Legal Centre	<p>6. It is important that the current code rules for radio and television are maintained. The policy underpinning the restrictions on condoms refers to the problem of rising sexually transmitted diseases and advertisements should not encourage promiscuity.</p>	<p>6. (see BCAP's response to 5)</p>
Family Education Trust	<p>7. Relaxing restrictions on advertisements that condone or promote promiscuity would be irresponsible given the high rates of teenage pregnancy and sexually transmitted infection. We</p>	<p>7. (see BCAP's response to 5)</p>

	reject the argument that ‘such messages may not in themselves be offensive or harmful’. Many advertisements already have a high sexual content and cause widespread offence. It is inevitable that the normalisation and celebration of promiscuity and casual sexual behaviour in entertainment and advertising will have a considerable impact on the way many live their lives, and young people are particularly vulnerable.	
Question 138: Given BCAP’s policy consideration, do you agree it is not necessary to carry over radio rules 3.14 (a) and (d) (responsible conduct of business and clear communication of supplementary charges) into the proposed BCAP Code? If your answer is no, please explain why.		
<i>Responses received in favour of BCAP’s proposal from:</i> Association for Interactive Media and Entertainment; Kraft Foods Ltd; Square1 Communications Ltd;	<i>Summaries of significant points:</i> 8. Respondents agree it is unnecessary to carry over radio rules 3.14(a) and (d) in the proposed BCAP Code.	<i>BCAP’s evaluation of those points and action points:</i> 8. N/A
<i>Responses received against BCAP’s proposal:</i> Christian Concern for our Nation/Christian Legal Centre	<i>Summaries of significant points:</i> 9. Respondents consider the present rules should be kept to ensure businesses that advertise conduct their businesses responsibly.	<i>BCAP’s evaluation of those points and action points:</i> 9. BCAP considers the harm that radio rule 3.14(d) seeks to prevent is addressed by the general rules on misleading advertisements. The harm that radio rule 3.14(a) seeks to prevent is addressed by the

		general misleading rules and proposed rule 27.2: All claims related to matching require substantiation.
Question 139: Given BCAP's policy consideration, do you agree it is not necessary to carry over radio rule 3.14 (b) (inclusion of postal address of premises) into the proposed BCAP Code? If your answer is no, please explain why.		
<i>Responses received in favour of BCAP's proposal from:</i> Association for Interactive Media and Entertainment; Kraft Foods Ltd; Square1 Communications Ltd;	<i>Summaries of significant points:</i> 10. Respondents agree it is not necessary to carry over radio rule 3.14(b) to the proposed BCAP Code.	<i>BCAP's evaluation of those points and action points:</i> 10. N/A
<i>Responses received against BCAP's proposal:</i> Christian Concern for our Nation / Christian Legal Centre	<i>Summaries of significant points:</i> 11. Respondents consider radio rule 3.14(b) is necessary to ensure consumer protection.	<i>BCAP's evaluation of those points and action points:</i> 11. BCAP considers the business models on which introduction and dating services are based means that most, if not all advertisements in this sector, include a telephone number or website address that includes relevant contact details and locations for clients to visit.
Question 140: i) Taking into account BCAP's general policy objectives, do you agree that BCAP's rules, included in the proposed Introduction and Dating Services Section are necessary and easily understandable? If your answer is no, please explain why?		

- ii) On consideration of the mapping document in Annex 2, can you identify any changes from the present to the proposed Introduction and Dating Services rules that are likely to amount to a significant change in advertising policy and practice and are not reflected here and that should be retained or otherwise be given dedicated consideration?

Do you have other comments on this section?

<i>Responses received from:</i>	<i>Summaries of significant points:</i>	<i>BCAP's evaluation of those points and action points:</i>
Association for Interactive Media and Entertainment; Kraft Foods Ltd; Square1 Communications Ltd;	12 Respondents agreed the rules in the proposed Introduction and Dating Services section are necessary and easily understandable. Those respondents did not identify any changes from the present to the proposed rules that would amount to a significant change in advertising policy and practice, apart from those highlighted in the consultation document.	12. N/A
Charity Law Association:	13. The meaning of 'centrally cleared' in rule 27.1 is unclear	13. Section 1 'Compliance' of BCAP's proposed code explains what is meant by the term 'centrally cleared'. BCAP considers users of the Code are familiar with the term "centrally cleared". This term has been used in the previous Radio Advertising and Sponsorship Codes (1997 - present). "Special category" radio advertisements, whether broadcast locally, regionally or nationally, must be centrally cleared by the RACC. Broadcasters or their sales houses must hold a record of centrally cleared advertisements. This is present advertising practice and will continue to be the case.

	<p>14. Rule 27.2 is unnecessary as it is likely covered by general rules on misleading. The wording of the rule is unclear.</p>	<p>14. BCAP's proposed rule 27.2 states: Advertisements must not imply a greater degree of matching of individual clients according to suitability than is achieved.</p> <p>Although the general Misleading rule would cater for the harm this rule seeks to prevent, BCAP considers it to be a common way of misleading people in ads for these services. BCAP considers this rule applies to advertisements that provide guarantees rather than those ads that claim they can match general preferences. BCAP considers the rule is necessary however it would benefit from redrafting for clarity:</p> <p>27.2 All claims relating to matching require substantiation.</p>
	<p>15. (iii) Despite question 137 there appears to be no mention of promiscuity. In any event the ASA should not concern itself with such questions of personal behaviour.</p>	<p>15. See BCAP's response to 5.</p>
Office of Fair Trading	<p>16. [...] The section on 'misleading' is a key section in this regard. However, we would suggest that the CPRs and/or BPRs may also have particular relevance to the section on Introduction and Dating Services [amongst others].</p>	<p>16. BCAP advises broadcasters to consult the general and sector specific rules in the Codes. BCAP recently consulted on its proposed revisions to the BCAP Codes in light of the CPRs/BPRs. For more information go to: (http://www.cap.org.uk/cap/Consultations/closed/BCAP+CPRs+consultation/BCAP+CPRs+Consultation.htm)</p>