

Leicester SPUC Branch is the local Society for the Protection of Unborn Children. We campaign locally to raise awareness of SPUC's key aims:

- To affirm, defend and promote the existence and value of human life from the moment of conception, and to defend and protect human life generally.
- To reassert the principle laid down in the United Nations 1959 Declaration of the Rights of the Child that the child "needs special safeguards and care, including appropriate legal protection, before as well as after birth."
- To defend, assist and promote the life and welfare of mothers during pregnancy and of their children from the time of conception up to, during and after birth.
- To examine existing or proposed laws, legislation or regulations relating to abortion and to support or oppose such as appropriate.

Abortion and Family Planning

Question 62-1

Given BCAP's policy consideration, do you agree that it is necessary to maintain a rule specific to post-conception advice services and to regulate advertisements for pre-conception advice services through the general rules only?

Our organisation does not agree that it is necessary to maintain a rule specific to post-conception services. We do not believe the existing rules should be relaxed; we believe, on the contrary, that robust regulation is necessary. Advertising for advice services via commercials for products that are being promoted by the industry is not compatible with what could be construed as a healthy message. Those organisations wishing to promote healthy alternatives to abortion will not have a level playing field as their funding will be unable to match the money spent by the agencies promoting abortion advice.

Abortion advertising infringes the right of viewers to have television programmes financed by ethically wholesome advertising only and infringes their rights to enjoy entertainments without being bombarded with advertising by highly immoral institutions which favour termination of the lives of the unborn and innocent children in the mothers' wombs.

Below are our comments in full.

1. Unfair commercial practice

Owing to the financial resources of abortion facilities there will be a unequal opportunity for such facilities to promote their services. Abortion providers can generate funding for advertising by charging more for abortions. Most pro-life agencies do not charge for their services and will be in no position to compete for advertising time with abortion centres such as Marie Stopes. Under 11.38 BCAP states that women who are or who might be pregnant and considering abortion are 'vulnerable to advertising'. It follows that disproportionate advertising could direct these vulnerable women to agencies where abortion may be promoted as 'the best option'.

Companies which offer abortion services have a vested interest in the termination of the lives of unborn children - there is a scandal in the amount of money in this 'industry' and the television companies should not be associated with them or they will lose their impartial stance on such issues.

2. **Making abortion 'normal'**

Abortion is not healthcare or medicine in the normal sense. Surveys show that general practitioners are not neutral when it comes to abortion with 19% believing abortion should be illegal and 24% refusing to sign abortion-referral forms (Daily Telegraph, 3 May 2007). Abortion could be seen as the opposite of healthcare, as in the vast majority of cases it is performed for social reasons and always ends in the destruction of another person's life. Advertising that either raises awareness of abortion services or promotes abortion as a neutral moral choice amongst others will lead to a broader acceptance of abortion as a normal practice.

The influence of television is known to be very powerful - people passively absorb what they watch as if it were all factual - because it is on TV. Therefore advertising about such serious issues is not going to be simply 'information' - rather, it will persuade people of its being the right thing to do.

3. **Contrary to BCAP values – Harm/Offensiveness**

Foundational to the Code is that advertising should not be harmful or offensive, yet abortion causes harm on two key fronts:

- **To the unborn baby.** Abortion causes death to the yet-to-be-born child. Therefore advertisements successfully directing women to have an abortion will be a strongly causative factor in the death of the woman's unborn child;
- **To the woman having the abortion.** Examples of Post-Abortive Syndrome (PAS) are documented: 7-17% of women who elect to abort may meet the diagnostic criteria for PAS and 25-45% experience multiple post-traumatic stress related symptoms including depression, guilt, nightmares and suicidal ideation (Rue, V. et al. *Post-traumatic stress symptoms and induced abortion: a comparison of US and Russian Women*. Strathan NH: Institute for Pregnancy Loss. In press);

and causes offensiveness:

Abortion is completely contrary to the teaching of the Catholic Church and many Christians of other denominations also abhor abortion – as do many Muslims and Buddhists – and therefore the adverts will be offensive to millions of licence-holders.

4. **Health**

"Audio visual commercial communications shall not encourage behaviour prejudicial to health or safety" (Article 3e 1(c) (iii) M2 Directive 89/552/EEC of the European Parliament and of the Council of 3 October 1989). The directive is contravened by abortion advertisements (ref. 3(b) above).

Question 62-2

Given BCAP's policy consideration, do you agree that rule 11.11 should be included in the proposed BCAP Code? If your answer is no, please explain why.

Our organisation does not agree that rule 11.11 should be included in the proposed BCAP Code.

1. It is discriminatory

The proposed rule requires advisory bodies that do not refer directly for abortion to make explicit statement on their advertising to that effect. It is clear that this rule is targeted directly at pro-life advisory services. Even though such services are unlikely to have the financial means to advertise their services the fact they are targeted in this way is discriminatory. The idea behind the rule is based upon a false premise. That is, that abortion is one of a group of equivalent or even morally neutral alternatives, and therefore that there can be no justification for not promoting all equally. In fact a pro choice position is as much a position based upon an ethical perspective as is the pro-life position. To demand that just one type of ethically considered perspective must declare its position, yet another different one not be required to do so, is unsustainable. Agencies like BPAS and Marie Stopes are advocates for a particular view regarding abortion. Viewers and listeners will not be aware of that view in much the same way as they might not be aware that an agency is a pro-life one.

2. Delay

The BCAP consultation document states that the reason for requiring disclosure of non-referral for abortion is to avoid delay for those women who opt for abortion. However this presumes that a women seeking advice regarding an abortion will choose one and it also carries an implicit assumption that there should not be any delay. Such an assumption is indicative of a mentality in which there is pressure to make a decision to abort, a mentality that could easily amount to coercion. Abortion providers furthermore make no support or information to assist women who are contemplating abortion solely for financial, social or relationship reasons to find help to address these problems and continue with their pregnancy.

32.6.2

Condoms

Question 147

Do you agree that television advertisements for condoms should be relaxed from its present restriction and not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to children below the age of 10? If your answer is no, please explain why.

Our organisation does not agree that there should be a relaxation. Neither should advertisements be in or adjacent to programmes commissioned for, principally directed at or likely to appeal directly to children below the age of 10.

We are opposed to any and all advertising of condoms on television or radio, since such adverts seek to sexualise children and subject them to yet more misinformation. The indiscriminate nature of television viewing, thanks to accessibility via modern technology, makes it impossible to target certain age groups effectively. For this reason the so-called watershed has become redundant. It is well known that many programmes aimed at adults also appeal to children, and children will thus inevitably stay up past the watershed.

Moreover, since it is illegal for children under 16 to engage in sexual intercourse, we would question the age of 10 years as mentioned in your Code review.

Adverts are most likely to be driven by commercial considerations and cannot adequately communicate the medical, emotional and social issues involved. It is not surprising that Durex have been calling for some time for a relaxation in advertising as they have a vested interest, as do most companies pressing for change and relaxation in the area of sex and sexuality.

Adverts are also unable to explain adequately the risks that condom use cannot eliminate, e.g. condoms are far less effective at preventing AIDS than pregnancy; many common STDs are spread by skin to skin contact that a condom cannot prevent. These can be literally life and death decisions and somebody needs to be accountable.

Teenagers and young adults are very vulnerable to misleading representations, so condom adverts are highly likely to encourage more risky sexual activity and teen pregnancy, by combining an expectation of casual sex outside marriage, setting a trend and inducing complacency.

With convergence, greater accessibility and evidence that young children below 10 years often find programmes aimed at older audiences (e.g. soaps, dramas, reality TV) at least as appealing as ones actually aimed at them, this notion of ad placement kept away from programmes which appeal particularly to children below 10 is not as helpful as it may at first appear, and as such is likely to be ineffective. Promotion of condoms that is likely to be seen or heard by underage children, increases the likelihood that they will think early sexual intercourse is normal as well as subject them to both internal pressure and peer pressure.



Leighton Christian Fellowship

Meeting at Vandyke School, Leighton Buzzard, Bedfordshire
Affiliated to the Evangelical Alliance and Leighton Linslade Churches Together
Registered Charity - No. 801628

18 JUN 2009

Please reply to: Colin Simpson,
4 Osborn House,
Edward Street,
DUNSTABLE,
Beds. LU6 1HE

Tel: 01582-699363

Email: colin.simpson29@yahoo.
co.uk

Broadcast Committee & Advertising Practice,
Advertising Standards Authority,
Mid City Place,
71 High Holborn,
LONDON. WC1V 6QT

17th June, 2009

Dear Sirs,

I am writing to you on behalf of the church regarding the advertising of abortion and other services on television.

We are very concerned about this matter for a number of reasons. Firstly, abortion advertisements will let children see and hear about abortion much more easily and it will be much harder for parents to manage how children learn about this sensitive subject.

Abortion is right upto birth in the case of handicapped children and last year 2,000 such abortions were carried out on women resident in England and Wales. How disturbed members of the public may feel when they watch abortion advertisements on television - at the very least abortion is a serious medical practice.

The Royal College of Psychiatrists has asked doctors to warn about the mental health risks when they are doing abortions.

In the light of this, any abortion advertisements should have to include such warnings in their advertisements. For example, warnings about risk are always shown with financial advertisements. Abortion is a controversial issue and is unsuitable for widespread publicity.

I trust you will take this into consideration when considering the matter.

Yours faithfully,

Colin Simpson
Current Affairs Secretary

Pastors/Elders

Paul Davis 'Meredale', The Dell, Reach Lane, Heath & Reach, Bedfordshire LU7 0AL
Rex Landon 'Mayetta', 105 Westoning Road, Harlington, Bedfordshire LU5 6PA

LIFE response to Q62 of the BCAP consultation 2009

Q62

(i) We agree. Post-conception services of all kinds have a unique character, and the general rules are sufficient to cover pre-conception services.

(ii) LIFE is concerned by the way in which rule 11.11 is interpreted and implemented. It seems to imply that reputable pro-life organisations deliberately mislead clients. This is not the case. LIFE has never tried to conceal the fact that it does not refer for abortion. Besides, whether or not the advertiser offers referral for abortion is by no means the only area where confusing or misleading information may be given. There remain, for example, serious questions about the possible mental health consequences of induced abortion.

The Royal College of Psychiatrists state on their website that "some studies indicate no evidence of harm, whilst other studies identify a range of mental disorders following abortion".

They go on to say that "healthcare professionals who assess or refer women who are requesting an abortion should assess for mental disorder and for risk factors that may be associated with its subsequent development. If a mental disorder or risk factors are identified, there should be a clearly identified care pathway whereby the mental health needs of the woman and her significant others may be met".

<http://www.rcpsych.ac.uk/member/currentissues/mentalhealthandabortion.aspx>

It appears to be a double standard if abortion providers are allowed to keep women in the dark about the possible consequences of the procedure. LIFE counsellors are frequently informed by post-abortive clients that the counselling services supposedly offered by abortion providers are unprofessional, hurried and offering little time for real reflection and informed decision-making. Health warnings are, after all, given on potentially dangerous products such as alcohol and tobacco. Why not on adverts for abortion, which is a serious and potentially life-changing medical procedure?

Surely if "full disclosure" of all relevant and important information about an organisation's services is to be required, then information about the possible health risks of abortion is just as necessary as information about whether or not an organisation refers for abortion.

It is also worth noting the fact that no pro-life organisations have the financial resources to fund television advertising, while abortion providers apparently face no such barriers, so this rule would be largely symbolic and pointless. Most pro-life crisis pregnancy counselling services are staffed by qualified volunteers who are seeking to help women rather than pursue any agenda.

As far as last year's proposal from the Select Committee is concerned, it seems clear that this was an attempt by those who are ideologically opposed to pro-life organisations to inhibit the legitimate operation of our counselling, which is non-directional and person-centred. The fact that the report suggested that even truthful information given could fall foul of the law if it supposedly had the potential to mislead a reasonable person, suggests an attempt to ensure that services offering alternatives to abortion can not operate freely.

RECEIVED 16 JUN 2009



LIFE Pregnancy Care Centre
and Charity Shop,
8-8A Great George Street,
Weymouth,
Dorset,
DT4 8NN.
13/06/09.

Dear M/s Collette Bowe,

I enclose a copy of my letter to:

The Code Policy Team,
Broadcasting Committee of the Advertising Practice,
Mid City Place,
71 High Holborn,
London WC1V 6QT.

It is proposed to change the present code of practice to allow abortion providers to advertise on TV and radio, and that pregnancy "advice" services that do not provide abortion should state that they do not provide this.

Please note the points that I make in my letter. Thank you.

Yours faithfully,

Mrs H.J.Fannon MA, BA, PGCE (Weymouth LIFE Caring Officer)

Registered National Charity No. 274144

Trustees • Professor J J Scarisbrick (National Chairman) • Mrs Nuala Scarisbrick • Mr L A Parsons, QC • Dr Michael Jarmulowicz, FRCPath, MB, BS, RSc
National Patrons • The Duke of Norfolk • Baroness Braye • Baroness Masham of Iton • Dame Janet Baker • Mrs V Riches • Rev Dr J Scott, QHC
Lord Alton of Liverpool • Miss Mary Kenny • Rt Rev Nigel McCulloch • Mr Kenneth Hargreaves • Rt Hon Ann Widdecombe MP
Jim Dobbin MP • John Kennedy, CBE • John Kelly, FRCOG • Don Maclean, MBE, KHS





LIFE Pregnancy Care Centre
and Charity Shop,
8-8A Great George Street,
Weymouth,
Dorset,
DT4 8NN.
13/06/09.

Dear Sirs,

As LIFE Caring Officer for the above local LIFE Pregnancy Care Centre, I would like to protest about the proposal that abortion advertising should be allowed on TV and radio. This is too serious a moral issue to be advertised in this commercial setting.

The second concern is that pregnancy "advice" service providers should have to state that they do not provide abortion in their adverts. Below are the pregnancy support services that we offer in Weymouth:

The LIFE Pregnancy Care Centre, 8 Great George Street, Weymouth.
(LIFE charity number. 274144)

Tel: 01305 761126 for our local Pregnancy Care Centre.

Caring Services:

- Free help, counselling and support for crisis pregnancy.
- Free pregnancy testing and free chlamydia test (optional but strongly recommended).
- Free help and counselling for pregnancy loss: stillbirth, ectopic pregnancy, miscarriage, after abortion and adoption.
- Referral to the Life Fertility Programme (www.lifefertilitycare.co.uk).
- Referral to free respite at Zoe's Place Baby Hospices (www.zoes-place.org).
- A help service for needy families.
- Referrals to LIFE Houses that provide supported accommodation for homeless pregnant women and mothers of small children (Tel 01926 743602).
- LIFE's National Help Hotline from 9am to 9pm daily: 0800-915 4600.
- Text to Talk Service (07786 200 300).

We advertise accurately our pregnancy support services. The only "advice" we are trained to give is referral to the client's GP over health concerns.

BPAS does not provide a general pregnancy support service, as we do; their stock in trade is abortion provision. Are they to advertise the pregnancy support services they do not provide as well? They claim to be in the business of "reproductive health".

LIFE Pregnancy Care Centre personnel have to raise every penny to support their local services. Much of BPAS' money comes from NHS referrals; up to 92%. Organisations, such as mine, would not have this monetary power to advertise on TV and Radio. Are the abortion-providers such as BPAS and Marie Stopes hoping for a "reproductive health" monopoly?

Yours faithfully,

Joyce Fannon MA, BA, PGCE. (Weymouth Life Caring Officer).

Registered National Charity No. 274144

Trustees - Professor J J Scarbrick (National Chairman) - Mrs Nuala Scarbrick - Mr LA Parsons, QC - Dr Michael Jarmulowicz, FRCPsych, MB, BS, BSc
National Patrons - The Duke of Norfolk - Baroness Brayne - Baroness Masham of Iton - Dame Janet Baker - Mrs V Riches - Rev Dr J Soar, QHC
Lord Alton of Liverpool - Miss Mary Kenny - Rt Rev Nigel McCulloch - Mr Kenneth Hargreaves - Rt Hon Ann Widdecombe MP
Jim Dobbin MP - John Kennedy, CBE - John Kelly, FRCOG - Don Maclean, MBE, KHS



LIVERPOOL ARCHDIOCESAN CENTRE FOR EVANGELISATION
Croxteth Drive, Sefton Park, Liverpool. L17 1AA

Fr John McLoughlin. Ep. Vic. STB SLL
Department of Pastoral Formation
Tel: 0044 (0)151 522 1041
Fax: 0044 (0)151 522 1060
E-mail: j.mcloughlin@rcaol.co.uk



St Agnes,
89, St Mary's Road
Huyton, Liverpool.
L36 5SR
Tel: 0044 (0)151 4891296
Fax: 0044(0)151 4821010

Mrs Julie Cassidy (Assistant) Tel: (0151) 522 1040
E-mail: j.cassidy@rcaol.co.uk

The Advertising Standards Authority Ltd.,
Mid City Place
71 High Holborn
London WC1V 6QT

31 MAR 2009

26th March 2009

Dear Sir (Madam)

Please explain how you can possibly consider and justify allowing advertisements for condoms and abortion clinics on television, and indeed before the 9pm watershed, when there is absolutely no evidence to show that such advertising will result in a decrease of teenage or unwanted pregnancies and sexually transmitted diseases.

We were told many years ago now that if condoms were sold above the counter then unwanted pregnancies would decrease – they increased!

Then we were told, 'if only condoms were more readily available and sold in places other than chemists then unwanted pregnancies and sexually transmitted diseases would decrease' – both increased dramatically

Now you are about to tell us that if we advertise on T.V. and before the watershed then teenage, unwanted pregnancies and sexually transmitted diseases will simply decrease – yet another lie!

What will be the result of this advertising? The result will be that a wider, younger audience will be given the message that it is OK to be sexually promiscuous because condoms and abortion clinics will sort out any aftermath. They will be misled, misguided and ill educated to believe that sex is divorced from maturity and responsibility. The condom companies will get richer and society will be the poorer.

Shame on you, shame on the condom companies, shame on the abortion clinics for having total disregard for the dignity of the human person and the beauty of the awesome gift of human sexuality. Is it any wonder that we have one of the highest rates of teenage, unwanted pregnancies and sexually transmitted diseases in this country when companies, which treat life and sexuality as commodities to be bought and sold, are given the freedom to advertise without any responsibly to the long term and greater good of society?

Yours despairingly

Rev John McLoughlin.

Copies: Prime Minister

LIVERPOOL ROMAN CATHOLIC ARCHDIOCESAN TRUSTEES INCORPORATED Registered Charity No. 232709

LIVERPOOL ARCHDIOCESAN CENTRE FOR EVANGELISATION
Croxteth Drive, Sefton Park, Liverpool. L17 1AA

Fr John McLoughlin. Ep. Vic. STB SLL
Department of Pastoral Formation
Tel: 0044 (0)151 522 1041
Fax: 0044 (0)151 522 1060
E-mail: j.mcloughlin@rcaol.co.uk



St Agnes,
89, St Mary's Road
Huyton, Liverpool.
L36 5SR
Tel: 0044 (0)151 4891296
Fax: 0044(0)151 4821010

Mrs Julie Cassidy (Assistant) Tel: (0151) 522 1040
E-mail: j.cassidy@rcaol.co.uk

The Advertising Standards Authority Ltd.,
Mid City Place
71 High Holborn
London WC1V 6QT

27 APR 2009

25 April 2009

To the Code Policy Team,

Thank you for your reply to my letter of 26th March 2009 in which I asked for an explanation of how you can possibly justify allowing advertisements for condoms and abortion clinics on television. Sadly the website to which you directed me did not provide any sound reasoning for allowing such advertisements to be considered.

The fact remains condoms encourage promiscuity, because they encourage irresponsibility. The idea that you can solve an increase in teenage pregnancy, sexually transmitted diseases or even AIDS with condoms is ridiculous.

You may think that teaching abstinence is useless but in fact, the studies confirm that behaviour modification is possible and is occurring. In Cameroon the percentage of young people having sex before the age of 15 has gone down from 35 percent to 14 percent, United Nations AIDS said last year. Uganda has had a 70 percent decline in HIV prevalence since the early 1990s, linked to a 60 percent reduction in casual sex, says a 2004 report in Science. Similar evidence exists in Africa, from Ethiopia to Malawi.

Other studies support the claim that condoms encourage promiscuity and irresponsibility. UN AIDS has found that even when people use condoms consistently, something goes wrong about 10 percent of the time. Condoms give users an exaggerated sense of safety, so that they sometimes engage in "risk compensation." In one Ugandan study, gains in condom use seem to have been offset by increases in the number of sex partners.

The human dimension in sexual activity is crucial. We are not automatons, slaves to animal instinct. Education campaigns focusing on fewer partners, less casual sex and less use of sex workers have been key to reducing AIDS infection rates in countries that have been plagued with the disease.

Earlier this year, the British Medical Journal reported: "In numerous large studies, concerted efforts to promote use of condoms have consistently failed to control rates of sexually transmitted infection," even in Canada, Sweden and Switzerland. Forgive me for drawing a logical conclusion from this but they have also failed to control the increase in teenage pregnancies – and still you want to promote them?

Given such evidence the justification for even considering such advertising is not only flawed it is misleading and tantamount to promoting misinformation. If such advertising does go ahead and rates of teenage pregnancies continue to increase – as they will – I would like to know now who would be legally liable for such irresponsibility?

Yours sincerely

Rev. John McLoughlin. Ep. Vic.

Copies: Prime Minister, Department for Culture, Media and Sport

LIVERPOOL ROMAN CATHOLIC ARCHDIOCESAN TRUSTEES INCORPORATED Registered Charity No. 232709

Dear Sir / Madam

I am writing to you in regards to the forth coming ruling on advertising abortion on television.

I am writing to you as both, an individual who has strong concerns over this matter and as a Pastor of a Christian church in Hull, East Yorkshire.

As you are aware advertisements have a duty to be truthful and transparent. If this proposal were to go ahead then surely abortion providers should be deemed in breach of this duty, as they omit key facts about the baby's development, how abortion is carried out, and the implications for women.

It is my experience that abortion is not the best option not only for the child, but for the mother as well.

I am confident that you will consider all points concerned and will make the right decision on this particular matter.

Thank you for taking the time to read this email.

John Thompson.

BCAP Code Review Consultation: Response from Abortion Rights

Question 62(i)

Given BCAP's policy consideration, do you agree that it is necessary to maintain a rule specific to post-conception advice services and to regulate advertisements for pre-conception advice services through the general rules only?

Response to Question 62 (i)

Abortion Rights supports the recommendation of the Review, to allow all family planning services to advertise on both radio and television, subject to all the criteria outlined in the other relevant sections of the Code, and agree that it is necessary to maintain a rule specific to post-conception advice services.

We believe that the ability of broadcasters to provide clear, accurate information about access to sexual health, contraception and abortion services is crucial for women's health, equality and choice.

We agree that the general rules to regulate advertisements for pre-conception advice services are adequate.

Question 62 (ii)

Given BCAP's policy consideration, do you agree that rule 11.11 should be included in the proposed BCAP Code? If your answer is no, please explain why. ('11.11: Advertisements for post-conception pregnancy advice services must make clear in the advertisement if the service does not refer women directly for abortion').

Response to Question 62 (ii)

Abortion Rights agrees that Rule 11.11 should be added to the proposed BCAP code. Pregnant women who may need information and support about pregnancy options should be able to access this from non-directive, informed sources. These may be women who are unsure of what they want the outcome of the pregnancy to be, or women who have decided that they need to seek an abortion. This situation is common: the Royal College of Obstetricians and Gynaecologists, (RCOG) states that 'at least one-third of British women will have had an abortion by the time they reach the age of 45'¹. Clarity in advertising is particularly needed where medical services need to be accessed within a limited time. Agencies opposed to abortion clearly have the right to express their views, but advertising must indicate what their service actually consists of lest they unnecessarily delay women from antenatal care or abortion care.

We welcome BCAP's commitment to follow through on the recommendations of the Report of the House of Commons Science and Technology Committee on the Scientific Developments Relating to the Abortion Act 1967. It is crucial that accurate information is available to women, particularly at times when they may be more vulnerable. The House of Commons Committee considered the matter very carefully and the recommendations should be supported. The proposed addition to the BCAP Code is therefore constructive.

Question 147

Do you agree that television advertisements for condoms should be relaxed from its present restriction and not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to children below the age of 10? If your answer is no, please explain why.

Response to Question 147

Abortion Rights agrees with the BCAP recommendation that restrictions on television advertisements for condoms should be relaxed. Increased awareness and easier availability of condoms will contribute to improving sexual health, and to reducing the numbers of unintended pregnancies. The promotion of consistent and correct condom use is an important form of public health education, and should be permitted on television and other media at times when those who would benefit from using them are most likely to be the viewers.

¹ p1, '[Care of women requesting induced abortion](#)', Evidence-based Guideline Number 7, Sept 2004.

Introduction

The Low Carbon Vehicle Partnership (LowCVP) welcomes the 2009 consultation on the Review of the UK Advertising Codes.

The Partnership's interest, and basis for this submission, lies solely with the review of Environmental claims. The Partnership therefore welcomes the proposal to extend the present Radio Code's environmental claims rules to television.

Review of the BCAP code

9.17 BCAP's proposed rules are:

9.1

Radio broadcasters must ensure advertisements subject to this Section are centrally cleared.

9.2

The basis of environmental claims must be clear. Unqualified claims could mislead if they omit significant information.

9.3

The meaning of all terms used in advertisements must be clear to consumers.

9.4

Absolute claims must be supported by a high level of substantiation. Comparative claims such as "greener" or "friendlier" can be justified, for example, if the advertised product or service provides a total environmental benefit over that of the advertiser's previous product or service or competitor products or services and the basis of the comparison is clear.

9.5 (See 'Revised rules' below)

Environmental claims must be based on the full life cycle of the advertised product or service, unless the advertisement states otherwise, and must make clear the limits of the life cycle. If a general claim cannot be justified, a more limited claim about specific aspects of a product or service might be justifiable. Claims that are based on only part of an advertised product or service's life cycle must not mislead consumers about the product or service's total environmental impact.

9.6

Advertisements must not suggest that their claims are universally accepted if a significant division of informed or scientific opinion exists.

9.7

If a product or service has never had a demonstrably adverse effect on the environment, advertisements must not imply that the formulation has changed to improve the product or service in the way claimed. Advertisements may, however, claim that a product or service has always been designed in a way that omits an ingredient or process known to harm the environment.

9.8

Advertisements must not mislead consumers about the environmental benefit that a product or service offers, for example, by highlighting the absence of an environmentally damaging ingredient if that ingredient is not usually found in competing products or services by highlighting an environmental benefit that results from a legal obligation if competing products are subject to the same requirements.

Question 45

i) Given BCAP's policy consideration, do you agree that it is justifiable to take the approach of the present Radio Code and provide detailed rules on environmental claims in a dedicated section of the BCAP Code? If your answer is no, please explain why.

Yes

ii) Taking into account BCAP's general policy consideration, do you agree that BCAP's rules on Environmental Claims are necessary and easily understandable? If your answer is no, please explain why?

Yes

Revised rule

Life cycle of the product

9.18 The present BCAP Radio Code states:

5 a)

Generalised claims for environmental benefit must be assessed on a 'cradle to grave' basis. The complete life-cycle of the product and its packaging, the environmental effects of its manufacture, use, disposal and all other relevant aspects must be taken into account.

9.19 BCAP considers there is value in allowing advertisements to make claims on the basis of part of the

product's life cycle only. Often, advertisers are able to quantify the environmental impact of their

products for part of their life cycle, for example, the energy used in the factory that manufactures the

product or the typical emissions generated by the product in use. Other aspects of the product's

environmental impact might be harder to quantify, for example, the impact of disposing of the product

depends in part on the way the consumer disposes of it, which the advertiser cannot control.

A rule

that simply required all claims to be based on the full life cycle of the product would make it difficult for

advertisements to make quantified claims, because advertisers are rarely able to account completely

for all aspects of the product's life cycle.

9.20 BCAP proposes to replace rule 5 a) with:

9.5

Environmental claims must be based on the full life cycle of the advertised product or service, unless the advertisement states otherwise, and must make clear the limits of the life cycle. If a general claim cannot be justified, a more limited claim about specific aspects of a product or service might be justifiable. Claims that are based on only part of an advertised product or service's life cycle must not mislead consumers about the product or service's total environmental impact.

9.21 In referring to 'generalized claims', the present Radio Code implicitly allows more specific and qualified

claims to be made about part of an advertised product or service's life cycle. However, the proposed

rule more clearly allows advertisers to make quantified claims even if they cannot produce a definitive

overall figure, provided that the claims are thoroughly explained and the advertiser can realistically

estimate the impact of the product over the rest of its life cycle and show that it does not cancel out the

claimed benefit.

Question 46

Do you agree that, provided the claim is thoroughly explained and does not mislead consumers about the product's total environmental impact, it is reasonable to allow a claim about part of an advertised product's life cycle? If your answer is no, please explain why?

No. The new guidelines should be sufficiently robust to ensure that products that are the subject of such claims are able if required, to put forward evidence of the claim that can be independently verified.

One related solution would be to include a requirement that claims relating to a product's life cycle should be consistent with the requirements laid out in

ISO standards.

About the Low Carbon Vehicle Partnership

The LowCVP was established in 2003, as an outcome of the Powering Future Vehicle (PFV) strategy, to accelerate the shift to low carbon vehicles and fuels in the UK. It aims to help deliver carbon reduction targets and give commercial advantage to UK business. The Partnership is a multi-stakeholder forum with more than 100 members including many leading car manufacturers and fuel suppliers, major fleet operators, environmental and consumer groups, academics and government departments.

The Partnership undertakes activities to both encourage the supply and raise demand for low carbon vehicles and fuels. This includes providing guidance on the priorities to stimulate market development. Some of our recent key achievements and principal current activities include:

- ☐ Development of the full definition and methodology for accreditation of a low carbon bus, based upon the target for low carbon bus introduction set out by Government in the PFV strategy.
- ☐ Brokering a voluntary agreement with the UK motor industry to introduce colour-coded fuel economy labels in all new car showrooms. On-going studies are evaluating the effectiveness of the label through research into dealer and consumer attitudes and implementation rates.
- ☐ Input to the development of the Renewable Transport Fuels Obligation – focussed on the development of sustainability assurance and carbon certification.
- ☐ Oversight of the establishment of Cenex, a public-private centre of excellence for low carbon and fuel cell technologies. The LowCVP is represented on the Board of the company.

Justin McLaren Founding Director 8hwe Ltd
Judith Frame Board Account Director Abbott Mead Vickers ⚡ BBDO Limited
Steve Davies Chief Executive Advertisers Producers Association
Geoffrey Draughn Advertising Regulation Consultant
Libby Smith Counsel AOL
Tracy Blyth Bartle Bogle Hegarty Ltd.
Rupesh Chandrani Senior Legal Counsel British Gas
Dr. Christian Quack Rechtsanwalt Buse Heberer Fromm
Tony Kingsbury Consultant Clear Europe
Greg Delaney Creative Director Delaney Lund Knox Warren
Duncan Grehan Partner Duncan Grehan & Partners, Solicitors
Nicholas Wright Fishburn Hedges
Roger Gardner Legal Director Europe General Mills
Mark Norton UK Group Finance Manager Grey Group
David Grindall Partner Grindall & Hanna Solicitors
Andrew Sellers UK & International Claims
Manager
Hiscox London Market (TMT)
Barry Cox History of Advertising Trust
Ben Bilboul Managing Partner Karmarama LLP
Susie Ewing UK Legal Counsel Publicis (Lion Re:Sources UK Ltd.)
Alison Campbell Legal Counsel Loewy Group
Sharon Playford Legal Advisor Loewy Group
Phil Hughes Manning Gottlieb OMD
Stephen Hillier Head of TV Administration McCann Erickson
Andrew Southam Principal Lawyer One Production – Bartle Bogle Hegarty
William Betts General Counsel RAPP
Adele Fuller Legal Advisor Royal Society for the Prevention of Cruelty to Animals
Jason Parry Finance Director Salter Baxter
Gavin Ingham
Brooke
Managing Director Spada Limited 5
Chris Brown Take That Ltd.
Tony Muranka Independent Creative
Director
The Creative Independent Ltd.
John Robinson CEO TEC TV
Jamie Barnard Legal Counsel Unilever UK Limited
Simon Peck Deputy Managing Director WCRS Limited
Scott Jamieson Legal Manager Western Union
Neil Christie Managing Director Wieden & Kennedy UK Ltd.
Spada is a public relations agency retained by Lewis Silkin LLP.