

[GB] Split-screen advertising: reminder about the applicable rules

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The Audiovisual Media Services Directive contains a number of provisions concerning the scheduling and amount of advertising permitted on broadcast television (Arts. 19-26 AVMSD). In the UK, these requirements are enforced through the Code on the Scheduling of Television Advertising (COSTA) (see IRIS 2008-9/18).

In a recent Broadcast Bulletin, Ofcom published a 'Note to Broadcasters' providing guidance to broadcasters on the application of COSTA rules to split-screen advertising. This type of advertising is defined as: 'Split-screen advertising involves transmitting editorial content and advertising content simultaneously, with each occupying a distinct part of the screen'.

In principle, this mode of advertising is permissible. But, Ofcom notes that split-screen advertising is subject to the same rules as 'spot advertising', e.g., it is included when calculating the amount of advertising shown (Rule 4); it remains distinct from editorial content (Rule 11); and that it does not prejudice the integrity of programming (Rule 12).

In particular, licensees are reminded to be aware of the nature of programming, which includes split-screen advertising so that its 'integrity' is maintained. Ofcom accepts that it is not possible to draw up an exhaustive, prescriptive list of types of programming or considerations. However, the Note specifically mentions: (i) ensuring that the viewer continues to have confidence that the programme is impartial and free from commercial influence; (ii) the need to treat editorial content with appropriate sensitivity or to enable the programme to convey its messages without undue distraction (for example, where the programme focuses on a national tragedy or emergency), and (iii) the need to protect particular sectors of the audience (e.g. children) from excessive exposure to commercial messages.

'Note to Broadcasters', Ofcom Broadcast Bulletin, Issue No 262, 22 September 2014, 3-4

<http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb26011/obb262.pdf>

