

SECTION 22: PREMIUM-RATE SERVICES

Question 122: Given BCAP's policy consideration, do you agree that proposed rules 22.1 to 22.6 and 22.8 should be included in the proposed BCAP Code? If your answer is no, please explain why.

22.1

Advertisements that include a premium-rate telephone number must comply with the PhonepayPlus Code of Practice.

22.2

Advertisements for premium-rate telephone services must include clear pricing information if the service generally costs 50 pence per call or more.

22.3

Advertisements for premium-rate children's services, services accessed by automated equipment or subscription services must always include clear pricing information.

22.4

Advertisements for premium-rate services must state the identity of the service provider or the information provider.

22.5 – Radio only

If it is not included in the advertisement, radio broadcasters must retain and, on request, make available a non-premium-rate telephone number for the premium-rate service for customer care purposes.

22.6 – Television only

Television advertisements for premium-rate services must include a non-premium-rate telephone number for customer care purposes.

22.8

Advertisements for live premium-rate services must not appeal particularly to people under 18, unless those services have received prior permission from PhonepayPlus to target people under 18.

<p><i>Responses received in favour of BCAP's proposal from:</i></p> <p>Advertising Association; The Charity Law Association; Institute of Practitioners in Advertising; A broadcaster; A broadcaster; A faith based group</p>	<p><i>Summaries of significant points:</i></p> <p>These respondents (left) supported BCAP's proposal.</p> <p>A broadcaster said it welcomed the attempts to move towards joined-up regulation in this area.</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>BCAP welcomes the respondents' support of its proposal.</p>
<p><i>Responses received against BCAP's proposal:</i></p> <p>Association for Interactive Media & Entertainment (AIME); an organisation; Harvan Europe Limited; Mobile Entertainment Forum (MEF); Peripatos Limited; PhonepayPlus, Square 1 Communications Ltd</p>	<p><i>Summaries of significant points:</i></p> <p>PhonepayPlus said it is presently consulting on a revision to its current Code of Practice, which will be launched later in 2009. The new version of the Code <i>is likely to remove or alter some of the requirements</i> to which the proposed rules 22.2 to 22.6 and 22.8 refer. As PhonepayPlus cannot be certain at this time of the exact requirements that its new Code will impose, it advised that the new BCAP Code removes rules 22.2 to 22.6 and 22.8, and instead alters rule 22.1 to approximate to as follows:</p> <p>"Advertisements that include a premium rate</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>The proposed BCAP Code includes rules that assist broadcasters to comply with PhonepayPlus's requirements. Some of these rules exist in the present BCAP Codes and some have been proposed as part of this review. On balance, BCAP is not content to denude the BCAP Code of those existing and proposed requirements. If PP+'s review results in changes that impact on BCAP's rules, BCAP must consider to what extent changes in its Code are merited. PP+ is asked to inform BCAP of the outcome of its consultation so that BCAP can consider if rules within its premium-</p>

	<p>telephone number must comply with the edition of the PhonepayPlus Code of Practice which is relevant at the time of their broadcast. The ASA (B) will reserve its right to interpret the rules in the relevant PhonepayPlus Code as part of any investigation, subject to close consultation with PhonepayPlus prior to a decision being reached.”</p> <p>1. AIME, Square 1 Communications Ltd, MEF and a company said the Code should merely state that ads that include premium-rate telephone numbers or short codes should comply with the PhonepayPlus Code of Practice and other relevant guidelines. AIME favour one body having responsibility for advertising standards in a media neutral manner.</p> <p>2, Harvan Europe Limited and Peripatos Limited said BCAP should not involve itself in the regulation of PRS; these services are subject to very substantial regulation by PhonePayPlus.</p>	<p>rate section need amending.</p> <p>BCAP considers PP+’s proposed revision to rule 22.1 does not improve on the conciseness and clarity of the proposed rule. BCAP considers users of the Code will assume (correctly) that the latest edition of PP+’s Code will apply and the commentary on how the ASA will, in practice, interpret the rule is merely guidance. BCAP agreed to maintain its present rule:</p> <p>22.1 Advertisements that include a premium-rate telephone number must comply with the PhonepayPlus Code of Practice.</p> <p>1 & 2: TV and radio broadcasters are required, by the terms of their Ofcom licence, to ensure ads that include premium-rate services (PRS) comply with the PhonepayPlus Code of Practice. With the exception of ads for political and controversial matters, the ASA must consider complaints about all broadcast ads that are covered by the present BCAP Codes and the proposed BCAP Code. If a complaint raised a potential breach of the PP+ Code of Practice, the ASA would, following due process, invite PP+ to consider the complaint before the ASA adjudicated under the relevant BCAP rule thereby avoiding the potential for double jeopardy.</p>
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	<p>Commenting on rule 22.5, Global Radio said the PhonepayPlus 11th Code of Practices obliges Service Providers to ensure that they give a non-premium rate telephone number for customer care purposes. Current industry practice is for radio ads to either include that number or, more commonly, a website address, which will allow listeners to look up such information (along with other compulsory information). The proposed new rule does not make it clear whether the inclusion of such a web address will satisfy this obligation.</p> <p>Commenting on rule 22.5, Global Radio said it places an unnecessary burden on broadcasters. The obligation in the Code of Practice sits with the service provider, not the broadcaster of the ad. Many radio stations that form part of a network (as do ours) are likely to have such advertising campaigns booked at a national or network level, and as such, individual stations will not necessarily have any information about centrally-booked ads. Whilst we would be happy to 'retain' the number for our records (which we would have to provide to RACC in any case, as a part of the clearance process), we feel that the obligation to 'make available on request' such a number is a burden too far for broadcasters.</p> <p>Channel 4 commented on rule 22.6. It noted that from 1 August 2009, "087" numbers will become premium-rate numbers regulated by</p>	<p>BCAP considers the rule is clear; the inclusion or exclusion of a web address does not remove the need to comply with this rule. (See BCAP's response to Channel 4 below.)</p> <p>The provision of a customer care number is important to facilitate consumer redress. BCAP understands that a radio station might not always have immediate access to a customer care number but it should, in BCAP's view, be able to provide a listener with that information within a reasonable period of time. (See BCAP's response to Channel 4 below.)</p> <p>BCAP consulted PhonepayPlus (PP+). PP+ took over the regulation of the 087 range in 2009. Most 087 numbers are used for either</p>
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	<p>PhonepayPlus. "087" numbers are currently often used for customer care contact. PhonepayPlus guidance on the issue states that in the case of 087 providers, PhonepayPlus will accept the 087 number in question, or an alternative 087 number, being used for customer care. In that scenario, the number, which will be technically classified as premium-rate from 1 August 2009, may well need to be used in advertisements. Channel 4 believes that this should be anticipated in the drafting in order to prevent the new Code from becoming outdated rather quickly.</p>	<p>customer data capture, or customer support (for non-PRS products or services). PP+ accept that 087 providers may use the same number for customer care purposes as they use for the 087 service itself. The condition being that, if a complaint about the 087 service itself is upheld, the service provider refunds the cost of the original call and the call to complain.</p> <p>To reflect the fact that 087 (PRS) providers need not provide a non PRS number for customer care purposes, BCAP has revised its proposed rules to read:</p> <p>22.5 – Radio If it is not included in the advertisement, radio broadcasters must retain and, on request, make available a non-premium-rate telephone number for the premium-rate service for customer care purposes <u>except where PhonepayPlus has expressly exempted a provider from the need to do so with regard to a specific service or number range.</u></p> <p>22.6 – Television Television advertisements for premium-rate services must include a non-premium-rate telephone number for customer care purposes <u>except where PhonepayPlus has expressly exempted a provider from the need to do so with regard to a specific service or number range.</u></p>
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	Channel 4 also queried why rule 22.6 applies to television only, rather than to both television and radio.	Rules 22.5 and 22.6 reflect current PP+ policy, which BCAP considers correctly takes into account the time and space constraints of each media.
<p>Question 123: Given BCAP's policy consideration, do you agree that proposed rule 23.1:</p> <p>23.1 - Radio central copy clearance</p> <p>Advertisements for telecommunications-based sexual entertainment services must be centrally cleared.</p> <p>should be included in the proposed BCAP Code? If your answer is no, please explain why.</p>		
<p><i>Responses received in favour of BCAP's proposal from:</i></p> <p>Advertising Association; Association for Interactive Media & Entertainment (AIME); The Charity Law Association; A company; Institute of Practitioners in Advertising; Square 1 Communications Ltd; A Broadcaster; A faith based Organisation</p>	<p>Summaries of significant points:</p> <p>These respondents (left) supported BCAP's proposal.</p> <p>The RACC said rule 23.1 should be revised to state: "Advertisements for telecommunications-based sexual entertainment services <u>are acceptable only if they are</u> must be centrally cleared.</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>BCAP welcomes the respondents' support of its proposal.</p> <p>BCAP disagrees. BCAP's proposed rule is concise and clear.</p>
<i>Responses received</i>	<i>Summaries of significant points:</i>	<i>BCAP's evaluation of those points and action</i>

<p><i>against BCAP's proposal:</i></p> <p>None</p>		<p><i>points:</i></p>
<p>Question 124: Given BCAP's policy consideration, do you agree that TV advertisements for PRS of a sexual nature should be allowed on encrypted elements of adult entertainment channels only? If your answer is no, please explain why.</p>		
<p><i>Responses received in favour of BCAP's proposal from:</i></p> <p>Advertising Association; Family and Parenting Institute; Institute of Practitioners in Advertising; Which?; A Faith-based Organisation; 2 TV Broadcasters</p>	<p><i>Summaries of significant points:</i></p> <p>These respondents (left) supported BCAP's proposal.</p> <p><i>Family and Parenting Institute</i> agrees. Given that one in ten children aged 8-15, and one in five children aged 12-15, have no rules in place regarding their viewing; most watch without an adult present and do not have any access controls set on their television, this is an important rule. FPI agrees that permitting advertisements for telecommunications-based sexual entertainment services subject to content rule and a scheduling restriction, such as after 9pm, 10pm, 11pm or 12am would not adequately protect children from potentially harmful material.</p> <p><i>A broadcaster</i> said BCAP should not give credence to erroneous comments that encryption</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>BCAP welcomes the respondents' support of its proposal.</p> <p>BCAP agrees.</p> <p>BCAP understands that all digital TV platforms present the opportunity to restrict access to</p>

	<p>is impossible, impractical or ineffective. Encryption technology is used on the cable platform as the means to ensure that only viewers that actually subscribe to particular channels are able to view those channels. Similarly, Top Up TV operates conditional access technology on the Freeview (DTT) platform through which access to channels such as Setanta Sports 1 is controlled. The broadcaster also understands that Freesat is considering the implementation of CA technology in order to support the broadcasting of, among other things, valuable HD content and pay TV services.</p> <p><i>Which?</i> said if people are interested in these types of products they are able to source them in other ways (on the internet / shops). If they have already signed up to an encrypted TV channel they will be able to locate the products that they want without the TV codes being relaxed.</p>	<p>adult content. The means they use to achieve that varies but essentially all are able to accommodate the requirement that an audience member enters a PIN before he or she is able to view particular programmes.</p> <p>BCAP considers its proposal to maintain the present level of restriction correctly balances the need to protect children and the right of adults to access these services.</p>
<p><i>Responses received against BCAP's proposal:</i></p> <p>Association for Interactive Media & Entertainment (AIME); Dr Anna Brown; The Charity Law Association; A</p>	<p><i>Summaries of significant points:</i></p> <p><i>AIME, Square 1 Communications Ltd and a provider of premium-rate services said the requirement for encryption is unnecessary, disproportionate and costly. PIN protection alone is widely accepted, understood and an effective method of access control.</i></p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>BCAP agrees that PIN protection is necessary. For the avoidance of doubt, that amounts to a mandatory PIN protected encryption system and not one that can be imposed voluntarily.</p>

<p>provider of premium-rate services; Family Education Trust; Fusion Telecom Ltd; Oxygen8 Communications UK Limited, Square 1 Communications Ltd; Kenneth Williams</p>	<p><i>AIME and Oxygen 8 Communications UK Ltd</i> said a requirement to place programming of an adult nature behind encryption technology, such as a dedicated channel on a satellite service, would be commercially beneficial to the satellite service and could be interpreted as commercially restrictive or unfair.</p> <p><i>The Charity Law Association</i> said Babe Chat ads are freely accessible in non-broadcast media and their content is regulated. [Note the respondent's response to q.128]</p> <ol style="list-style-type: none"> 1. <i>A provider of premium-rate services and Square 1 Communications Ltd</i> said that Adult promotions should be allowed on open-access TV but restricted to viewing after the watershed. 2. <i>A provider of premium-rate services</i> said those promotions should be restricted in areas that are effectively designated adult sections that contain Adult programming. 3. <i>Square 1 Communications Ltd</i> said those promotions should be restricted to areas that have sufficient access control 	<p>BCAP understands that all digital TV platforms present the opportunity to restrict access to adult content. The means they use to achieve that varies but essentially all are able to accommodate the requirement that an audience member enters a PIN before he or she is able to view particular programmes.</p> <p>BCAP considers its review of the present rule correctly takes into account the audio-visual nature of broadcast television, its broad reach and its place in the family home.</p> <p>1 & 2: BCAP considers that that approach would not adequately protect members of the audience who could be seriously offended by advertisements for telecommunications-based sexual entertainment services. BCAP also considers that that approach would not adequately protect children from potentially harmful material.</p>
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	<p>mechanisms.</p> <p>4. <i>A provider of premium-rate services said</i> BCAP's review has not taken account of the fact that all adult channels are restricted into one section on the sky EPG which the individual can restrict in its entirety by pin.</p> <p><i>Fusion Telecom Ltd</i> said the current content standards on Babe TV are within the bounds of decency allowed on channels of this type. Other TV programmes contain far stronger sexual material. TV programmes such as 'Playboy Mansion' can be aired at any time of the day, with the relevant naughty bits turned into a few pixels (before 9pm)! In the evenings you have extremely gratuitous content with TV programmes like 'Sexcetera'.</p>	<p>3. BCAP agrees. BCAP considers, however, that PIN protection is necessary. For the avoidance of doubt, that amounts to a mandatory PIN protected encryption system and not one that can be imposed voluntarily.</p> <p>4. BCAP's review did take that into account: "On the Sky platform, channels that broadcast those programmes are confined to the Adult section of the Sky electronic programme guide (EPG)." BCAP considers PIN protection must amount to a mandatory PIN protected encryption system and not one that can be imposed voluntarily.</p> <p>BCAP notes that in June 2009, Ofcom conducted research into 'Attitudes towards Sexual Material on TV' (by Opinion Leader), "to ensure that the application of its rules on sexual material is informed by a detailed understanding of current attitudes towards a range of sexual material that can be viewed on television" (p.4) The research concluded: "a wide range of factors such as context, editorial justification and mandatory access restrictions were extremely important when considering generally accepted standards." (p.69). "Most considered that stronger sexual material required stronger editorial justification and should be subject to a wider range of contextual conditions. Participants voiced the need for mandatory restrictions where</p>
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	<p>appropriate, depending on the type and strength of sexual material.” (p.69) The conclusions made clear there was a “... need for mandatory access restrictions for content perceived to be for the primary purpose of sexual arousal.” In its viewer research on PTV, prepared by Essential, page 6 states “All respondents implied that the purpose of watching or calling ‘Babe’ channels was normally sexual gratification, although the channels were also seen as entertaining or amusing”</p> <p>The research would appear to indicate that viewers’ consideration of sexual material takes into account the ‘editorial merit’ of the broadcast material. Where there is little or no editorial merit and the primary purpose of the broadcast material is to sexually arouse the viewer, the case for mandatory access restrictions appears to be strongest. BCAP considers these findings support its proposal to maintain the present level of restriction on Babe Chat TV.</p> <p>BCAP considered that an outright ban on ads for telecommunications-based sexual entertainment services would be unduly proscriptive and disproportionate. The protection provided by encryption means that it is unlikely that ads broadcast on encrypted elements of adult entertainment channels would be seen by under 18s or by those who do not wish to see material with strong sexual themes. Considering the</p>
	<p><i>Family Education Trust and an individual (Kenneth Williams)</i> said ads for these services should not be allowed on TV, whether on open access or behind encryption. Family Education Trust said these ads provide a serious danger to children and young people and to society at large. It is not convinced that the current safeguards are sufficient to prevent under 18s from accessing PRS of a sexual nature. It said sexual services can be accessed on some</p>

	<p>cable televisions simply by ‘channel flicking’ which as the consultation document notes ‘continues to be the primary way of locating channels’. With 79 per cent of 8-11 year olds and 93 per cent of 12-15 year olds possessing their own mobile phone, a high proportion of children now have potentially easy access to adult chat lines. Many also have TVs in their bedroom. Pressures placed on parents often make it difficult for them to sufficiently control the material their children are exposed to.</p>	<p>typically strong sexual content of the programmes and other ads broadcast on encrypted elements of adult entertainment channels, BCAP considers that a rule that prohibits the broadcast advertising of those services is not merited.</p>
<p>Question 125:</p> <p>i) Given BCAP’s policy consideration, do you agree that the BCAP rule on PRS of a sexual nature should be clarified to make clear that it applies also to TV advertisements for telecommunications-based sexual entertainment services made available to consumers via a direct-response mechanism and delivered over electronic communication networks? If your answer is no, please explain why.</p> <p>ii) If your answer is no to question 125(i), do you consider the rule should make clear that ‘premium-rate call charge’ is the only permissible form of payment? If your answer is no, please explain why.</p>		
<p><i>Responses received in favour of BCAP’s proposal from:</i></p> <p>Advertising Association; The Charity Law Association; Family and Parenting Institute; Institute of Practitioners in</p>	<p><i>Summaries of significant points:</i></p> <p>These respondents supported BCAP’s proposal.</p> <p><i>Family and Parenting Institute</i> agrees. The underlying reason for the guidance is the protection of minors from viewing material of a sexual nature rather than the payment method.</p>	<p><i>BCAP’s evaluation of those points and action points:</i></p> <p>BCAP welcomes the respondents’ support of its proposal.</p> <p>BCAP agrees.</p>

Advertising; 2 TV Broadcasters; A Faith-based organisation.		
<p><i>Responses received against BCAP's proposal:</i></p> <p>Association for Interactive Media & Entertainment (AIME); A provider of premium-rate services; Square 1 Communications Ltd</p>	<p><i>Summaries of significant points:</i></p> <p>Question i)</p> <p><i>AIME and Square 1 Communications Ltd</i> said it is sufficient to refer to “TV ads for telecommunication based sexual entertainment services”. AIME and Square 1 Communications Ltd and a provider of premium-rate services said the reference to direct response mechanism and delivery method is not understood.</p> <p>Question ii)</p> <p><i>AIME and a provider of premium-rate services</i> said it is not acceptable to restrict the consumers’ options of payment methods.</p> <p><i>AIME and Square 1 Communications Ltd</i> added this is outside of BCAP remit.</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>BCAP’s definition is intended, as far as possible, to avoid unintended consequences and limit the rule to those products and services intended to be caught by it. BCAP’s review makes clear that the direct response nature of these ads, coupled with the immediate delivery of products to telecommunications-based devices, are material factors that are relevant to BCAP’s concern to adequately protect under 18s. BCAP considers its definition provides clarity for users of the Code.</p> <p>BCAP agrees.</p> <p>BCAP’s remit is broadcast advertising; its Code regulates broadcast ads carried on channels licensed by Ofcom, including broadcast ads for or that include premium-rate services.</p>

Question 126: Given BCAP's policy consideration, do you agree that BCAP's rule should not define PRS of a sexual nature as those operating on number ranges designated by Ofcom for those services? If your answer is no, please explain why.		
<p><i>Responses received in favour of BCAP's proposal from:</i></p> <p>Advertising Association; Association for Interactive Media & Entertainment (AIME); The Charity Law Association; A provider of premium-rate services; Family and Parenting Institute; Institute of Practitioners in Advertising; PhonePayPlus; A TV broadcaster; Square 1 Communications Ltd; A faith-based organisation</p>	<p><i>Summaries of significant points:</i></p> <p>These respondents supported BCAP's proposal.</p> <p>PhonepayPlus said it agrees with the BCAP assessment that there is no guarantee the number ranges will not change again. In addition PhonepayPlus observe that such services may, in future, be provided over VoIP networks on numbers which would not necessarily require Ofcom allocation. Therefore, PhonePayPlus agrees with BCAP's view.</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>BCAP welcomes the respondents' support of its proposal.</p> <p>BCAP welcomes PP+'s comments.</p>
<p><i>Responses received against BCAP's proposal:</i></p> <p>A TV broadcaster</p>	<p><i>Summaries of significant points:</i></p> <p>A TV broadcaster said a reference to these number ranges as <i>examples</i> of PRS of a sexual</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>IBCAP considers that if guidance is necessary to support the rule, it may consider including</p>

	nature would be helpful.	number ranges as examples of PRS of a sexual nature.
Question 127: Given BCAP's policy consideration, do you agree that BCAP's rule on TV advertisements for telecommunications-based sexual entertainment services should extend to 'voice, text, image or video services of a sexual nature'? If your answer is no, please explain why.		
<i>Responses received in favour of BCAP's proposal from:</i> Advertising Association; The Charity Law Association; Association for Interactive Media & Entertainment (AIME); A provider of premium-rate services; Family Education Trust; Institute of Practitioners in Advertising; Square 1 Communications Ltd; A TV broadcaster; A faith-based organisation	<i>Summaries of significant points:</i> These respondents supported BCAP's proposal. AIME, Square 1 Communications Ltd and a provider of a provider of premium-rate services said it is not necessary to attempt to quantify all possible options for service delivery. It should be sufficient to simply refer to "entertainment services of a sexual nature" (AIME) or "services of a sexual nature" (A provider of premium-rate services.).	<i>BCAP's evaluation of those points and action points:</i> BCAP welcomes the respondents' support of its proposal. The reference to 'voice, text, image or video services of a sexual nature' is included in the definition. BCAP considers it gives clarity to users of the Code and, unlike the reason behind its decision to drop number ranges from the rule, the reference is very unlikely to become outdated.
<i>Responses received against BCAP's proposal:</i>	<i>Summaries of significant points:</i>	<i>BCAP's evaluation of those points and action points:</i>

None		
<p>Question 128: Given BCAP's policy consideration, do you agree that rule 11.1.2 in the present BCAP Television Code:</p> <p>11.1.2 Premium rate services of a sexually explicit nature (ie those which operate on the 0909 dialling code) may not be advertised. An exception is made for premium rate voice services of a sexual nature, which may be advertised on encrypted elements of adult entertainment channels only</p> <p>should be replaced by proposed rule 23.2:</p> <p>23.2 – Television only Advertisements for telecommunications-based sexual entertainment services are acceptable on encrypted elements of adult entertainment channels only.</p> <p>If your answer is no, please explain why.</p>		
<p><i>Responses received in favour of BCAP's proposal from:</i></p> <p>Advertising Association; The Charity Law Association; Institute of Practitioners in Advertising; 2 TV broadcasters; STV; A faith-based organisation.</p>	<p><i>Summaries of significant points:</i></p> <p>These respondents supported BCAP's proposal.</p> <p><i>The Charity Law Association</i> agreed provided that "telecommunications based" is defined as excluding broadcast material e.g. cable, satellite, IPTV and similar or it could be impossible to broadcast/advertise encrypted services otherwise than through an encrypted service. [Note the</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>BCAP welcomes the respondents' support of its proposal.</p> <p>BCAP considers the rule does not apply to ads for channels or programmes that transmit broadcast material falling within the recognised character of telecommunications based sexual entertainment services, unless those ads include a direct response mechanism for the</p>

	<p>respondent's response to q.124]</p> <p>A TV broadcaster supported BCAP's proposal to maintain the present level of restrictions on ads for sex chat services. It found these factors persuasive in reaching its decision:</p> <ul style="list-style-type: none"> • "Standards Objectives": the requirement to ensure that persons under the age of 18 are protected is the first of the standards objectives listed in the Communications Act. It is, therefore, clearly a key consideration when establishing broadcast advertising standards. • Explicit sexual content: adult chat services have broadcast very explicit sexual content in breach of the Ofcom Broadcasting Code. The TV broadcaster claims these breaches result from matters that have been drawn to Ofcom's attention and not, for example, through monitoring, which may expose more breaches. • Live services: The risk of very strong sexual content that exceeds generally accepted standards is exacerbated by the fact that these services are broadcast live. The live nature of these programmes reduces scope for editorial control. It is not, according to the broadcaster, feasible to 	<p>provision of those services.</p> <p>BCAP welcomes the respondent's submission, which reflects and agrees with much of BCAP's review and which also highlights relevant findings from Ofcom's June 2009 research into 'Attitudes towards Sexual Material on TV' (by Opinion Leader), which BCAP had not referenced in its review of existing TV rule 11.1.2.</p>
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	<p>implement a delay on the broadcasting of adult chat TV services given that the on-screen presenters engage in live telephone conversations with viewers.</p> <ul style="list-style-type: none"> • An adverse effect of competition: Given the relatively fragile economics of adult chat TV services (and the plethora of such channels that are currently being broadcast), it is likely that the on-screen presenters will, in future, be encouraged to be more explicit in order to attract more viewers and raise greater revenue. • Ofcom research on attitudes to sexual material, published 15 June 2009: <i>“Where sexual material was considered to be “too strong” to be broadcast without mandatory access restrictions in place, it was because it appeared to have a primary purpose of arousing viewers i.e. an excuse to show what participants referred to as “porn” and not to be justified in terms of plot, character development or editorial context”</i> (Page 169 of Ofcom’s Broadcasting Code Review). The TV broadcaster said there is no plot, character development or editorial context in adult chat TV services. Those services clearly have a primary purpose of <i>“arousing viewers”</i> and thus would be <i>“considered to be “too strong” to be broadcast without mandatory access restrictions in place”</i>. 	
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	<p>Ofcom's recent research supports BCAP's proposal to maintain its current approach to TV advertisements for PRS of a sexual nature.</p> <ul style="list-style-type: none"> • The same research confirms that: <i>“Overall, protection of under 18s was the main concern with respect to sexual material as this group was seen to be at risk of harm from exposure to such material. Participants raised two issues in particular. Firstly, the need to protect younger children from stumbling across sexual content (unintentional viewing) was raised across all demographic groups, including non-parents, although it was a greater concern for parents. Secondly, the need to restrict older children from seeking it out (intentional viewing) was raised, mostly by parents of children in this age group”.</i> (Page 163 of Ofcom's Broadcasting Code Review.) • Under eighteens' access to sex chat PRS products: Given the ease of access by under 18s to telephones and the absence of robust age-verification in respect of their use, BCAP must seek to minimise the potential for under 18s to view advertisements for PRS of a sexual nature in order to discharge the statutory duty to protect under 18s. In practice, the nature of the sexually explicit PRS, which are 	
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	<p>advertised on adult chat TV services, is extremely graphic and entirely unsuitable for under 18s, as would be amply demonstrated if BCAP were to sample such PRS. If such sexually explicit audio content were to be broadcast on a free to air basis, it would certainly not be consistent with the Broadcasting Code, and would be borderline permissible even on an encrypted adult channel. In light of this sexually explicit audio content, the need to adopt a precautionary approach for the protection of under 18s is heightened in respect of such PRS.</p> <ul style="list-style-type: none">• Children's TV viewing habits: The prevalence of TV in almost all children's lives from an early stage, the growing tendency for children to watch TV in their bedrooms alone, the limited use of parental controls for access to TV content and the ability of children to subvert parental viewing rules, all demonstrate that mere scheduling restrictions (which could enable the broadcasting of advertisements for PRS of a sexual nature at certain times and/or on certain unencrypted channels) would not achieve the necessary degree of protection in respect of under 18s and thus would not discharge the statutory duty in this regard in the Communications Act.	
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	<p>Alternative Options</p> <p>A TV broadcaster agreed that the alternative options for regulating premium-rate sexual entertainment services did not adequately meet the relevant standards objectives. It agrees with this conclusion because.</p> <ul style="list-style-type: none"> • Scheduling restriction on open access TV: a scheduling restriction in respect of advertisements for PRS of a sexual nature would not adequately protect under 18s for the reasons provided above. This view is supported by Ofcom's recent research which confirms that: <i>"There was also some concern that the watershed might not provide sufficient protection for older children and young people who were likely to be watching television after 21.00 and/or who might actively seek out stronger sex material that is transmitted without mandatory access restrictions"</i>. (Page 165 of Ofcom's Broadcasting Code Review.) • Relaxation for short-form ads for PRS of a sexual nature: It is clear that there is potential for both short-form and long-form advertisements for PRS of a sexual nature to cause widespread offence and/or expose under 18s to extremely sexually explicit material. 	<p>BCAP welcomes the respondent's submission, which reflects and agrees with much of BCAP's review and which highlights relevant findings from Ofcom's June 2009 research into 'Attitudes towards Sexual Material on TV' (by Opinion Leader), which BCAP had not referenced in its review of existing TV rule 11.1.2.</p>
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	<ul style="list-style-type: none"> • Relying on the Code's general provisions: For the reasons explained in section 3 above, mere reliance on the general provisions of the Code would not be adequate. To date, adult chat TV services have been regulated as editorial rather than advertising and, as a consequence, such services have been subject to the general provisions of Ofcom's Broadcasting Code. Those general provisions have certainly not prevented many serious breaches of the Code by adult chat TV services. It is clear, therefore, that there is a benefit to a bespoke rule on this issue. 	
<p><i>Responses received against BCAP's proposal:</i></p> <p>3C Limited; Adalsys Ltd; Association for Interactive Media & Entertainment (AIME); 12 Adult chat TV presenters; 2 providers of premium-rate services; Family Education Trust; Harvan Europe Ltd; Netcollex Limited; 2</p>	<p><i>Summaries of significant points:</i></p> <p>Levels of viewer / consumer complaint</p> <p>Adalsys Ltd, two producers of an adult chat TV programme and Fusion Telecom Ltd said there is no evidence of consumer harm arising from these broadcast services; there is no 'need' to intervene. Adalsys Ltd and a provider of premium-rate services said better regulation necessitates that regulatory intervention should be targeted where action is needed.</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>Levels of viewer / consumer complaint</p> <p>BCAP arrived at its proposal to maintain the present level of restriction on ads for telecommunications-based sexual entertainment services after a full and transparent review of relevant factors. Factors that BCAP found persuasive in reaching its decision include:</p> <ul style="list-style-type: none"> • That long-form, live TV broadcast content predicated on the use of PRS of a sexual nature has, in breach of the Ofcom

<p>producers of an adult chat TV programme.</p>		<p>Broadcasting Code, included very strong sexual content that exceeds generally accepted standards on unencrypted TV services.</p> <ul style="list-style-type: none"> • That research suggests nudity, sexual themes or bad language in TV spot advertisements are often a cause for complaint for the audience. • Research shows that spot advertisements that show nudity or have sexual connotations are likely to cause offence. • That one in ten children aged 8-15, and one in five children aged 12-15, have no rules in place regarding their viewing; most watch without an adult present and do not have any access controls set on their television. • That 'channel flicking' continues to be the primary way of locating channels. That children can access sexual material and actively seek it out. <p>BCAP has invited and fully considered responses to its proposal. BCAP has not been presented with evidence that persuades it to change its proposal. On the contrary, given its objective to ensure that persons under the age</p>
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		<p>of eighteen are protected and that generally accepted standards are applied to the contents of television services so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material, BCAP considers its rule has been endorsed through public consultation. BCAP considers its review of this rule has taken full account of better regulation principles and that the rule is necessary for the purposes of achieving the relevant Standards Objectives.</p>
	<p>3C Limited said Babe TV generates very low levels of consumer complaints.</p> <p>Harvan Europe Ltd said in 3 years of broadcasting the free to air babe industry has NOT generated around 200 complaints (see respondent's comments to qu.128) but less than 120 complaints (and many of these are suspect in their origin). This volume of complaints is pitifully small by comparison to complaints received for the broadcasting of sexually explicit content by other broadcasters (Channel 4 by example received 153 complaints for one programme alone).</p> <p>Breaches of the present regulations</p>	<p>BCAP's review acknowledged that although they are not the <u>only</u> measure of offence, complaints can be an indicator of levels of offence. In BCAP's view, its review did not place disproportionate significance on the level or nature of complaints.</p> <p>(See below: Paragraph 22.43 of the BCAP Consultation)</p>
	3C Limited said paragraphs 22.44 – 22.49	Paragraphs 22.44 and 22.49 include information

	<p>demonstrate that the present regulations work and the industry has its house in order.</p> <p>Supporting industry</p> <p>3C Limited said BCAP and Ofcom should support and encourage enterprise, including the PTV industry, in the absence of any compelling reasons to the contrary. Adalsys Ltd and Netcollex Limited said many of these businesses are prime drivers of new technologies. Adalsys and two producers of adult chat TV programmes said the industry employs many thousands of people (A provider of premium-rate services said the figure was over 1000; Harvan Europe Ltd said over 3000 people are employed through Babe Chat and Psychic Chat TV services) whose jobs would be put at risk by the BCAP proposals. Adalsys Ltd said the premium rate industry alone is estimated to generate revenues in the order of millions of pounds per annum yielding to the Exchequer valuable tax revenues which stand to be lost.</p> <p>Essential report – commissioned by Ofcom</p>	<p>relating to serious breaches of the Ofcom Broadcasting Code and the PhonepayPlus Code of Practice. BCAP considers those breaches do not suggest that the TV adult chat industry has its house in order or that the present editorial restrictions that are in place are adequate to prevent strong sexual content from reaching the audience, including children in the audience.</p> <p>BCAP understands its duty to protect the audience from the inclusion of harmful or offensive material in advertising must be balanced with advertisers' fundamental right to freedom of expression. BCAP considers it reasonable to restrict that right if it is necessary to protect the audience from harm or serious or widespread offence.</p>
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	<p>12 Adult chat TV presenters (using the same letter template) and Harvan Europe Limited said BCAP had been selective and misleading in its use of findings from this research.</p> <p>12 Adult chat TV presenters (using the same letter template) and Harvan Europe Limited pointed to these paragraphs of the Essential report:</p> <p>1.4.6: <i>“Respondents who watched ‘Babe’ TV had pragmatic views about the programming and expressed very few concerns about content or practices. There was strong support for “soft” adult content on television. For most respondents, the channels were felt to provide a dual benefit through telephone interaction with “girls” and through engaging on-screen content. All respondents implied that the purpose of watching or calling ‘Babe’ channels was normally sexual gratification, although the channels were also seen as entertaining or amusing. Respondents did not raise concerns about excessive telephone bills or addictive behaviour, and appeared to feel that they were getting what they paid for.”</i></p> <p>7.1.1: <i>“Despite some respondents’ suggestions of inappropriate conduct on the part of Quiz TV or Psychic TV operators (see Section 6), there was also a general sense that the genres were robustly regulated, since all television channels in general were felt to</i></p>	<p>BCAP referenced this report three times. Two references included ‘positive’ information on programmes predicated on PRS of a sexual nature:</p> <ul style="list-style-type: none"> • Conversely, research indicates that regular viewers of TV programmes predicated on the use of PRS of a sexual nature did not raise concerns about excessive telephone bills or addictive behaviour and appeared to feel that they were getting what they paid for • Regular viewers of programmes that are predicated on PRS of a sexual nature express very few concerns about the content of those programmes, or the practices of the broadcasters of those programmes, and support ‘soft’ adult content being shown on those channels <p>The third simply referenced how viewers access these services:</p> <ul style="list-style-type: none"> • research indicates that ‘channel flicking’ continues to be the primary way of locating channels and only a few respondents said they use the EPG to find specific channels <p>BCAP considers there is no suggestion that it</p>
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	<p><i>be subject to certain codes or regulations.</i></p> <p><i>7.1.2: “However, respondents expressed some concern if PTV were to be subjected to what they saw as “nanny-state” intervention. As discussed earlier, many felt that as adults they were responsible for their own actions and that tighter regulation was unnecessary. However, respondents were not presented with any potential regulatory options for discussion in this research”,</i></p> <p>The Act’s Standards Objectives</p> <p>A provider of premium-rate services said all the Psychic Chat and Babe Chat and programmes for which it supplies premium-rate telephony services meet the standards objectives set out in Section 319(2) of the Act.</p> <p>Other rule options</p> <p>A provider of premium-rate services called for a contextual rule, which would place advertising in a similar editorial environment to what is being advertised on adults only channels that are not necessarily encrypted but have some sort of protection mechanism in place for minors.</p>	<p>intended to mislead or did mislead readers of the consultation in its reference to the Essential Report findings. BCAP’s review properly directed the reader to the report and included accurate and relevant extracts for the purposes of the review.</p> <p>BCAP has presented evidence that long-form, live TV broadcast content predicated on the use of PRS of a sexual nature has, in breach of the Ofcom Broadcasting Code, included very strong sexual content that exceeds generally accepted standards on unencrypted TV services.</p> <p>BCAP considers that by restricting TV advertisements for telecommunications-based sexual entertainment services to encrypted elements of adult entertainment channels, the proposed rule prevents the potential for serious or widespread offence. It also, on a precautionary principle, protects children from</p>
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	<p>A provider of premium-rate services said BCAP's review had not laid out all its considerations of the options available.</p> <p>Plurality of content</p> <p>Netcollex Limited said these services provide entertainment for a lot of people. A producer of an adult chat programme and a number of its presenters said the programmes are a highly interactive content driven production using lots of humour, themes and stage props to achieve this.</p>	<p>seeing material that goes beyond generally accepted standards on unencrypted channels and prevents children from responding to TV advertisements for services intended for a strictly adult audience and potentially accessing those services.</p> <p>BCAP disagrees and points to paragraphs 22.72 – 22.79 in support of its view.</p> <p>The Essential Report commissioned by Ofcom and referenced in BCAP's consultation document states that 6% of all viewers aged 16-64 have watched adult chat channels in the last 12 months and only 1% watch them regularly (p10). BCAP is not persuaded that this information suggests its proposed rule is disproportionate.</p>
<p><i>Other</i></p> <p>3C Limited; Adalsys Ltd; Association for Interactive Media & Entertainment (AIME); 20 Adult chat TV presenters (using</p>	<p>Paragraph 22.43 of the BCAP Consultation</p> <p>3C Limited said the information presented in paragraph 22.43 is meaningless without context. An average of just one complaint per week. No cause for concern.</p>	<p>Paragraph 22.43 of the BCAP Consultation</p> <p>BCAP does not accept that paragraph 22.43 contains significant inaccuracies. BCAP is content that "many [of the 200 complaints] were predicated on the use of PRS of a sexual</p>

<p>the same letter template); 2 providers of premium-rate services; Fusion Telecom Ltd, Harvan Europe Limited;; 2 TV broadcasters; Mobile Entertainment Forum (MEF); Netcollex Limited; The Participation Television Broadcasters Association Ltd; Peripatos Limited; 2 producers of adult chat TV programmes; Square 1 Communications Ltd.</p>	<p>Adalsys Ltd, Peripatos, A provider of premium-rate services, Limited, Square 1 Communications Ltd, the Participation Television Broadcasters Association Ltd and a producer of an adult chat programme said that information is factually incorrect; the reader of the consultation is given a misleading impression of the actual evidence. Harvan Europe Limited said either Ofcom has given inaccurate information to BCAP or BCAP has failed to present it accurately.</p> <p>Adalsys Ltd said BCAP had selected only those facts which suit its cause (or that of another agency to whom it is accountable, Ofcom).</p> <p>Peripatos Limited said it wrote to Ofcom under the Freedom of Information Act requesting further details on information provided in paragraph 22.43.</p> <p>Ofcom responded by providing the following information:</p> <p>"the around 200 complaints" was in fact 153 complaints which by category comprised: sex/nudity 110, use of premium rate numbers 14, inaccuracy/misleading 28, scheduling 1</p> <p>Of the 153 complaints only 27 resulted in a finding of breach broken down as follows: sex/nudity 24, use of premium rate numbers 1, inaccuracy/misleading 1, scheduling 1. Of the 27,</p>	<p>nature". BCAP published the complaints information simply to indicate that some viewers are offended by the nature or scheduling of some PTV services, such that viewers take the trouble to register a complaint with the regulator.</p> <p>BCAP considers those reading the consultation document will read paragraph 22.43 in the context of a review that considered a range of material information relevant to the review of existing TV rule 11.1.2. Paragraph 22.43 was preceded by a paragraph (22.42) making it clear that "regular viewers of programmes that are predicated on PRS of a sexual nature express very few concerns about the content of these programmes, or the practices of the broadcasters of these programmes". The following paragraph (22.44) reported on findings of breaches of the Ofcom Broadcasting Code made by Ofcom, and it will have been clear to readers that numbers of complaints do not equate to the number of formal investigations and finding of breaches. Moreover, it can be seen that the evidence which BCAP found persuasive in reaching its initial view did not include the level of complaints received by Ofcom referred to in paragraph 22.43.</p>
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	<p>4 were for a failure to provide a recording.</p> <p>Ofcom confirmed they hold no published information regarding "drunken presenters". They explained that they did receive one "particular complaint" which did not result in them finding the broadcaster in breach.</p> <p>Of the complaints: 22 were from individuals complaining on behalf of an organisation, 6 were initiated by Ofcom as a result of representations from a co-regulator such as ASA or PPP, 127 were from members of the public.</p> <p>Peripatos Limited and Square 1 Communications Ltd said BCAP had inaccurately reported the number of complaints - whether this is their doing or the fault of Ofcom in providing them with the information is not clear. That had the effect of giving the public a distorted view of the number of complaints received - BCAP has inflated the number of complaints by close to 25%. BCAP's reporting of the "around 200 complaints" does not fairly reflect the nature and context of the complaints. This cannot be correct. Not only is the figure way off the mark, but no mention is made of the fact that less than 20% of the complaints resulted in a breach finding and even then 4 of the breaches were for the failure to supply a recording.</p>	
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	<p>Paragraph 22.41 of the BCAP Consultation</p> <p>A producer of an adult chat TV programme and 19 of its TV presenters (using the same letter template)said:</p> <ul style="list-style-type: none"> • the emphasis placed by BCAP on “sex” is misleading • under rules for unencrypted broadcast, presenters cannot engage in any activity which could be seen as an adult-sex work or “sexually explicit”. • the reference to “nudity” is misleading; full nudity is forbidden; the reference to the “simulation of sex acts” is misleading; and the reference to the use of “strong sexual language” is misleading. <p>Paragraph 22.35</p> <p>A provider of premium-rate services said research conducted in 2002, referenced in paragraph 22.35 of BCAP’s review, is not reflective of the current landscape. Today, adult content is restricted to the adult section of the Sky EPG.</p>	<p>BCAP does not agree that its review unfairly or inaccurately describes the broadcast content of sex chat services.</p> <p>BCAP understands that Ofcom’s rules are intended to prevent the level of content referred to by the respondents on open-access TV.</p> <p>“During later hours, the content of the programmes might include nudity, simulation of sex acts and strong sexual language.” BCAP does not accept that this paragraph is inaccurate.</p> <p>Paragraph 22.35 states:</p> <p>BCAP noted that, since 2000, there has been a significant increase in the prevalence of PRS of a sexual nature on TV.</p> <p>BCAP considers that is reflective of the current</p>
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	<p>Paragraph 22.57</p> <p>Harvan Europe Ltd said, in paragraph 22.57, BCAP refers to 'evidence' that long-form live TV broadcast content predicated on the use of PRS of a sexual nature has, in breach of the Broadcasting Code, included very strong sexual content that exceeds generally accepted standards on unencrypted TV services. Harvan Europe Ltd said BCAP do not provide this 'evidence' or any sources for such a conclusion (presented in such a way as to mislead the reader)</p> <p>Timing of BCAP's consultation</p> <p>AIME, Adalsys Ltd, Netcollex Limited, a provider of premium-rate services and a producer of adult chat TV, The Participation Television Broadcasters Association Ltd, Square 1 Communications Ltd and 3C Limited said the outcome of BCAP's consultation should be deferred until the current Ofcom consultation process is completed.</p> <p>A TV broadcaster said it recognises the complexity of this area, and notes (as BCAP</p>	<p>landscape. BCAP understands that adult chat TV operates on digital platforms other than Sky, where they are not necessarily similarly restricted on the respective EPG.</p> <p>BCAP has referenced and provided a link to that information in paragraph 22.44.</p> <p>BCAP's consultation states its "proposal ..., is subject to change following BCAP's and Ofcom's consultations and decisions by Ofcom."</p>
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	<p>indeed has done in the Code Review consultation document) that BCAP may need to revisit the rules in this area once Ofcom publishes its next document on participation TV.</p> <p>Use of the term Pornography</p> <p>Fusion Telecom Ltd said it was concerned by BCAP's use of the term 'pornography' in its consideration of ads for Babe Chat services. It said the term was emotive and misleading in this context, and viewers of these services do not regard Babe Chat as 'pornography'.</p>	<p>BCAP's reference to pornography included:</p> <p>BCAP did not conclude that PRS of a sexual nature necessarily fell within the recognised character of pornography, but it did accept that both types of product could include strong sexual content. (Para 22.31)</p> <p>And</p> <p>BCAP considers that neither those services nor broadcast content that promotes them necessarily fall within the definition of pornography. BCAP considers, however, that parallels can be drawn with pornography in terms of the singularly sexual nature of those products and the likely sexual content of the broadcast content of advertisements for those products, which has the potential to include very strong sexual images and sexual language. (para 22.45)</p> <p>BCAP considers its references to pornography are legitimate for the purposes of reviewing</p>
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	<p>Separate Section</p> <p>MEF, AIME and Square 1 Communications Ltd can see no need to create a new section, entitled Telecommunications-Based Sexual Entertainment Services, in the proposed BCAP Code. MEF said advertisements for PRS of a sexual nature should be required to comply with the PpP Code of Practice and be enforced by PpP.</p> <p>Chit-chat / Flirt-Chat lines</p> <p>A TV broadcaster said during the day time, adult chat TV services advertise PRS numbers in the 0906 range. Such numbers are not intended to be used for adult chat services. The conversations which result from viewers being prompted by adult chat TV services during the day time to call such 0906 numbers necessarily become adult in nature. In the circumstances, given that these PRS are being advertised during the day time, in order to protect under 18s it is again critical that the advertisements for these PRS are only broadcast on the encrypted elements of adult entertainment channels.</p>	<p>existing TV rule 11.1.2 and appropriately qualified.</p> <p>BCAP's rule covers TV ads for all telecommunications-based sexual entertainment services and not just those based on PRS. For the avoidance of doubt, those based on PRS must conform to the rules in section 22.</p> <p>Chit chat / flirt chat lines do not, in BCAP's opinion, raise the same type or extent of regulatory concerns as ads for sex chat lines and BCAP is not persuaded that ads for chit chat / flirt chat lines should be confined to encrypted elements of adult entertainment channels only. BCAP made clear in its consultation that:</p> <p>The present BCAP Codes do not include a dedicated rule on TV advertisements for live chatline services. The vast majority of those are offered in return for payment by premium-rate call charge and, therefore, advertisements for them must comply with rules in the Premium-Rate Services section and the general rules of the present Codes and the proposed BCAP</p>
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		<p>Code.</p> <p>If the new BCAP Code allowed TV advertisements for telecommunications-based sexual entertainment services on encrypted elements of adult entertainment channels only, BCAP will undertake, in discussion with PhonepayPlus, to monitor closely the content of unencrypted advertisements for live chatline services and the content of those services. BCAP and the ASA would not allow a rule that confined advertisements for telecommunications-based sexual entertainment services to encrypted elements of adult entertainment to be circumvented by unencrypted advertisements for live chatline services that, in breach of the BCAP Code and the PP+ Code, promoted those services as being sexual in nature or that operated as sexual entertainment services.</p>
<p>Question 129:</p> <p>i) Taking into account BCAP's general policy objectives, do you agree that BCAP's rules, included in the proposed Premium-Rate Services section, 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 Premium-Rate Services rules that you consider are likely to amount to a significant change in advertising policy and practice, which are not reflected here and that you believe should be retained or otherwise given dedicated consideration?</p>		

iii) 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>
<p>i)</p> <p>Advertising Association; The Charity Law Association; A provider of premium-rate services; Institute of Practitioners in Advertising; A TV broadcaster; A faith-based organisation</p>	<p>i)</p> <p>The Charity Law Association and a provider of premium-rate services said that the rules were not easily understandable. The Charity Law Association said that the rules did not take account of constantly changing technologies.</p>	<p>BCAP disagrees.</p>
<p>iii)</p> <p>Association for Interactive Media & Entertainment (AIME)</p>	<p>iii)</p> <p>AIME said the regulation of PRS is adequately covered by the existing PhonepayPlus Code of Practice.</p>	<p>TV and radio broadcasters are required, by the terms of their Ofcom licence, to ensure ads that include premium-rate services (PRS) comply with the PhonepayPlus Code of Practice. With the exception of ads for political and controversial matters, the ASA must consider complaints about all broadcast ads that are covered by the present BCAP Codes and the proposed BCAP Code. If a complaint raised a</p>

		potential breach of the PP+ Code of Practice, the ASA would, following due process, invite PP+ to consider the complaint before the ASA adjudicated under the relevant BCAP rule.
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