

SECTION 15: FAITH, RELIGION AND EQUIVALENT SYSTEMS OF BELIEF

Question 90: Given BCAP's policy consideration, do you agree that 15.11 (charitable appeals), which presently applies to radio advertisements by or that refer to charitable faith-based bodies and that appeal for funds, should also cover those TV advertisements? If your answer is no, please explain why.

<i>Responses received in favour of BCAP's proposal from:</i> Two individuals Church Society	<i>Summaries of significant points:</i> The respondents listed in the left hand column agreed with BCAP's proposal.	<i>BCAP's evaluation of those points and action points:</i> BCAP welcomes the respondents' comments.
<i>Responses received against BCAP's proposal:</i> British Humanist Association	<i>Summaries of significant points:</i> The intention is sound but the wording could be improved: the rule seeks to distinguish between "charitable purposes" and "evangelism", but the Charities Act defines charitable purposes as including evangelism, making the rule confusing.	<i>BCAP's evaluation of those points and action points:</i> BCAP has amended the rule in response to this point. The new wording is: Advertisements must not appeal for funds, except for charitable purposes. If the charitable purpose includes or will be accompanied by recruitment or evangelism, the advertisement must make that clear.

Question 91: Given BCAP's policy consideration, do you agree that 15.2.3 (unreasonable pressure to join) should apply to radio as it presently does to TV? If your answer is no, please explain why.

<i>Responses received</i>	<i>Summaries of significant points:</i>	<i>BCAP's evaluation of those points and action</i>
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<i>in favour of BCAP's proposal from:</i> Church Society An individual An organisation requesting confidentiality	“unreasonable” pressure is a subjective judgement	<i>points:</i> The judgement is necessarily subjective: the ASA (and clearance bodies) will consider individual advertisements on a case-by-case basis.
Question 92: Given BCAP's policy consideration, do you agree that faith advertisements that appeal for funds for charitable purposes that include or will be accompanied by recruitment or evangelism are acceptable if that information is made clear in the advertisement? If your answer is no, please explain why.		
<i>Responses received in favour of BCAP's proposal from:</i> Five individuals Church Society Secular Medical Forum	<i>Summaries of significant points:</i> <i>The respondents listed in the left hand column agreed with BCAP's proposal.</i>	<i>BCAP's evaluation of those points and action points:</i> BCAP welcomes the respondents' comments.
<i>Responses received against BCAP's proposal:</i> none	<i>Summaries of significant points:</i>	<i>BCAP's evaluation of those points and action points:</i>
Question 93: Given BCAP's policy consideration, do you agree that present radio rules 3.3.10 and 3.3.11, of section 3 (religious music, acts of worship), need not be included in the proposed Code? If your answer is no, please explain why.		

<p><i>Responses received in favour of BCAP's proposal from:</i></p> <p>One individual Two organisations requesting confidentiality</p>	<p><i>Summaries of significant points:</i></p> <p><i>The respondents listed in the left hand column agreed with BCAP's proposal.</i></p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p><i>BCAP welcomes the respondents' comments.</i></p>
<p><i>Responses received against BCAP's proposal:</i></p> <p>Church Society Two individuals</p>	<p><i>Summaries of significant points:</i></p> <p>The Code should explicitly prevent offensive use of sacred music or depictions of worship, because the general offence rule is too vague to prevent it.</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>The absence of a specific rule from the existing TV Code has not caused problems. The ASA's experience in regulating non-broadcast and TV ads under the present Code, considering complaints about offensive depictions of worship or sacred music under a general offence rule, has shown that a general rule, supported by guidance, is adequate.</p>
<p>Question 94: Given BCAP's policy consideration, do you agree that present TV rule 10.9 (services and ceremonies) need not be included in the Code? If your answer is no, please explain why.</p>		
<p><i>Responses received in favour of BCAP's proposal from:</i></p> <p>One individual</p>	<p><i>Summaries of significant points:</i></p> <p><i>One individual agreed that present TV rule 10.9 need not be included in the Code.</i></p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p><i>BCAP welcomes the respondent's comments.</i></p>
<p><i>Responses received against BCAP's</i></p>	<p><i>Summaries of significant points:</i></p>	<p><i>BCAP's evaluation of those points and action points:</i></p>

<p><i>proposal:</i></p> <p>One individual British Humanist Association</p>	<p>The Code should continue to explicitly prevent treatments that seem to involve viewers in services or ceremonies because the social responsibility rule is too vague; it will not protect viewers from having doctrine forced upon them.</p>	<p>BCAP considers that the social responsibility rule is adequate to deal with the potential harm; advertisements that seem to involve viewers in ceremonies will also be subject to other the other rules in this section, which will prevent the inappropriate promotion of doctrine.</p>
<p>Question 95: Given BCAP's policy consideration, do you agree that present TV rule 10.10 (claims of benefit) should not be included in the Code? If your answer is no, please explain why.</p>		
<p><i>Responses received in favour of BCAP's proposal from:</i></p> <p>One individual Two organisations requesting confidentiality</p>	<p><i>Summaries of significant points:</i></p> <p><i>The respondents listed in the left hand column agreed that the present TV rule on claims of benefit should not be included in the Code.</i></p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p><i>BCAP welcomes the respondents' comments.</i></p>
<p><i>Responses received against BCAP's proposal:</i></p> <p>One individual British Humanist Association</p>	<p><i>Summaries of significant points:</i></p> <p>Allowing claims for the personal benefits of faith creates grey areas; claims may mislead those whose faith is not so deep-rooted as the witness's own.</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>The other rules in the Code should prevent exaggerated or misleading claims. The line between permissible and objectionable claims is subjective is not a reason to prevent believers from expressing their subjective experiences.</p>
<p>Question 96:</p> <p>i) Given BCAP's policy consideration, do you agree that present TV rule 10.11 (no doctrinal advertisement</p>		

may offer counselling) should not be included in the Code? If your answer is no, please explain why.

ii) Given BCAP's policy consideration, do you agree that 15.13 (faith healing, miracle-working, faith-based counselling) should be included in the Code? If your answer is no, please explain why.

Responses received in favour of BCAP's proposal from: none	Summaries of significant points:	BCAP's evaluation of those points and action points:
Responses received against BCAP's proposal: One individual British Humanist Association	Summaries of significant points: The code should continue to ban advertisements for faith-based counselling altogether: claims for faith-healing are unsubstantiated and can mislead vulnerable people, who might avoid seeking medical attention from a suitably-qualified professional.	BCAP's evaluation of those points and action points: BCAP considers that the rule is adequate to prevent harm because it explicitly forbids claims to offer physical or mental health benefits.
One individual An organisation requesting confidentiality	The Code should not ban claims for faith healing: claims to heal physical or mental health problems should be allowed provided a disclaimer is added to state that success is not guaranteed; the ban is an unwarranted infringement of the right to freedom of expression	BCAP considers that the efficacy of faith healing for physical and mental health problems is unsubstantiated and that allowing such claims, even with the suggested disclaimer, is likely to mislead the vulnerable and could harm them by discouraging essential medical treatment. Preventing unsubstantiated claims in advertisements is not an unwarranted infringement of the right to freedom of expression.

Question 97: Given BCAP's policy consideration, do you agree to maintain the existing TV and radio requirements on advertisements for products or services concerned with the occult or psychic practices? If your answer is no, please explain why.		
<i>Responses received in favour of BCAP's proposal from:</i> Church Society Two individuals	<i>Summaries of significant points:</i> <i>The respondents listed in the left hand column agreed that BCAP should maintain the existing TV and radio requirements on advertisements for products or services concerned with the occult or psychic practices.</i>	<i>BCAP's evaluation of those points and action points:</i> <i>BCAP welcomes the respondents' comments.</i>
British Humanist Association	Supports the maintenance of the ban; if the ban is relaxed, BHA would be happy with alternative rules permitting the advertising of such services only if their efficacy has been proven in double blind trials or the services are promoted for entertainment only.	
<i>Responses received against BCAP's proposal:</i> An individual	<i>Summaries of significant points:</i> The proposed rule is too permissive: advertising for occult and psychic products should be prohibited without exception	<i>BCAP's evaluation of those points and action points:</i> BCAP considers that the generic comments given in generalised horoscopes and pre-recorded tarot readings is unlikely to exploit the vulnerable. It notes the advertising presently permitted has caused little concern and proposes to maintain the exemptions.
3C Ltd AIME	Psychic PTV services attract relatively low levels of complaint	The absence of complaints does not necessarily mean that the advertising is not exploitative: the

An organisation requesting confidentiality		consideration of exploitation of the vulnerable is a qualitative, not a quantitative, matter.
3C Ltd Adalsys An organisation requesting confidentiality Mobile Media Production Ltd An organisation requesting confidentiality AIME PTVBA Square 1 Communications 18 Individuals	Ofcom's decision whether existing Psychic PTV content should be classified as editorial or advertising will have a significant impact on the effect of this rule; the rule should be reconsidered once the outcome of Ofcom's consultation is known.	Ofcom has now concluded its consultation and amended the Broadcasting Code, with the effect that much of the content previously regulated by Ofcom under the Broadcasting Code will now fall under the BCAP Advertising Standards Code. BCAP considers, however, that television advertisements for psychic or occult products and services are likely to exploit the vulnerable, whether they are offered in long or short form. It notes the existing ban, like all other rules in the Code, applies to teleshopping as well as spot advertising, and the potential increase in the volume of teleshopping content, if the rule were to be relaxed, does not affect BCAP's view that the promotion of psychic and occult products on television is likely to exploit the vulnerable.
AIME An organisation requesting confidentiality	Psychic services offered through premium rate telephone numbers are already regulated by PhonepayPlus	That PhonepayPlus regulate such services does not preclude BCAP rules: the BCAP Code contains a number of rules that are specific to, or could apply to, the promotion of premium rate services, in addition to the PhonepayPlus Code. It is well established that BCAP is the proper body to maintain rules on broadcast advertising in all sectors, regardless of the existence of sector-specific regulators for some products.
Adalsys An organisation	BCAP is attempting to reclassify psychic participation TV as teleshopping	It is Ofcom, not BCAP, that determines how much commercial content is permitted in editorial time

requesting confidentiality Mobile Media Production Ltd An organisation requesting confidentiality		and what is permitted only in teleshopping; BCAP's proposals do not relate to "reclassification".
Adalsys An organisation requesting confidentiality Ltd Mobile Media Production Ltd An organisation requesting confidentiality Ltd	The maintenance of the ban on advertisements for psychic and occult products and services will have a devastating economic impact on providers of psychic PTV.	BCAP acknowledges the economic impact but considers that the preservation of this revenue stream for providers of such services does not justify the exploitation of vulnerable viewers.
AIME Fusion Telecom	Providing information about the nature of the service and the cost of calling a premium-rate number ensures that consumers are able to make an informed choice about whether to call.	BCAP considers that the potential harm that psychic and occult products may cause to consumers goes beyond economic harm. Whilst it considers the provision of factual information about the nature of advertised products and their price to be important safeguards, it considers that that alone is not enough to prevent vulnerable viewers from exploitation.
AIME Oxygen8 Peripatos Square 1 Communications	Psychic PTV is popular with viewers	That a product or service is popular does not necessarily mean that it is suitable for promotion on television
AIME	Psychic services products and services are widely	BCAP considers that the power, impact and

An organisation requesting confidentiality	promoted in other media	untargeted nature of television advertising means it is more likely to have an adverse effect on the vulnerable than advertising in other media, which justifies differences in the rules for different media.
AIME An organisation requesting confidentiality Fusion Oxygen8 Peripatos	The reference in the rule to “occult and psychic practices” misleadingly and offensively implies psychic practices are occult: that they are mysterious and threatening	The use of both “occult” and “psychic” is intended to recognise the two as separate categories
An organisation requesting confidentiality	Public interest in and media coverage of psychic phenomena is increasing	The increase in documentary and fictional television involving psychic phenomena does not make charging for the provision of psychic services any less likely to exploit the vulnerable.
An organisation requesting confidentiality	Service providers are obliged under the PhonepayPlus Code to establish procedures to prevent under-18s from accessing psychic PRS, and many service providers maintain additional measures as a matter of best practice	Although the under-18s are one vulnerable group that should properly be protected, BCAP is concerned also about the potential exploitation of vulnerable adults, for example, the recently bereaved, those suffering serious illness, and the mentally infirm.
An organisation requesting confidentiality	The content of psychic consultations promoted on psychic PTV is equivalent to the content of the generic horoscopes that may be advertised	BCAP considers that the provision of one-to-one advice is substantially different from the provision of generic or pre-recorded advice that clearly applies to the wide section of the population.
18 Individuals	Ofcom research found that many viewers of psychic PTV regarded it as uplifting, informative, trustworthy and supportive.	BCAP acknowledges that viewers of such services regard them as benign and positive. It is concerned, however, about the potential for emotionally vulnerable viewers to become dependent on such services, to their emotional and economic detriment.

Square 1 Communications	BCAP has acted improperly in considering the content of psychic premium-rate services, which are outside its remit	BCAP considers that the nature of a product is intrinsic to considerations of its suitability for promotion on television: although BCAP does not regulate the content of the service, it quite properly takes account of the nature and potential effects of products and services when it determines whether to restrict advertising for them.
<p>Question 98:</p> <p>i) Taking into account BCAP's policy consideration, do you agree that BCAP's rules on Faith, Religion and Equivalent Systems of Belief are necessary and easily understandable? If your answer is no, please explain why?</p> <p>ii) On consideration of the mapping document in Annex 2, can you identify any changes from the present to the proposed 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?</p> <p>iii) Do you have other comments on this section?</p>		
<i>Responses received from:</i>	<i>Summaries of significant points:</i>	<i>BCAP's evaluation of those points and action points:</i>
An organisation requesting confidentiality	The Code must not allow spurious or exaggerated claims, especially for the potential benefit of faith-based counselling	BCAP considers that the general rules prevent exaggerated or misleading claims.
British Humanist Association	The recently separated should be added to the list of the potentially vulnerable in rule 15.12	The list in 15.12 is not exhaustive, so it is not necessary to add to the list.

	<p>The definition could helpfully borrow the definitions of “religion” and “belief” used in the Equality Act</p>	<p>BCAP agrees that references to “belief”, in this section, encompass the lack of belief, but considers that the definition adequately captures this. It considers that the definition used in the Equalities Act is overly-legalistic and suited to a different purpose.</p>
<p>An organisation requesting confidentiality</p>	<p>The rule that prevents advertisers in this category from exhorting the audience to change beliefs or behaviour is unreasonable because other types of advertiser are permitted to exhort the audience to change beliefs or behaviours; the rule against claiming that the advertisers’ faith is the one true faith, and referring to the alleged consequences of lack of belief, is also unreasonable.</p>	<p>BCAP considers that the potential for exploitation of the vulnerable justifies maintaining these rules.</p>