Dear Ed

Alcohol advertising on TV

Following the publication in May of Ofcom’s research into children’s exposure to alcohol advertising on TV, you’ll know that the ASA and BCAP committed to undertake work to make sure regulatory arrangements remain effective.

BCAP has now completed its review of the current approach to identifying which programmes should exclude alcohol advertising, and will be contacting you shortly with their detailed findings. So you’ve got the complete picture, I wanted to update you separately on the related work the ASA has done, and will now be doing.

In May I informed you that the ASA had launched compliance investigations, using Ofcom’s data, to establish whether there’d been breaches of the scheduling rule. I made clear at the time that if the ASA found wrongdoing we’d take action. And that’s what I believe we’ve done.

We launched ten investigations that together accounted for 1,009 of the incidences identified. Eight of our investigations resulted in ‘upheld’ adjudications against broadcasters, one case was ‘not upheld’ and one remains on-going.

As I highlighted to you previously, we considered that a number of the incidences identified did not, on analysis, warrant regulatory intervention. Those included duplicate regional incidences and incidences in programmes broadcast after 11pm and, because very low audience figures make the 120 index prone to volatility, incidences in programmes that had 10-15 TVRs of less than 0.15. In this last group, incidences were identified as not requiring
regulatory action only if a clear scheduling pattern had not emerged and if we judged that the corresponding programme was not commissioned for or targeted at under 18s.

I'm very pleased that, in addition to the reassurances we've received directly from broadcasters that they'll be tightening up their scheduling procedures, BCAP has acted quickly to incorporate the lessons of those rulings into strengthened guidance on the identification of television programmes likely to appeal to children and young people, to help ensure that broadcasters as a whole are able to schedule alcohol ads responsibly. I know BCAP's work has provided a valuable opportunity for broadcasters to review their scheduling practices, discuss them openly with one another and improve processes as a result.

It's reassuring to note that, since your research was published, new 2012 data indicates that exposure levels for 4-15 year olds have gone back down to 2.8 ads per week from 3.2 in 2011. However, despite that and other positive indications, including that fewer young people overall are drinking, it's vitally important that we guard against complacency and that the lessons learned become embedded.

To help achieve that, the ASA is committed to carrying out a further monitoring and enforcement exercise in 2014, to test that broadcasters are meeting the new standards set out in BCAP's updated guidance. That compliance work will involve the ASA commissioning our own BARB data to identify 120 'incidences', in order to investigate whether those incidences translate to breaches of the Code. If necessary, we'll do it again in 2015.

I'm very grateful for the work that Ofcom has done in this area; work that has helped improve our regulation of alcohol advertising, enhance broadcasters' awareness of their responsibilities under the Ad Codes and, in my view, demonstrate the value of our co-regulatory relationship.

Yours sincerely,

Guy Parker
Chief Executive