

Advertising Guidance Note no. 1

Broadcast Committee of Advertising Practice (BCAP)

# On-screen text and subtitling in television advertisements



## BCAP Advertising Standards Code rule 3.11

### 1. Applicability of Guidelines

a. The principal target of these Guidelines is 'supers'. This is a term of art strictly applying to text superimposed onto advertisements to provide additional information, usually because it is required to be there for legal or regulatory purposes (the 'small print'). Typically the prominence of such text is minimised because it forms no part of what the advertiser wants most to say. This can defeat the consumer protection objective of including the text in the first place and the purpose of these Guidelines is to prevent this by setting minimum standards of acceptability.

b. With limited exceptions (see 5e below) these Guidelines, however, apply to all text on screen. Because viewers are not able immediately to identify and focus on which text carries important qualifying messages and which is less important, they must be given the opportunity to read everything. For the purposes of these Guidelines, text includes numbers.

c. These Guidelines do not apply to text or videotext services or, with the exception of Article 10, to subtitling.

### 2. General principles

a. The principal offer and any important qualifications to it should not normally appear only in the form of superimposed text.

**Note:** *This does not preclude the use of text as the only or the primary vehicle for the selling message. However, where for creative reasons an advertiser chooses to use text in this way it must comply with the minimum standards contained in these Guidelines.*

Superimposed text may be used to expand or clarify an offer or to make minor qualifications. It may also be used to resolve minor ambiguities. Superimposed text that flatly contradicts a claim made elsewhere in the advertisement is not acceptable.

c. Rule 3.11 of the advertising Code requires that qualifying information 'must be presented clearly' and refers television broadcasters to this note to help them to ensure the superimposed text complies with the rule. The aim is to achieve a standard of legibility that will enable an interested viewer, who makes some positive effort, to read all text messages. Sections 4 to 8 below indicate the minimum standards with which relevant text must comply.

### 3. Amount and communicability of text

a. In the interests of clarity of communication to viewers, text in conventional television advertising should be kept to a minimum. Where messages are long, complicated or obscurely expressed it will be unrealistic to expect viewers to be able to absorb them, even if the text does otherwise meet the technical requirements in these guidelines. In such cases the ASA may still conclude that the advertisement, taken as a whole, does not comply with the Code.

b. Broadcasters should accordingly use their judgement to identify and challenge any proposed text that appears excessively long, obscure or complex. They should seek appropriate

improvements eg modification of basic copy to reduce the need for qualifications in text, breaking messages down to shorter, more reader-friendly chunks, and the elimination of language that is not simple and direct or material which serves no essential purpose but might detract from more important text. For additional guidance on complexity of text, see Guideline 9 II below.

#### 4. Size of text

Text size is the vertical height of the text measured in terms of the number of television lines it occupies. There is at present no generally accepted standard for measuring character size on character generators and where monitoring is necessary the TV lines must therefore be physically counted. (See Appendix 2).

**Note:** Regulatory judgements on text size will be made as far as possible on the advertisement as transmitted and thus as seen by the viewer. In checking text size pre-transmission, allowance must therefore be made for any picture compression effects arising from wide screen formats. In practice this means that, where transmission is likely to be in the 'letterbox' format, tapes of commercials where text height is to be measured should be pre-letterboxed.

a. Text must be in lower-case with upper-case used only where normal for punctuation and in words or abbreviations commonly capitalised

**Note:** 4a does not apply where text is required to be in some other specified form. These circumstances are likely to be limited to either a legal requirement (eg by reason of a statutory regulation) or to comply with the rules of a self-regulatory body (eg a financial services regulator).

b. The preferred minimum heights of on-screen text in TV advertisements made in different formats are given in the table.

|  | 4:3 aspect ratio                             | 16:9 aspect ratio |   |
|--|--|-------------------|---|
|  | Standard Definition Television (SDTV) format | SDTV format       | 1080-line High Definition Television (HDTV) format <sup>1</sup> |
| Preferred minimum text height  | 14 lines                                     | 16 lines          | 30 lines  |
| Minimum text height (when placed on an opaque single-coloured block with a clear margin all around the text) | 12 lines                                     | 14 lines          | 26 lines  |

1 30 HDTV lines are proportionally equivalent to 16 SDTV lines, based on the calculation  $(16 \div 576) \times 1080 = 30$ . 26 HDTV lines are proportionally equivalent to 14 SDTV lines, based on the calculation  $(14 \div 576) \times 1080 = 26.25$ , rounded down to 26. Those calculations are based on viewing an HDTV set with 1080 horizontal lines; regardless of the HDTV format in which an advertisement is made, character heights should reflect the heights quoted in the table when the picture is scaled to 1080 lines.

BCAP will consider reducing the preferred text height for advertisements made in widescreen format by 2 SDTV lines, or 4 HDTV lines, when evidence suggests that pre-transmission picture height (measured in TV lines) equates to post-transmission picture height for the overwhelming majority of viewers.

**Note:** *The minimum height of 14 lines for advertisements made in SDTV widescreen format, 12 lines for advertisements made in 4:3 SDTV format and 26 lines in HDTV format stipulated in 4b does not apply to text excluded under 5e below.*

c. Where the typeface, letter spacing, line spacing, background or other element of presentation, including interaction with the background, renders the text blurred or otherwise indistinct, it must be placed on an opaque single-coloured block with a clear margin all round the text, or otherwise amended. (See also Article 9Ib)

**Notes:** *i) To achieve the 'clear margin' referred to in 4b&c it is unlikely that anything less than 6 lines above and below the text will be adequate. A sensible approximation of 6 vertical lines must be shown horizontally at the ends of the block. ii) Shading or edging of individual letters or words is not an acceptable alternative to the use of blocks. (See also Article 9Ih).*

d. Line height of upper or lower case letters is measured where possible using flat-topped letters such as 'v', 'w' or 'x'. In letters with risers or descenders (eg lower case 'd' or 'p') the risers and descenders do not count for the purposes of measuring line height. Letters curved at top and bottom (eg 'c', 'e' or 'o') should not be used as the measure of line height.

e. In measuring line height only the full strength lines are counted.

**Note:** *For the purposes of 4e, note that some text is for aesthetic reasons given what may be described as a 'bevelled' edge where the individual letters tail off rather than have a sharply defined edge. There is also a technical device applied to some material that seeks to minimise the flicker that is a feature of the television system (known as 'anti-aliasing'). Round-topped letters such as 'o' can often give a similar effect. In all these cases the effect is to produce television lines at the top and/or bottom of letters that are noticeably weaker and less distinct than the rest of the letter (they are shown at 'lower amplitude'). For the purposes of calculating line height these lower amplitude lines are disregarded.*

**General Note:**

*The above standard is also predicated on the use of European text where word recognition is to a significant extent influenced by the recognition of exterior word and letter shapes. BCAP is aware that in pictographic and ideographic languages some information is contained within the individual characters. This suggests that for such languages text size should probably be greater. However, in the absence of any knowledge of research in this area no firm guidance on the amount by which size should be increased can be offered. A rule of thumb judgement, based on looking at dual language texts in print, suggests that an increase of two SDTV lines (for a standard of 16 lines and a minimum of 14 for 4:3 SDTV format and a standard of 18 lines and a minimum of 16 lines for 16:9 SDTV format) and an increase of four HDTV lines (for a standard of 34 lines and a minimum of 30 lines) would suffice.*

**5. Duration of hold**

- a. Text must be held for a duration calculated at the rate of 5 words per second, (ie 0.2 seconds per word) plus:
- b. Where the text concerned contains 10 words or more, an additional 'recognition period' of 3 seconds must be added, or 2 seconds if the text contains 9 words or less. See Appendix 1 for a table of hold durations. (But see also Guideline 9IIdi below)
- c. Except as specified in 5e below, for the purposes of calculating the duration of hold all text on screen at any one time will be counted, regardless of where on screen it appears and whether or not it is repeated in audio.
- d. To calculate the appropriate duration for text which rolls or scrolls across the screen, first determine the total number of seconds the caption would need to be held if it was a static caption. The moving caption should take this amount of time to move across the screen, at a steady and even rate.
- e. The following text need not be included in the calculation of duration of hold:
  - i) a company name, brand name or logo;
  - ii) text that is included for reasons of a purely technical legal nature unrelated to consumer protection or the offer (in practice this will almost always apply only to film and video trailer credits and to copyright disclaimers or the like);
  - iii) text that is purely incidental to the advertisement and of such a kind that viewers will be unlikely to believe contains information (eg text on packaging where this is not being used to convey any part of the claim or offer).

**6. Treatment of numbers**

- a. Long numbers should usually be presented on screen according to relevant conventions, eg telephone numbers (xxx-xxxx; xxx-xxx-xxxx) or other long numbers in groups of three (10,000; 100,000).
- b. For the purposes of calculating the duration of hold, numbers should be treated as though they were pronounced as words. Where an obvious and generally recognised short form of vocalising numbers exists, this may be used for the purposes of calculation. It will not usually be necessary to count 'thousand/s', 'hundred/s', or the conjunction 'and' as separate words in a number string.

**Example:** '1,255' in colloquial speech can be vocalised as 'twelve [hundred and] fifty-five' and a word count of three would be acceptable.

## 7. Signs and abbreviations

- a. Abstract signs such as '£' or '%' or decimal point, in numbers or prices, need not be counted.
- b. Email, internet and web addresses, and common abbreviations such as 'APR', 'RRP', 'FSA' or 'PO Box' etc, will usually count as one word.
- c. Postcodes in addresses may be counted as one word per group of letters and numbers only where an otherwise full address is given.

## 8. Position of text on the screen

Text positioned so that it is likely to be wholly or partially obscured or distorted at any edge of the picture area of any domestic television set is unacceptable. Text must therefore be positioned within the 'safe text area' of the screen. Particular care must be taken with widescreen formats. (See Note ii) below)

**Note:** i) A definition of 'safe text area' is currently being reviewed by broadcasters but is generally accepted to be a slightly smaller central screen area than the 'safe picture area'. ii) During the long-term transition from the existing 4:3 (ie 12:9) television ratio to the 'widescreen' 16:9 ratio, material for transmission is being produced by framing the picture on an intermediate 14:9 standard in order to minimise the black edge effects when widescreen material is displayed on 4:3 domestic television sets, and vice versa. The effect is to move the outer edges of the safe text area slightly towards the centre of the screen. Text must be placed with this intermediate 14:9 aspect ratio in mind. iii) Further guidance on aspect ratios and the transition to 16:9 is available from the Ofcom Television Licensing and Planning Group.

## 9. Additional factors

The following points are also important for achieving clearly legible and comprehensible text. Departure from these principles will not automatically make an advertisement unacceptable but may be taken into account if there is doubt about the standard achieved.

### I: Legibility

- a. The contrast between text and its background, whether in terms of colour contrast or relative

brightness, must be sufficient to permit the text to be clearly legible.

b. Where the background to text may be distracting (eg when it is moving or cuts from one view to another) it will normally be necessary to place the text on an opaque single-coloured block.

c. Certain colour combinations are unlikely to produce readable text and should be avoided. (See Appendix 3). Note also that the PAL television system tends to give coloured text a ‘fuzzy’ edge and that the use of coloured text, particularly against certain other coloured backgrounds, needs to be treated with care.

d. Ornate, heavily serifed, italic typefaces and the like should be avoided.

e. The visible space between words should be greater than the visible space between letters and the visible space between lines should be greater than the visible space between words. For this reason fully justified and proportional text should not be used.

f. Fading text in and out of vision should be used sparingly. The text will by definition be at less than optimum visibility and brightness or contrast for a part of its time on screen and in marginal cases only the time when it is at optimum will be counted.

g. Text shown sideways, at an angle or distorted in any way, such as by being wrapped round a real or virtual object in the commercial, should be avoided.

h. Individual letters are sometimes ‘edged’ to make them stand out from the background. However, applying edging to small type can sometimes have the opposite effect and result in blurring. A similar problem can occur when applying shadow effects to type. These effects should be used sparingly and with care. Edging or shadow effects are not acceptable as substitutes for background blocks as required under 4c above.

## **II: Comprehension**

Complexity is a significant bar to the understanding of on-screen text.

There are two kinds of complexity, that of the offer itself and the way the offer is presented. The two elements are closely related but these guidelines are targeted primarily at the second, the communication of the message.

The following guidance indicates the kinds of things Ofcom licensees should consider when assessing text in advertisements submitted for approval.

a. Licensees should not accept without further question any advertiser’s assertion that specific text is legally required. In BCAP’s experience this is by no means always the case and advertisers’ legal advisors may sometimes be excessively cautious.

b. Where the background to text may be distracting (eg when it is moving or cuts from one view to another) it will normally be necessary to place the text on an opaque single-coloured block.

c. Certain colour combinations are unlikely to produce readable text and should be avoided. (See Appendix 3). Note also that the PAL television system tends to give coloured text a ‘fuzzy’ edge and that the use of coloured text, particularly against certain other coloured backgrounds,

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## II: Comprehension

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a. Licensees should not accept without further question any advertiser's assertion that specific text is legally required. In BCAP's experience this is by no means always the case and advertisers' legal advisors may sometimes be excessively cautious.

b. Some **types of word to be avoided** as far as possible because they are not quickly recognisable and are therefore processed slowly are:

unfamiliar words;  
jargon words;  
'legal' words;  
long words;  
abbreviations;  
proper nouns.

c. **Sentence structure** is another key element. Sentences should be:

short: contained on one line.  
simple containing one key idea;  
no subordinate phrases or clauses;  
no jargon or legalistic phrases.

d. **Length of text** is the third key element.

i) Large blocks of text are likely to deter a viewer from even attempting to read the contents. As a rule of thumb any text that takes up more than three full-length lines is likely to require higher than the minimum standards for both size and duration of hold. In such cases the ASA and BCAP may require a minimum size of at least 16 lines and a hold duration of at least 4 words per second in addition to the recognition period. Placing the text on a mono-coloured block might be an alternative or additional remedy in cases where the type of background did not already indicate this.

ii) In reducing the amount of text whole sections should be considered for removal before individual words. The removal of individual words can often make text difficult to read because it becomes fragmented. Thus a longer text that is a proper sentence with all the words in place can sometimes communicate better and more quickly than a shorter text with words removed.

e. The **layout of text** is a fourth key element. Where large amounts of text are unavoidable, the way it is presented on screen can help viewers to read it.

i) Within blocks of text, line endings should coincide with the ends of sentences or phrases.

ii) Separate captions should be placed as close as practicable to that part of the advertisement to which they refer.

Where a qualifying text is divorced from the claim it qualifies (eg where the super is at the beginning and the claim at the end of the advertisement) the ASA may consider this as a material factor in determining the acceptability of the advertising.

## 10. Subtitles

The following additional points should be borne in mind when advertisements are to be subtitled in the form of text for the hard of hearing accessed through page 888 on the public teletext service.

a. When positioning subtitling on the screen care must be taken to avoid obscuring any visual, including other forms of text, that is material to the offer.

b. Care should be taken in paraphrasing the audio for text transmission that no essential consumer protection or information material is lost or any misleading impression given relating to the offer.

**Note:** Further guidance on the use of subtitling is available from the Ofcom Television Licensing and Planning Group.

## Appendix 1: Duration of hold

See paragraphs 5a & b of the Guidelines.

'Short' (9 words or fewer) captions:

0.2 seconds per word plus 2 seconds recognition time.

Number of words/Duration in seconds, inclusive of recognition time.

|         |         |
|---------|---------|
| 1 / 2.2 | 6 / 3.2 |
| 2 / 2.4 | 7 / 3.4 |
| 3 / 2.6 | 8 / 3.6 |
| 4 / 2.8 | 9 / 3.8 |
| 5 / 3.0 |         |

'Long' (10 words or more) captions:

0.2 seconds per word plus 3 seconds recognition time.

Number of words/Duration in seconds, inclusive of recognition time.

|          |          |
|----------|----------|
| 10 / 5.0 | 21 / 7.2 |
| 11 / 5.2 | 22 / 7.4 |
| 12 / 5.4 | 23 / 7.6 |
| 13 / 5.6 | 24 / 7.8 |
| 14 / 5.8 | 25 / 8.0 |
| 15 / 6.0 | 26 / 8.2 |
| 16 / 6.2 | 27 / 8.4 |
| 17 / 6.4 | 28 / 8.6 |
| 18 / 6.6 | 29 / 8.8 |
| 19 / 6.8 | 30 / 9.0 |
| 20 / 7.0 | etc      |

## **Appendix 2: Method of determining line height (See Section 4 of the Guidelines)**

It is expected that agencies and production companies will, as these size requirements become widely known and adopted, calibrate their equipment to produce the required height automatically. However, licensees or their representatives will need to have the means to measure text themselves. There will be more than one way of doing this but the following has been found to work well in practice using standard PC equipment in conjunction with facilities common to many edit suites.

**First** capture the text to be measured in a frame store.

**Second** convert that image to an uncompressed graphics file.

**Third** use 'paint' software to zoom in on the image to the point where individual pixels can be clearly seen. Note that the image should not be re-sampled or re-sized as this will result in errors.

**Finally** simply count the number of TV lines displayed. For example, for a white caption on a dark background, count the number of vertical lines of full brightness pixels.

Above is an example of a text image captured using the above method. Note that the original was white text on a black background and this has been reversed. In this configuration, those segments of the letters containing the darkest pixels represent the lines at maximum brightness. Each horizontal line of pixels represents a television line. To calculate the line height, simply count the number of vertical lines containing the darkest pixels, using where possible flat-topped letters (eg 'i', 'x'). Although when printed there are variations in the density of individual pixels even within the main body of the letters it is a fairly simple matter to identify the upper and lower horizontal boundaries. Where no flat-topped letters are available, ignore any risers (eg 'h' and 't') and descenders (eg 'g') and the top and bottom lines of rounded letters (eg 'g', 'h', 'e'). (See the Note to Article 4). Note how this example demonstrates that the tops and bottoms of rounded letters fall outside the maximum brightness vertical height of flat-topped letters. The example is of text 14 lines high; however the same method can be used to check that on-screen text complies with the 16-line standard (for 16:9 SDTV format) and 30-line standard (for 1080-line HDTV format).

Note that if the pattern of pixels making up the letters is not easily identifiable against the background this probably indicates that the relative contrast between text and background is insufficient. The text probably needs to be placed on a block.

### Appendix 3: Text/background legibility effects

See paragraph 9c of the Guidelines.

(i) Certain colour combinations have been found to make text difficult to read and so should be **avoided**.

#### Character colour Backgrounds

|         |                 |
|---------|-----------------|
| White   | Yellow          |
| Yellow  | White, Cyan     |
| Cyan    | Green, Yellow   |
| Green   | Cyan, Blue      |
| Magenta | Red             |
| Red     | Magenta (green) |
| Blue    | Black           |

(ii) Other combinations have been found to be **acceptable**.

#### Character colour Backgrounds

|         |                                  |
|---------|----------------------------------|
| White   | Magenta, Red, Green, Blue, Black |
| Yellow  | Blue                             |
| Cyan    | Blue                             |
| Green   | Yellow, White                    |
| Magenta | Blue, White                      |
| Red     | White, Yellow, Cyan (green)      |
| Blue    | White                            |

**Note:** *Black on white is a combination hitherto used quite successfully in television advertising although the current research indicates that it is not an ideal combination.*

Updated June 2010

Advertising Guidance Note no. 2

Broadcast Committee of Advertising Practice (BCAP)

# Guidance notes for Broadcast alcohol advertising rules



# Advertising Guidance Note no. 2

Broadcast Committee of Advertising Practice (BCAP)

The rules are in bold

Definitions



The rules in this section apply to advertisements for alcoholic drinks and advertisements that feature or refer to alcoholic drinks. Alcoholic drinks are defined as those containing at least 0.5% alcohol; for the purposes of this Code low-alcohol drinks are defined as drinks containing between 0.5% and 1.2% alcohol.

Where stated, exceptions are made for low-alcohol drinks. But, if an advertisement for a low-alcohol drink could be considered to promote a stronger alcoholic drink or if the low-alcohol content of a drink is not stated clearly in the advertisement, all the rules in this section apply. If a soft drink is promoted as a mixer, the rules in this section apply in full.

The rules are not intended to inhibit responsible advertisements that are intended to counter problem drinking or tell consumers about alcohol-related health or safety themes. Those advertisements should not be likely to promote an alcohol product or brand.

#### **Guidance Note:**

The rules controlling broadcast advertising content of alcohol advertisements were strengthened in 2005, particularly with the intention of protecting the young in the four areas where they may be considered vulnerable to alcohol misuse: sexual behaviour, immoderate drinking, youth appeal and anti-social behaviour. They have been amended in the new Code to bring about greater consistency between TV and Radio. The new rules also now apply to all drinks, including those with a low-alcohol content which were previously exempted from a number of rules. There are now only two exceptions for low-alcohol drinks which are covered below. In these Notes, examples are sometimes offered but they should be regarded merely as illustrating the intended spirit of the rule.

N.B. unless otherwise stated, the term “alcohol” in these Notes means “alcohol or a particular type or brand of alcoholic drink”.

## **19.2**

**Advertisements must not feature, imply, condone or encourage irresponsible or immoderate drinking. That applies to both the amount of drink and the way drinking is portrayed.**

**References to, or suggestions of, buying repeat rounds of alcoholic drinks are not acceptable. That does not prevent, for example, someone buying a drink for each member of a group. It does, however, prevent any suggestion that other members of the group will buy a round.**

#### **Guidance Note:**

This rule is intended to prevent viewers thinking that immoderate consumption of alcohol is acceptable. It would therefore rule out, for example, scenarios such as drinking sessions, drinking games, downing drinks in one swallow or excessively quickly and pub or club “crawls”. Advertisements must not show or suggest an excessive amount of alcohol dispensed per person. Depictions of well-stocked bars or guests arriving carrying alcohol are acceptable provided that nothing implies that immoderate consumption has taken or will take place.

In considering what would constitute an excessive amount of alcohol, please apply the Department of Health's Recommended Daily Amounts of alcohol.

Advertisements may show a person buying a drink for friends but must not suggest that a pattern of round buying is to be, or has been, established. The use of the word "round" or similar is unacceptable.

Advertisements must not suggest peer pressure on individuals to drink alcohol.

### 19.3

**Advertisements must neither imply that alcohol can contribute to an individual's popularity or confidence nor imply that alcohol can enhance personal qualities.**

#### Guidance Note:

The purpose of this rule is to prevent any suggestion that an individual becomes more attractive or a better person or that self assurance can be improved through choosing to drink alcohol. Any suggestion that an individual's behaviour or performance can be changed by drinking is prohibited. No advertisement should suggest that an individual is to be more admired for choosing to drink alcohol or that a person who chooses not to drink might be less popular.

### 19.4

**Advertisements must not imply that drinking alcohol is a key component of social success or acceptance or that refusal is a sign of weakness. Advertisements must not imply that the success of a social occasion depends on the presence or consumption of alcohol.**

#### Guidance Note:

This rule is not intended to prevent the depiction of alcohol as a responsible social lubricant but is designed to prevent the suggestion that the successful outcome of a social occasion depends on or results from the presence or consumption of alcohol.

The introduction of alcohol should not be seen to transform a social occasion and the choice of a type or brand of alcohol instead of another should not seem to contribute to the success of a social occasion.

Lively, but responsible, social interaction or party scenes with alcohol present are allowed but that liveliness must not depend on or result from the presence of alcohol. No behaviour may be adolescent or childish.

Please also refer to rule 19.6.

### 19.5

**Advertisements must not link alcohol with daring, toughness, aggression or unruly,**

**irresponsible or antisocial behaviour.**

**Guidance Note:**

This rule applies whether or not alcohol consumption is seen or implied.

The “daring” element of the rule is designed to prevent associating alcohol with feats that would be considered dangerous, foolish or reckless or likely to encourage irresponsible or anti-social behaviour.

“Toughness”: Advertisements should not suggest that drinkers of alcohol are tough, macho or resilient or associate such qualities with a brand’s image.

“Aggression”: Attitudes, behaviour or atmospheres that are threatening or potentially violent are prohibited as is the use of weapons or objects as weapons.

“Antisocial behaviour”: What constitutes anti-social behaviour, especially among the young, can be the subject of wide interpretation but will be associated with behaviour that offends against generally accepted social norms and common sense. Examples include non-playful rudeness, excessive boisterousness and behaviour not normally associated with sobriety. Care should be taken to avoid immature, adolescent, childish, boorish or loutish behaviour and this applies to both men and women.

The prohibition on unruly and irresponsible behaviour includes threatening or violent behaviour, rowdiness, rudeness, irresponsible or adolescent behaviour or generally ill-disciplined actions and attempts at potentially dangerous activity, whether successful or not.

The rule, however, is not intended to prevent all irreverence or humour.

Please also refer to rules 19.3, 19.15 and 19.16.

**19.6**

**Advertisements must not link alcohol with sexual activity, sexual success or seduction or imply that alcohol can enhance attractiveness. That does not preclude linking alcohol with romance or flirtation.**

**Guidance Note:**

The purpose of this rule is, for example, to allow a couple to sit together sharing affectionate kisses or glances but not to allow sexual contact, an erotic atmosphere or implications of a sexual motive. The rule is not designed to prevent the use of glamorous images.

Advertisements may not suggest that alcohol has a positive role to play in sexual relationships. Alcohol should not be used as an aid to seduction or seem to enhance a person’s attractiveness.

It is permissible to use warm, sensuous images or dialogue to illustrate or describe an alcohol

product but they must not seem to be linked to sex or a sexual motive.

The depiction of alcohol as a responsible social lubricant is allowed provided rules 19.3 and 19.4 are observed.

Linking alcohol with mild flirtation or romance is similarly allowed, for example by using gentle dialogue, facial expressions or body language that do not imply sexual activity has taken, or is about to take, place.

The use of sexual innuendo will be acceptable only if the innuendo is not linked to alcohol in any way. The use of sexual innuendo must comply with general Code rules about offence.

#### **19.7**

**Advertisements must not portray alcohol as indispensable or as taking priority in life.**

**Advertisements must not imply that drinking can overcome problems or that regular solitary drinking is acceptable.**

#### **Guidance Note:**

This rule does not prevent showing a person having a drink alone but advertisements must not suggest that regular solitary drinking is acceptable behaviour or that alcohol is an essential or indispensable part of daily routine.

Advertisements may not suggest or imply that alcohol can be used as a means of escape from personal or emotional problems, boredom or depression.

Please also refer to rule 19.3.

#### **19.8**

**Advertisements must not imply that alcohol has therapeutic qualities. Alcohol must not be portrayed as capable of changing mood, physical condition or behaviour or as a source of nourishment. Although they may refer to refreshment, advertisements must not imply that alcohol can improve any type of performance.**

#### **Guidance Note:**

Advertisements must not suggest that alcohol can improve physical or mental performance or that it is necessary to maintain a normal lifestyle.

Please refer also to rules 19.3 and 19.7.

#### **19.10**

**Advertisements may give factual information about the alcoholic strength of a drink. They may also make a factual alcohol strength comparison with another product, but only when the comparison is with a higher strength product of a similar beverage.**

**Advertisements must not imply that a drink may be preferred because of its alcohol content or intoxicating effect. There is an exception for low-alcohol drinks, which may be presented as preferable because of their low alcoholic strength.**

**In the case of a drink with relatively high alcoholic strength in relation to its category, the factual information should not be given undue emphasis.**

**Guidance Note:**

Under this rule, factual references to an alcohol product's strength are acceptable; comparisons with other products are only permitted when comparing with a higher-strength drink in the same category (e.g. beer, wine, cider).

Advertisements may suggest that a drink could be preferred because of its taste, but in no circumstances should the ad imply that the alcoholic strength of the drink makes it preferable, unless it is a low-alcohol drink i.e. contains 0.5%-1.2% alcohol.

If the drink being advertised is of particularly high strength in relation to other drinks in its category, the factual information must not be given undue emphasis.

**19.11**

**Advertisements may include alcohol sales promotions but must not imply, condone or encourage immoderate drinking.**

**Guidance Note:**

Please also refer to rule 19.2

This rule seeks to prevent advertising for alcoholic drinks encouraging irresponsible alcohol consumption or condoning the purchase of more alcohol than an individual should safely consume.

No advertisement that refers to multiple-purchase may imply that those purchases are for anything other than shared consumption. Advertisements should not suggest an unreasonable amount of alcohol for any individual's consumption on any single drinking occasion.

In considering what would constitute an excessive amount of alcohol, please apply the Department of Health's Recommended Daily Amounts of alcohol.

**19.12**

**Advertisements must not feature alcohol being handled or served irresponsibly.**

**Guidance Note:**

There must be no suggestion of reckless abandon in the way that alcohol is handled and dispensed.

This rule is not intended to prevent the depiction of, for example, the traditional popping of champagne corks accompanied by some overflow of wine. But scenes of, for example, party-goers being soaked in champagne are not acceptable. Similarly, demonstrations of the panache of a cocktail barman in a controlled situation are likely to be acceptable but showing others amateurishly trying similar feats in an uncontrolled way is unlikely to be acceptable. Alcohol should not be thrown or poured over people and no-one may be shown pouring a drink into the mouth of another person.

### 19.13

**Advertisements must not link alcohol with the use of potentially dangerous machinery or driving.**

**Advertisements may feature sporting and other physical activities (subject to other rules in this section) but must not imply that those activities have been undertaken after the consumption of alcohol.**

#### Guidance Note:

Advertisements should neither show nor suggest people drinking alcohol, or having consumed alcohol, in an environment that is hazardous for drinking. They should not show or suggest drinking before using potentially dangerous machinery.

If driving, or other means of transportation, is featured, there should be no suggestion that the person in charge of, or steering, the vehicle has been drinking or will drink and any ambiguity about that should be resolved. Similarly, if any sporting or physical activities are depicted, there must be no suggestion that these have taken place during or after the consumption of alcohol.

### 19.14

**Advertisements must not normally show alcohol being drunk by anyone in their working environment.**

#### Guidance Note:

Please also refer to 19.13

The working environment will include offices, factories, building sites or any working situation where alcohol consumption might impair performance. An exception can be made for licensed premises (if the staff are obviously not involved in drinking) and for celebratory drinks if the end of work or business has been clearly established.

### Rules that apply to alcohol advertisements

#### Guidance Note:

These rules apply also to all advertisements that promote alcoholic drinks, including supermarket or other retail advertisements.

## 19.15

### Television only – Alcohol advertisements must not:

**19.15.1 be likely to appeal strongly to people under 18, especially by reflecting or being associated with youth culture or showing adolescent or juvenile behaviour**

**19.15.2 include a person or character whose example is likely to be followed by those aged under 18 years or who has a strong appeal to those aged under 18.**

#### Guidance Note:

The purpose of this rule is to prevent advertisements that might encourage those under 18 to drink, or think they should drink, alcohol. Thus themes that are likely to appeal strongly to those under 18 are unacceptable.

It is not possible to produce an exhaustive list of possible infringements to this rule, but, as a guide, particular caution should be exercised as follows:

- a) Personalities. Avoid those who are likely to have a strong appeal to the young; for example, pop stars, sportsmen and sportswomen who command particular admiration of the young, television personalities, youth-orientated performers and any person who is likely to have strong influence on the behaviour of the young.
- b) Avoid themes that are associated with youth culture; for example, disregard for authority or social norms, teenage rebelliousness, mocking or outwitting authority be it parental or otherwise, immature, adolescent or childish behaviour or practical jokes and any behaviour that seeks to set those under 18 apart from those of an older age group.
- c) Teenage fashion or clothing mostly associated with those under 18.
- d) Avoid music or dance that is likely to appeal strongly to under 18s. But an advertisement that, for example, features an old recording that, perhaps as a result of its use in the advertisement, becomes popular with the young once again, will not necessarily be challenged. Announcements of alcohol-sponsored events may be made but the emphasis must be on the event, not the alcohol.
- e) Language commonly used by the young but rarely by an older generation; for example, slang or novel words.
- f) Cartoons, rhymes or animation. Avoid those likely to have strong appeal to children and teenagers. Mature themes are likely to be acceptable.
- g) Caution is needed in the use of all sports. In addition, certain sports have a strong appeal to the young, for example, skateboarding or “extreme sports”; they should be avoided.
- h) Avoid puppets or cute lovable animals that are likely to inspire strong affection in the young.

Humorous treatments cannot be used to circumvent the rule and, in any case, immature, adolescent or childish humour must be avoided.

This rule requires particularly sensitive judgements. If they have any doubts about an advertising idea, advertisers or agencies are strongly advised to consult Clearcast for advice on TV ads at the earliest stage of script development.

## **19.16**

### **Radio only – Alcohol advertisements must not:**

**19.16.1 be targeted at those under 18 years or use a treatment likely to be of particular appeal to them.**

**19.16.2 include a person or character whose example is likely to be followed by those aged under 18 years or who has a particular appeal to those aged under 18.**

As above, the purpose of this rule is to prevent advertisements that might encourage those under 18 to drink, or think they should drink, alcohol. Thus themes that are likely to appeal particularly to those under 18 are unacceptable. See above for examples of areas that may be considered contentious.

*[The difference in the wording between the TV- and Radio-specific rules hinges on the words 'strongly' and 'particular'. This distinction reflects the differences between the two media and recognizes that TV plays a strong role especially in relation to under-18 audiences. In practice the meaning is very similar and advertisers should exercise caution about any element of an alcohol advertisement which may appeal to under-18s.]*

Advertisers or agencies are strongly advised to consult the RACC for advice on Radio ads at the earliest stage of script development.

## **19.17**

**Alcohol advertisements must not feature in a significant role anyone who is, or seems to be, under 25 and must not feature children.**

**An exception is made for advertisements that feature families socialising responsibly. Here, children may be included but they should have an incidental role only and anyone who seems to be under the age of 25 must be obviously not drinking alcohol.**

### **Guidance Note:**

It is important that anyone featured in alcohol advertising not only is at least 25 years old but also must seem to be obviously over 25.

No-one, be they 25 or older, may behave in an immature, adolescent or childish manner. (see also 19.15 and 19.16)

The exception allows children to appear, in minor roles, in alcoholic drinks advertisements (as they can in, for example, advertisements for restaurants in which adults may be drinking with a meal). Those situations are likely to be either family meals at home or in a restaurant or responsible parties for over 25s.

Incidental flashbacks to youth may be used provided they adhere to the conditions set out above and, in particular, provided they are an inconsequential element of the advertising.

## 19.18

**Advertisements for alcoholic drinks may contain factual statements about product contents, including comparisons, but must not make any health claims, including fitness or weight control claims. The only permitted nutrition claims are “low alcohol”, “reduced alcohol” and “reduced energy” and any claim likely to have the same meaning for the audience.**

### Notes

- The starting point is whether a health or beneficial nutrition claim is being made. For example words such as ‘light’ or ‘lite’ may in context clearly relate only to flavour or colour, and not to nutrition and so rule 11.8.2 (f) would not apply
- If made, numerical statements of the number of calories per unit should be made clear.
- **Health claims**, including fitness, exercise or weight control claims, are not permitted.
- **Nutrition claims** are acceptable only if referring to low-alcohol levels, or the reduction of the alcohol content, or the reduction of energy content. So claims such as “light” or “lite” (referring to alcohol content) or “reduced calories” are permissible. Numerical statements of calorie or carbohydrate content should not be qualified, for example by words such as “only”. Claims such as “reduced sugar”, “half sugar” or “reduced/low carbohydrate” are not acceptable, since they are not energy claims.
- Factual comparisons relating to permitted nutrition claims may be made either “internally”, between an advertiser’s products (for example, if the calorie content has been reduced or is different from another product in the range) or between the advertiser’s product and competitor products. In order not to mislead, the reduction or difference should be significant. In the case of a reduced energy claim, the energy value should be reduced by at least 30% and should be accompanied by a clear statement of the number of calories per unit of alcohol. If a comparison is made, the comparison must take into account a range of foods in the same category, and the difference in energy value must be stated.
- If a trade mark or brand name on its own implies an impermissible nutrition claim for an alcoholic drink, the advertisement should include a related permissible nutrition claim as described above. Trade marks or brand names cannot be used if they may be construed as making a health claim for an alcoholic drink.
- For health and nutrition claims for foods generally, advertisers should refer to Regulation (EC) 1924/2006. Article 4(3) concerns alcoholic drinks. Transitional provisions may apply, for example for pre 1 January 2005 brand names. Advertisers will be expected to be in a position clearly to establish the applicability of any transitional provision.

Advertising Guidance Note no. 3

Broadcast Committee of Advertising Practice (BCAP)

# Differentiating HFSS product TV advertisements from brand TV advertisement rules



## 1. Background

BCAP offers Guidance on the interpretation of The UK Code of Broadcast Advertising, the BCAP Code.

Guidance reflects how BCAP intends the Code to be interpreted but does not bind the ASA in the event of a complaint about an advertisement that follows it. The ASA is the sole body responsible for the interpretation of the BCAP Code rules

For advice on specific TV advertisements, consult Clearcast, [www.clearcast.co.uk](http://www.clearcast.co.uk).

## 2. What this Guidance applies to

This Guidance is intended to give greater certainty about when the rules that govern TV advertisements that promote, directly or indirectly, an HFSS product apply. HFSS products are food or drink products that are assessed as being high in fat, salt or sugar in accordance with the nutrient profiling scheme published by the Food Standards Agency (FSA) on 6 December 2005 or as amended. TV advertisements for HFSS products attract specific content and scheduling restrictions, set out in section 3 of this Guidance. Those restrictions do not apply to advertisements for non-HFSS products or to brand advertising and brand sponsorship. BCAP acknowledges that differentiating an HFSS product advertisement from a brand advertisement is not always easy. The problem is especially stark if the brand is inextricably linked with a distinct product and the brand name is featured on other distinct products. BCAP intends this Guidance to help advertisers, agencies, television broadcasters and the ASA achieve a common understanding of where to draw the line between HFSS product advertisements and brand advertisements. BCAP considers this Guidance supports compliance with the letter and the spirit of the HFSS product TV advertising rules and takes into account the legitimate rights of advertisers to promote their brands.

## 3. Restrictions on TV advertising for HFSS products

### Content restrictions

#### Section 13 Food, food supplements and associated health or nutritional claims

**13.9 Promotional offers** Promotional offers should be used with a due sense of responsibility. They may not be used in HFSS product advertisements targeted directly at pre-school or primary school children.

**13.10 Use of characters and celebrities** Licensed characters and celebrities popular with children must be used with a due sense of responsibility. They may not be used in HFSS product advertisements targeted directly at pre-school or primary school children

**13.11 Accuracy in food advertising** No nutrition or health claim may be used in HFSS product advertisements targeted directly at pre-school or primary school children.

### Scheduling restrictions

## Section 32 Scheduling

### 32.5 Under-16s

The following may not be advertised in or adjacent to children's programmes or programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 16: 32.5.1 food or drink products that are assessed as high in fat, salt or sugar (HFSS) in accordance with the nutrient profiling scheme published by the Food Standards Agency (FSA) on 6 December 2005. Information on the FSA's nutrient profiling scheme is available on the FSA website at:

<http://www.food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod>  
[www.food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod](http://www.food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod)

#### 4. Differentiating HFSS product TV ads from brand TV ads

##### Principles:

The restrictions on TV advertisements for HFSS products have been introduced against a background of concern about rising childhood obesity. The Government has undertaken to reduce the demand for less healthy food options and to encourage the promotion of healthier alternatives and a healthy, active lifestyle to children. That provides important and relevant context to the application of the HFSS product-specific rules and can help develop an understanding of the spirit and purpose of a brand advertisement.

The HFSS product-specific rules do not apply to TV advertisements for food or drink products that are assessed as not being high in fat, salt or sugar in accordance with the nutrient profiling scheme published by the Food Standards Agency on 6 December 2005 or as amended. BCAP acknowledges that differentiating an HFSS product advertisement from a brand advertisement is not always easy. This guidance sets out scenarios in which that problem could arise and provides BCAP's opinion on whether the ad amounts to an HFSS product advertisement. The list of scenarios is not exhaustive. BCAP strongly advises that advertisers should exercise caution and not rely entirely on the scenarios outlined in this Guidance because other factors could lead to a TV advertisement being judged to be an advertisement for an HFSS product and not a brand advertisement or *vice versa*.

## 5. Scenarios

| Likely to be regarded as an ad for an HFSS product   | Unlikely to be regarded as an ad for an HFSS product   |
|--|--|
| An advertisement refers to or prominently features an identifiable HFSS product.   | An advertisement neither refers to nor prominently features an identifiable HFSS product.  |
| OR   |  |
| An advertisement contains a direct response mechanic relating to a specific HFSS product.  | An advertisement does not contain a direct response mechanic relating to an HFSS product but may encourage the audience to buy a non-HFSS product or may promote a range, or ranges, of different products.  |
| OR   |  |
| An advertisement refers to or features a brand name that is synonymous with a specific HFSS product. <sup>9</sup> That name could be featured on other products or product variants but is inextricably linked to a specific HFSS product.   | An advertisement refers to or features a brand name. That name is synonymous not with a specific HFSS product but with a range, or ranges, of products that are sold under that name. <sup>1</sup>   |
| OR   |  |
| An advertisement refers to or prominently features a product but does not provide enough information for the audience to identify it as a product that can be nutrient profiled. The advertiser does not provide evidence that its range of that type of product is mainly non-HFSS. (For the avoidance of doubt, an advertisement that refers to a brand name that incorporates the name of a type of food or drink product will not be subject to the HFSS restrictions merely because it mentions that brand name.) | An advertisement refers to or prominently features a product but does not provide enough information for the audience to identify it as a product that can be nutrient profiled. The advertiser provides evidence that its range of that type of product is mainly non-HFSS. |
| OR   |  |

An advertisement for a brand refers to or features, for example, a strapline, celebrity, licensed character, brand-generated character or branding synonymous with a specific HFSS product.<sup>1</sup>

An advertisement for a specific non-HFSS product refers to or features, for example, a strapline, celebrity, licensed character, brand-generated character or branding synonymous with a specific HFSS product.<sup>1</sup>

<sup>1</sup> For the purposes of this Guidance, “synonymous with” should be taken to mean “very strongly associated with” a specific HFSS product.

Advertising Guidance Note no.4

Broadcast Committee of Advertising Practice (BCAP)

# Audience indexing: Identification of television programmes likely to appeal to children and young people



1. This guidance note is designed to assist in the correct scheduling of those advertisements with a timing restriction requiring a separation from programmes of particular interest to children and young people. It indicates the practical measures broadcasters and sales houses must take to ensure that such programming is correctly identified.

2. The specific advertising scheduling restrictions are detailed in Section 32 of the BCAP Code.

### **Products affected**

3. Advertisements for alcoholic drinks, gambling products, certain religious matter and for slimming products, treatments or establishments must not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18.

4. Advertisements for lotteries, pools and food or drink products that are assessed as high in fat, salt or sugar in accordance with the nutrient profiling scheme published by the Food Standards Agency (FSA) are subject to the same restriction, save that the age threshold is, for legal reasons, 16.

5. Advertisements for female sanitary protection products and condoms are subject to the same restriction, save that the age threshold is 10.

### **Programmes affected**

6. The ASA will ordinarily regard a programme as having ‘particular appeal’ to the relevant age range if audience measurement shows that it is likely to be relatively more popular with that age range than for the relevant viewing population as a whole, for example an analogue viewing population or a digital terrestrial viewing population.

7. For products with a scheduling restriction of 16 or 18, the ASA will normally regard the restriction as relevant to any programme where the 10 to 15 audience, indexed against all individuals that make up the relevant comparator audience (e.g. an-all homes audience or a multi-channel homes audience), produces an index of 120 or more. Licensees should assume that an index of 120 or more will automatically bring the programme within the scope of the restriction. If the restriction is not to apply to programmes at or beyond an index of 120 the ASA must be satisfied that the context of the programme justifies such an interpretation (eg if the high proportion of younger viewers is clearly not directly associated with the nature of the programme, such as a general news programme obviously not targeted at younger viewers). BCAP believes it unlikely that many programmes achieving a 120 or higher 10 to 15 index will not attract the scheduling restriction.

8. For food or drink products that are assessed as high in fat, salt or sugar in accordance with the nutrient profiling scheme published by the Food Standards Agency (FSA) on 6 December 2005, the ASA will normally regard the restriction relevant to any programme where the 4 to 15 audience against the relevant comparator audience produces an index higher than 120. For sanitary protection products, the ASA will normally regard the restriction relevant to any programme where the 4 to 10 audience against the relevant comparator audience produces an index higher than 120

9. The ASA and BCAP recognise that, for certain channels or programmes, for example if the audience is small or the profile uncertain, the verifiable audience data available might not be adequate to apply the index criteria referred to in paragraphs six, seven and eight in an accurate or meaningful manner. In those circumstances, licensees will be expected to be able to demonstrate the application of the spirit and intention of the rule based on such hard audience information as is available to them and a knowledge of their audience profiles.

10. Channels devoted to children's programmes, or where the generality of the programme content might reasonably be expected to be of particular appeal to children, will be unlikely to be able to carry at any time advertising requiring a separation from programmes of interest to children and young people. For the avoidance of doubt, note also that advertising with 'post 7.30 pm' and 'post 9pm' etc timing restrictions may not be scheduled in or around programmes of interest to children.

11. Nothing in this Guidance Note removes the need for all licensees to take into account, for the purposes of appropriate and sensitive scheduling, all characteristics of a programme in addition to the viewing index.

### **Monitoring**

12. The BCAP Executive may conduct monitoring to identify possible breaches of the above restrictions and will follow up, as necessary, with the licensees concerned.

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