

Section 28: Competitions

Question 141:

i) Given BCAP's policy consideration, do you agree that rule 28.1:

"Competitions should be conducted fairly, prizes should be described accurately and rules should be clear and made known" should be included in BCAP's new Code? If your answer is no, please explain why?

ii) Do you have other comments on this section?

<i>Responses received in favour of BCAP's proposal from:</i>	<i>Summaries of significant points:</i>	<i>BCAP's evaluation of those points and action points:</i>
<p>The Advertising Association; AIME; 4 organisations requesting confidentiality; Charity Law Association; E.ON Energy Limited; Institute of Practitioners in Advertising; Kraft Foods UK and Ireland; Square 1 Communications Ltd; a TV broadcaster</p>	<p>These respondents supported BCAP's proposal.</p> <p>The Advertising Association asked BCAP to consider replacing "clear and made known" with "clear and appropriately made known"</p> <p>AIME agreed and added that competitions should comply with the PhonepayPlus Code of Practice.</p>	<p>BCAP welcomes the respondents' support of its proposal.</p> <p>BCAP considers it is not necessary to add "appropriately".</p> <p>If advertisements that include competitions are operated through a premium-rate payment mechanism, the ad must comply with:</p> <p>22.1 Advertisements that include a premium-rate telephone number must comply with the PhonepayPlus Code of Practice.</p>

	<p>An organisation said for competition operators who are potentially subject to reclassification as Teleshopping (e.g. quiz TV), a direct reflection of Ofcom's rules and guidance in this area should ensure simple continuity for the business and its content output.</p> <p>Charity Law Association agreed but asked BCAP to consider an explicit cross-reference to the Gambling Act 2005; otherwise the rule is potentially too vague.</p>	<p>BCAP welcomes the respondent's support of its proposal.</p> <p>BCAP's consultation document states: "(BCAP) therefore proposes to reproduce in the new BCAP Code Ofcom's rule on competitions with the intention of providing continuity in regulation and protection for broadcasters and the public alike. BCAP intends to supplement that rule with Guidance, which is likely to cover the same ground as Ofcom's Guidance. BCAP intends that the Guidance will be published at the same time as the new BCAP Code." Ofcom's Guidance presently makes reference to the Gambling Act 2005 and it is envisaged that BCAP's guidance may do so too.</p>
<p><i>Responses received against BCAP's proposal:</i></p> <p>None</p>	<p><i>Summaries of significant points:</i></p>	<p><i>BCAP's evaluation of those points and action points:</i></p>