

Television broadcasting services

1. Title of report: Television Broadcasting Services: a report on the publicising, in the course of supplying a television broadcasting service, of goods supplied by the broadcaster (MMC - Cmnd 2035)

2. Date of report: 22 May 1992 **Published:** 6 August 1992

3. Orders: N/A

4. Date of original undertakings: 4 November 1992 **Press release:** DTI, 6 November 1992

5. Companies giving undertakings: British Broadcasting Corporation (BBC)

6. Undertakings:

The BBC will not after 6 am on 7 November 1992 in the course of supplying the television broadcasting services in the United Kingdom currently known as BBC 1 and BBC 2 promote magazines which are published by the BBC or by any associate of it except by announcements:

- (a) which contain no moving images; and
- (b) which (except as set out in paragraph c(i) below) are not made in the course of a programme; and
- (c) which are made by a single speaking voice over:
 - i. the final credits of a programme, or
 - ii. a single slide; and
- (d) which (except announcements for the Radio Times) are directly relevant to the immediately preceding or the immediately following programme; and
- (e) which contain a statement that alternative magazines (if any) with the same general content are available from newsagents or other retail outlets; and
- (f) which (apart from the statement referred to in paragraph (e) above) may consist only of a statement:
 - i) of the name of the magazine, its publisher and its price, and
 - ii) (in announcements for the Radio Times):

- (A) that the magazine contains listings information, and
- (B) of the television and radio channels listing information for which is contained in the magazine, and
- (C) of the connection between the magazine and a BBC television programme, or
 - (iv) (in announcements for other magazines) of the connection between the magazine and the immediately preceding or the immediately following programme, and
 - (v) that the magazine is available from the newsagents, other retail outlets or the BBC; and
- (g) which make the statements in an objective manner and do not attempt to endorse magazines or otherwise persuade viewers; and
- (h) which (except announcements for the Radio Times) are not made by any person who has appeared or whose voice has been heard other than incidentally in the programme to which the announcement is directly relevant; and
- (j) which are not made by any well known person; and
- (k) the aggregate time taken for which in any period of seven days commencing at 6 am on Saturday does not exceed seven minutes.

2. Nothing in this undertaking shall prevent the BBC from promoting magazines which are published by the BBC or by any associate of it otherwise than in accordance with the undertaking in or in connection with:

- (i) the Radio Times country file photography competition until 30 November 1992, or
- (ii) the BBC Wildlife Magazine video film makers award scheme until 31 March 1993, or
- (iii) the Radio Times Children in Need sponsored run until 20 November 1992

3. For the purposes of this undertaking a person is an associate of the BBC if:

- (a) both are members of a group of interconnected bodies corporate; or
- (b) that person is a body corporate and the BBC or a person interconnected with it –
 - i. holds or is beneficially entitled to more than 10 per cent of the issued equity share capital of that person; or

- ii. possesses or is entitled to exercise or to control the exercise of more than 10 per cent of the voting rights in that person; or
- (c) the BBC or a person interconnected with it is entitled to share in more than 10 per cent of the profits earned by that person; or
- (d) the BBC receives from that person any payment calculated according to sales by that person of any magazine;

and for the purposes of this definition 'group of interconnected bodies corporate' has the meaning given to it by section 137(5) of the Fair Trading Act 1973 and a person is to be treated as interconnected with another person if each of them is a member of one and the same such group.

7. Date of amendments: N/A

8. Index information: Cross-promotion

SIC code: 92.20 (Radio and television activities)