[GB] Regulator Fines On-Demand Services for Failing to Protect Children from Potentially Harmful Pornographic Material

IRIS 2013-3:1/17

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The UK communications regulator, Ofcom, has fined two video-on-demand services, Demand Adult and Playboy TV (both owned by Playboy) for failing to verify effectively the age of users accessing pornographic websites.

On-demand services, unlike other websites, are regulated under the Communications Act 2003 by means of a co-regulatory regime. The Association for Television on Demand (ATVOD) has been designated as the appropriate regulator of editorial content in such services, whilst Ofcom itself has retained the power to impose sanctions (see IRIS 2012-9/26). The ATVOD rules, which implement the requirements of the Audio Visual Media Services Directive, state that 'if an on-demand service contains material which might seriously impair the physical, mental or moral development of persons under the age of eighteen, the material must be made available in a manner which secures that such persons will not normally see or hear it.' This may include the requirement of the use of a credit card, which is not available to those under 18, but not of a debit card, which is available to under-18s.

Demand Adult displayed hardcore pornographic material that could be viewed by clicking on a button labeled 'Enter I am over 18', and payment could be made by a debit card in order to access additional content. Playboy TV also required users to self-certify their age before accessing the main site, although here the material on the homepage showed sexual activity without explicit details. To access hardcore pornographic material, users could register with a debit card.

Ofcom considered that in neither case was there an effective age verification system. The breach was serious, repeated and reckless and therefore merited the imposition of a financial penalty. The penalties were GBP 65,000 in relation to Demand Adult and GBP 35,000 in relation to Playboy TV.

Sanction: Decision by Ofcom Imposed on Playboy TV/Benelux Limited for the provision of the On-Demand Programme Service "Demand Adult" (www.demandadult.co.uk) from 31 May 2012 to 24 July 2012, decision of 16 January 2013

http://stakeholders.ofcom.org.uk/binaries/enforcement/vod-

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services/Demand_Adult.pdf

Sanction: Decision by Ofcom to be imposed on Playboy TV/Benelux Limited for the provision of the On-Demand Programme Service "Playboy TV" (www.playboytv.co.uk) from 31 May 2012 to 24 July 2012. Decision of 16 January 2013

http://stakeholders.ofcom.org.uk/binaries/enforcement/vod-services/Playboy_TV_Sanction.pdf

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