

**32**

# Scheduling

### Principle

**Broadcasters must take special care when scheduling advertisements that might be unsuitable for children or young persons or the audience of religious programmes or for broadcast around sensitive programming or news items.**

**Particular sensitivity is required for advertisements inserted in or around news or current affairs programmes in which a news item, especially one of a tragic nature, could completely transform the context in which an advertisement having an apparent connection with it could be perceived by viewers or listeners. A separation from news references might be inadequate and suspending the advertisement altogether to avoid distress or offence could be preferable.**

**Ofcom's television licensees must comply with the Ofcom Code on the Scheduling of Television Advertisements, which can be consulted on the Ofcom website, [www.ofcom.org.uk](http://www.ofcom.org.uk).**

### Definitions

"Adjacent" refers to an advertising break immediately before or after the programme in question.

"Current" refers to a programme still running or scheduled to be resumed in the near future.

For the purposes of rule 32.12, a "politician" is defined as a Member of, or candidate for, the European or UK Parliament, other elected Assemblies in the UK or a local authority, a Member of the UK's House of Lords or a person prominent in a political party organisation.

"Children's programme" means a programme made for persons below the age of 16.

The restrictions given in rules 32.1 to 32.6 apply to sponsorship of the programme.

For broadcast television text and interactive television services, rule 32.20 sets out a list of products that must not be advertised around editorial content of particular appeal to children. For the avoidance of doubt, these rules apply to television text and interactive television services: 32.12, 32.13, 32.15 and 32.16.

### Judging particular appeal of broadcast editorial content to children or young persons

#### Television

BCAP's Guidance Note "Audience indexing: identification of programmes likely to appeal to children and young people" sets out, in detail, how BCAP or the ASA would identify whether a programme has, or is likely to have, particular appeal to children or young persons.

#### Television Text and Interactive Television Services

When deciding whether an editorial page carried on broadcast television text or interactive television services has, or is likely to have particular appeal to children or young persons, BCAP or the ASA would consider, for example, the nature or subject of the editorial or the nature or subject of interactive prompts that have led or are likely to lead the child or young person directly to that page.

#### Radio

When deciding whether a station's programming has or is likely to have particular appeal to children or young persons, BCAP or the ASA would consider relevant factors, for example Radio Joint Audience Research (RAJAR) audience figures in the relevant time-slot, the nature of the station and programming and whether the advertisement was scheduled in the school run or in a time-slot when children are likely to be listening in large numbers.

#### Children

Advertisements that might frighten or distress children or are otherwise unsuitable for them (for example because they refer explicitly to sexual matters) must be subject to restrictions on times of transmission to minimise the risk that children in the relevant age group will see or hear them. That does not preclude well-considered daytime scheduling for such material but broadcasters should take account of factors, such as school holidays, that could affect child audience levels. Material that would be incomprehensible to pre-school children and could, therefore, reasonably be broadcast when they are viewing or listening with parents, might be more problematic in relation to older children.

For the avoidance of doubt, any given timing, programme category or age band restriction subsumes any other less severe restriction. Thus, on television, a 9.00pm restriction subsumes both a 7.30pm restriction as well as the restriction on scheduling in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to children below the age of 16 or to programmes likely to have a significant child audience.

Special care needs to be exercised if a programme for, or likely to be of interest to, children is transmitted late in the evening or in the early hours of the morning, for example at Christmas. If such a programme is transmitted after 9.00pm, no advertisement carrying a timing restriction may be transmitted in or around that programme.

### Children's Television Channels

Television channels devoted to children's programmes, or whose programmes are or are likely to be of particular appeal to children, will be unlikely to be able to carry at any time advertisements of the type restricted under rules 32.1 to 32.6. Thus, for instance, dedicated children's channels may not carry an advertisement for a product restricted under rule 32.2.2 or rule 32.5.1, namely: gambling and food or drink assessed as high in fat, salt or sugar (HFSS).

## Rules

### Scheduling of Television and Radio Advertisements

**32.1** Broadcasters must exercise responsible judgement on the scheduling of advertisements and operate internal systems capable of identifying and avoiding unsuitable juxtapositions between advertising material and programmes, especially those that could distress or offend viewers or listeners.

#### Under-18s

**32.2** These may 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:

**32.2.1** alcoholic drinks containing 1.2% alcohol or more by volume (see rule 32.4.7)

**32.2.2** gambling except lotteries, football pools, equal-chance gaming (under a prize gaming permit or at a licensed family entertainment centre), prize gaming (at a non-licensed family entertainment centre or at a travelling fair) or Category D gaming machines (see rule 32.4)

**32.2.3** betting tipsters

**32.2.4** slimming products, treatments or establishments (an exception is made for advertisements for calorie-reduced or energy-reduced foods and drinks, if they are not presented as part of a slimming regime and provided the advertisements do not use the theme of slimming or weight control)

**32.2.5** religious matter subject to the rules on Religious Advertising in Section 15: Faith, Religion and Equivalent Systems of Belief

**32.2.6** live premium-rate services, unless those services have received prior permission from PhonePay Plus to target people under 18.

#### Under-16s

**32.3** Relevant timing restrictions must be applied to advertisements that, through their content, might harm or distress children of particular ages or that are otherwise unsuitable for them.

- 32.4** These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to persons below the age of 16:
  - 32.4.1** lotteries
  - 32.4.2** football pools
  - 32.4.3** equal-chance gaming (under a prize gaming permit or at a licensed family entertainment centre)
  - 32.4.4** prize gaming (at a non-licensed family entertainment centre or at a travelling fair)
  - 32.4.5** Category D gaming machines
  - 32.4.6** medicines, vitamins or other dietary supplements
  - 32.4.7** drinks containing less than 1.2% alcohol by volume when presented as low-alcohol or no-alcohol versions of an alcoholic drink
  - 32.4.8** computer or console games carrying an 18+, 16+ or 15+ rating, including those that have not yet been classified, but which are expected by the publisher to secure a 15, 16+ or 18-rating.

### Other Television Scheduling or Timing Restrictions: Children

#### Under-16s

- 32.5** These products may not be advertised in or adjacent to 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:  
  
[www.food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod](http://www.food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod)
  - 32.5.2** matches
  - 32.5.3** trailers for films or videos carrying an 18-certificate or 15-certificate (that does not preclude the scheduling in or adjacent to children's programmes of an advertisement containing brief extracts from such a film if those are used in connection with a promotional offer, derived from the film, for other types of product, subject to content).

### Under-10s

**32.6** These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to children below the age of 10:

**32.6.1** sanitary protection products

**32.6.2** condoms.

### Administering Medicines, Vitamins or Food Supplements to Children

**32.7** Advertisements in which children are shown having a medicine, vitamin or other food supplement administered to them must not be broadcast before 9.00pm.

### Children's Merchandise, Endorsements and Appearances by Persons from Children's Programmes

**32.8** Advertisements for merchandise based on a children's programme must not be broadcast in the two hours before or after episodes or editions of that programme. The ASA and BCAP reserve the right to require a wider separation around some programmes, including a prohibition of any advertisement while a programme series is running.

**32.9** Advertisements in which persons (including puppets) who appear regularly in any children's programme on any UK television channel present or endorse products of special interest to children must not be broadcast before 9.00pm.

**32.10** To maintain a distinction between programmes and advertisements that is clear to a child audience, and to minimise any risk of confusion between the two, advertisements featuring a well-known personality or performer, or a person who takes a leading role in or whose appearance is central to a children's programme, must not be scheduled in breaks in or adjacent to that programme. For the purposes of this rule, cartoon and puppet characters are classed as "persons". For appearances by persons in chart programmes or programmes such as pop concerts, the restriction applies only to the breaks adjacent to the programme segment in which they appear. The rule does not apply to public service advertisements or to characters specially created for advertisements.

**32.11** Advertisements containing appearances by persons in extracts from a children's programme must not be broadcast in the two hours before or after an episode or edition of the relevant programme.

### Other Television Separations: Political

#### Scheduling of Television Advertisements that Feature Politicians

**32.12** Once a General or European Election, a by-election for the UK, Scottish European Parliament or a local election (but not a local by-election) has been called, no advertisement featuring a UK politician may be shown in an area in which the election is to take place.

- 32.13** Advertisements featuring a candidate for a parliamentary by-election or a local authority election must not be shown in breaks in or adjacent to national news or election results programmes in the area where the election is to take place.

### **Exclusion of Certain Types of Television Advertisement in or Adjacent to Broadcasts of Parliamentary Proceedings**

- 32.14** The following categories of advertisement may not be shown during live broadcasts of Parliamentary proceedings, or other programmes that include footage of Parliamentary proceedings other than brief news extracts:

- 32.14.1** advertisements that feature or refer to Members of Parliament, or Parliamentary parties, or with a Parliamentary setting
- 32.14.2** advertisements with direct and specific relevance to main items of Parliamentary coverage where these are known in advance.

For requirements applicable to advertisements in or adjacent to broadcasts of live Parliamentary proceedings, see Section 2: Recognition of Advertising.

### **Other Television Separations and Timing Restrictions**

- 32.15** The ASA and BCAP reserve the right to issue directions requiring separation between certain advertisements or types of advertisement and certain programmes or types of programme for reasons or in ways that go beyond those already listed.

Those separations will usually be one of these:

- 32.15.1** not first or last in any advertisement break or both
  - 32.15.2** not in the two hours before or after a certain programme
  - 32.15.3** not for the duration of a programme series
  - 32.15.4** neither for the duration of a programme series nor for a given period before and/or after the series
  - 32.15.5** not before 7.30pm
  - 32.15.6** not in or adjacent to programmes with a specific audience index.
- 32.16** On encrypted subscription services for which normal programme content-related scheduling constraints have been relaxed, advertisements appearing similarly encrypted on such a service may reflect the programme scheduling. For example, if the programme watershed has been moved on such a service, say, to 8.00pm, encrypted advertisements that attract a watershed timing restriction are permitted after 8.00pm, not only after 9.00pm. (See Section 1 of the Ofcom Broadcasting Code (Protection of the Under-Eighteens) [www.ofcom.org.uk/tv/ifi/codes/bcode/](http://www.ofcom.org.uk/tv/ifi/codes/bcode/).)

### Scheduling of Radio Advertisements

- 32.17** Special care is required for these categories:
- 32.17.1** sensational newspapers, magazines or websites or their content
  - 32.17.2** divination or the supernatural
  - 32.17.3** sexual material, sex shops, stripograms or similar
  - 32.17.4** sanitary protection products
  - 32.17.5** family planning products (including contraceptives and pregnancy-testing products)
  - 32.17.6** anti-drugs messages, including solvent abuse
  - 32.17.7** HIV/AIDS prevention messages.
- 32.18** Violent or sexually explicit material must not be advertised in or adjacent to programmes targeted particularly at audiences below the age of 18.

### Placement of Television Text and Interactive Advertisements

- 32.19** BCAP expects broadcasters to exercise responsible judgement in the placing of broadcast television text and interactive television advertisements and especially to consider the sensitivities of viewers likely to be exposed or attracted to particular editorial content.

Advertisements that are unsuitable for children (for example, because they might cause distress or because they refer explicitly to sexual matters) must be subject to restrictions on the time of transmission designed to minimise the risk that children in the relevant age group will see them.

- 32.20** Broadcast television text and interactive television advertisements for these product categories must not:
- be directly accessible from programmes commissioned for, principally directed at or likely to appeal particularly to children
  - be directly accessible from advertisements that are adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to children
  - appear on editorial pages (text or interactive) that are likely to be of particular appeal to a significant audience of children

- 32.20.1** alcoholic drinks (including low-alcohol drinks)
- 32.20.2** films or DVDs carrying an 18-certificate or 15-certificate
- 32.20.3** medicines, vitamins or other dietary supplements
- 32.20.4** betting tips
- 32.20.5** computer or console games carrying an 18+, 16+ or 15+ rating
- 32.20.6** introduction and dating agencies
- 32.20.7** religious bodies. The only exception is advertising for publications, merchandise or other items if there is no recruitment or fund-raising link
- 32.20.8** advertisements that promote a product or service and invite consumers to buy that product or service via a direct response mechanism
- 32.20.9** matches
- 32.20.10** 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). Information on the FSA's nutrient profiling scheme is available on the FSA website at:  
  
[www.food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod](http://www.food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod)
- 32.20.11** gambling, including lotteries.