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**Advertising Standards Authority submission to  
the Department of Culture, Media and Sport Consultation on  
Exemptions to the Video Recordings Act and on Cinema Advertising**

## 1. Introduction

This submission is provided on behalf of the Advertising Standards Authority (ASA). The ASA is the UK's independent regulator for ensuring that advertising in all media is legal, decent, honest and truthful, for the benefit of consumers, business and society.

This submission relates to Part A of the consultation about the regulation of advertising in cinemas. Part B, on exemptions to classification in the Video Recordings Act 1984, is not relevant to the ASA's work.

The ASA supports the Government's preferred option, **option 1**, which is to remove the requirement for all cinema advertisements to be submitted to the BBFC for age rating before they can be shown at the cinema.

The UK Advertising Codes are drafted for, and appropriate to, advertising. Guidelines designed to reflect public expectation of film content are not best suited to judge ads which appear in cinemas. The removal of the BBFC classification requirement would result in no detriment in consumer protection at all, but would remove a regulatory burden.

## 2. The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing

The ASA enforces the Advertising Codes that are written and maintained by two industry bodies, the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP).

Cinema advertisements are subject to pre-clearance by the Cinema Advertising Association (CAA), and must comply with the strict requirements of the UK Code of Non-



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broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code), administered by the ASA. This regulatory arrangement offers the highest level of consumer protection against inappropriate or offensive advertising, including on grounds of sex, violence and shielding children from harmful content.

The protection of children lies at the heart of our work. The strict children's rules in the CAP Code (which apply in full to cinema advertising) are designed to ensure that children and young people are suitably protected from moral, physical or psychological harm, and reflect the norms of society with regard to what is appropriate for children to see and hear. Compliance with the CAP Code is not voluntary.

The CAP Code also includes broad principles to which all marketers must adhere. Advertising must take account of "prevailing standards in society and the context in which a marketing communication is likely to appear", with particular care taken on the grounds of race and gender, amongst other things.

The BBFC guidelines, while undoubtedly best-placed to judge film standards, are not designed for advertising. Consumers' expectations of film and advertising content are not the same, and so different standards are, and should be, applied to each. However, at the moment advertisements are subject both to standards required for films and for advertisements, which seems illogical. Indeed advertisements simply do not contain the same levels of sex, violence or nudity as films. This is quite right, too. Films should and do have more creative leeway to contain content that should not be permitted in advertisements, which are primarily designed to sell and promote, rather than entertain.

Advertising that appears in cinemas will often also appear on TV, radio, online and on video-on-demand services without being age rated by the BBFC. The ASA regulates ads appearing in those spaces, and offers comprehensive, consistent regulation, across all media.

In addition, the Codes contain robust sector specific rules (e.g. on alcohol) that sit on top of these general Code provisions. The rules are designed to protect society - and children in particular - by ensuring that only responsible behaviours and outcomes are seen in ads.

The CAP Code offers the correct, high level of protection from unsuitable content and advertising standards would be unaffected by the removal of the BBFC age rating.

### **3. Conclusion**

The ASA system of advertising regulation offers the highest level of consumer protection, which is advertising-specific. We do not consider that the criteria against which the BBFC age rates ads offers any additional protections to those provided by the CAP Code, and we support the Government's preferred option to remove the requirement for all cinema advertisements to be submitted to the BBFC for age rating.

Should the Government proceed with its preferred option, it can be reassured that visitors to cinemas will see no change in advertising standards and they will still be able to raise any concerns they do have with the ASA in exactly the same manner they have been able to for the last 50 years. The ASA will also undertake measures to monitor complaint

numbers, to ensure consumers experience no change in the process of complaining about cinema ads.

#### **4. Contact details**

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