

[GB] Ofcom fines video sharing platform MintStars for inadequate child protection against online pornography

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On 23 January 2025, the UK's communications regulator, Ofcom, imposed a GBP 7 000 fine on UK-based video-sharing platform (VSP) MintStars for failing to adequately protect minors from explicit content. The regulator determined that the platform's safeguards, relying on user self-declaration and disclaimers, were insufficient under the Communications Act 2003.

Ofcom's investigation and findings

Earlier on 27 February 2024, Ofcom launched an investigation into MintStars to determine whether it had complied with its statutory obligations under Part 4B of the Communications Act 2003. These obligations, introduced on 1 November 2020, require VSP providers to adopt and implement adequate measures to protect under-18s from accessing restricted material, including pornography.

MintStars, a pre-existing UK-based VSP, was scrutinised as part of Ofcom's supervision efforts. Initial assessments raised concerns that MintStars hosted restricted material and had failed to implement appropriate safeguards to prevent minors from accessing such content. The Online Safety Act (which received Royal Assent in October 2023) maintained the regulatory framework for pre-existing VSPs during a transition period. So the investigation aimed to establish whether MintStars was in breach of the 2003 Communications Act (and specifically section 368Z1: 'duty to take appropriate measures).

Ofcom concluded that MintStars did not have sufficiently robust measures in place, nor did it implement them effectively, between November 2023 and August 2024. During this period, MintStars underwent several platform changes that increased the likelihood of minors accessing restricted content. Rather than strengthening its safeguards in response to these changes, MintStars left gaps in its protections.

Ofcom determined that MintStars should have: first, conducted regular reviews of its access control measures in light of its evolving platform functionality; and second, implemented a robust age verification system to prevent minors from accessing restricted content effectively.

Specifically, the regulator found that: “content of a pornographic nature was available on the platform and accessible to any person who accessed the site, both through short ‘preview’ videos and following subscription to particular creators’ content. [...] ‘self-declaration’ by users that they were over 18 and a general disclaimer within MintStars’ terms and conditions that the site was only for adults were not appropriate forms of age verification to protect under-18s from accessing pornographic and other restricted content.” These failures, Ofcom concluded, represented a serious breach of the VSP rules designed to protect young audiences from harmful online material.

Factors considered in assessing the penalty

In assessing the gravity of MintStars’ non-compliance, the regulator took a series of factors into account:

- a. *The financial and operational capacity of the company:* Ofcom considered MintStars’ small size, low revenue and financial position, when determining an appropriate response.
- b. *Duration of the violation:* the company remained non-compliant for nearly ten months, exposing under-18s to potential harm.
- c. *Potential and actual harm:* the absence of effective safeguards increased the likelihood of minors accessing explicit material, which is a serious concern under the regulatory framework.
- d. *Intent and financial motivation:* Ofcom examined whether MintStars had acted deliberately, recklessly, or for financial gain by failing to implement necessary protective measures.

Ofcom issued its Final Decision under section 368Z4 of the Communications Act, imposing a financial penalty of GBP 7 000 on MintStars. This fine reflected a 30% reduction from the initial GBP10 000 penalty due to the company’s cooperation, admission of liability, and participation in Ofcom’s settlement process.

Despite this discount, Ofcom clarified that the fine could have been significantly higher, given the importance of safeguarding young audiences from inappropriate content. While the breach was serious, Ofcom acknowledged that MintStars had taken corrective action. The company has now implemented an age assurance system, bringing its platform into compliance with statutory requirements.

The decision is a helpful reminder of the non-negotiable nature of child protection measures within the online ecosystem. Platforms hosting restricted material must proactively implement and maintain effective safeguards, particularly as their functionalities evolve.

Ofcom fines video sharing platform MintStars £7,000

<https://www.ofcom.org.uk/online-safety/protecting-children/ofcom-fines-mintstars/>

