

A RESPONSE TO THE DEPARTMENT FOR CULTURE, MEDIA AND SPORT CONSULTATION ON PRODUCT PLACEMENT ON TELEVISION, NOVEMBER 2009

Introduction

The Big Film Group is the UK's leading Brand Integration and free Prop Hire company. Established in 1988 we are an approved BBC Supplier and have worked on every major contemporary film that has been shot in the UK since our inception.

Our experience covers all forms of broadcast media and we are actively involved in online productions as well as terrestrial and satellite broadcasts. Our clients include Blue chip multinational companies from a wide spectrum of industry types from automotive to high tech and FMCG.

We do hope that this consultation will bring an end to the misinformed statements of various groups who appear not to actually read any of the proposals but assume that advertisers and our industry are intent on corrupting minors – perhaps this is because they believe that we have the same level of double standards as they do. Everybody agrees that we should not have placements in children's TV programmes, this is not an issue.

The essence of product placement is that the opportunities come from the script and to be successful, products should be seamlessly integrated into the storylines. We do not impose products on directors nor do we want gratuitous references to products. The director's remit is to make productions that viewers want to watch and this is in our interest and our clients as well.

Paid for placement can create extra production income and that will create better programmes for the viewing public that is why we believe that paid for placement should be allowed.

Answers to specific questions

- 1. What, if any, viewer and other safeguards there should be additional to those required by the AVMS Directive?**

2 How should those additional safeguards be imposed - by law, or by means of the Ofcom Code?

[By the Ofcom code.](#)

Commercial advantages

Is the range of figures for the potential financial benefit of introducing television product placement set out a Part 3 of this document (between £25m and £140m p.a.) still broadly applicable?

How any pundit can believe that this market will be worth £140 million beggars belief. It has taken the Sponsorship industry over 10 years to build a marketplace of that magnitude.

4 Is it possible to narrow this wide range of estimates?

£10 million to £25 million in 5 years time would seem to be a reasonable estimate which otherwise will be lost to TV.

5 Are there grounds for thinking that the potential benefits have increased or decreased since last year?

No, although it could be argued that the potential benefits have been more fully understood by the public and the economic imperatives of the recession have brought the issue into the arena.

6 Has any new evidence emerged about the possible benefits since the earlier consultation?

The evidence has been more carefully evaluated and product placement is seen less as a threat. The public response to the earlier consultation suggested that the consumers understand placement activity and would be accepting of it.

Programme genres

7. If product placement is allowed in programmes made by or for UK television, should any of the programme genres permitted by the AVMS Directive be excluded?

No, all the genres permitted would be viewed by suitable diverse audiences and would also have opportunities for product placement.

8. Should UK controls on product placement be more specific as to what is meant by 'films and series' in which product placement can appear?

We believe that programmes should be defined by their genre and primary target audience rather than which platform they first appear on. This would mean that there would be no chance of productions trying to get round legislation by either claiming that they were a film which just happened to be picked up as a TV programme and would allow legislation to cover online productions which are also seen later on TV such as The Cut and Sophia's Diary.

9. Are there definable types of 'films and series' in which product placement either should or should not be permitted?

See above

10. Should UK controls on product placement be more specific as to what is meant by 'sports programmes' in which product placement can appear?

As virtually every part of our screen is covered by logos whenever a sports programme is shown we find it difficult to worry about this particular genre.

11. Is there any reason to restrict product placement in particular types of sports programming?

We believe that due to the amount of sponsorship already associated with sports events and programmes any paid for placement will be a part of negotiated sponsorship packages.

12. Should UK controls on product placement be more specific as to what is meant by 'light entertainment' programmes in which product placement can appear?

As discussed in point 8 above the more specific as to the genre of programmes covered the better. Thus NO placements in

Childrens programmes Agreed
News programmes No issue
Current affairs programmes No issue
Religious programmes Agreed

All programmes that are primarily aimed at viewers under the age of 16 should be subject to the same constraints as TV advertising in terms of acceptable paid for placements (Broadcast Committee of Advertising Practice rules on the scheduling of television advertisements).

With News and Current affairs is there really an issue? Does this depend on the sectors? What is the issue with clothing, cars, computers, bottles of water, handheld comms ?

13. Is there any reason to restrict product placement in particular types of 'light entertainment' programme?

Dependent on the primary audience.

14. Should there be a specific prohibition of product placement in

- religious programmes
- news programmes;
- current affairs programmes;
- consumer programmes; or
- any other specific type of television programme?

See point 12

Children

15. Should any or all product placement be restricted or prohibited in programmes with a disproportionately high child audience?

Use the same restrictions that apply to advertising around these programmes ((Broadcast Committee of Advertising Practice rules on the scheduling of television advertisements). No point in inventing new rules when we have perfectly adequate guidelines in place.

16. If so, how should that assessment be made in advance of a programme being broadcast?

See answer to point 15

17. How could a 'disproportionately high child audience' be defined?

Programmes that appear in slots and on channels directly marketed at under 16s. For example CITV, Milkshake. Question – where does E4 sit ?

18. Should there be restrictions on placing certain types of products (e.g. HFSS foods or alcohol) in programmes with a disproportionately high child audience?; and if so

See answer to point 15

19. Should those restrictions be the same as or greater than those which are currently in place for the scheduling of spot advertising of those products?

See answer to point 15

Editorial independence; undue prominence

20. How could 'undue prominence' be avoided, given the commercial imperative for audiences to recognize the products and services that have been placed?

All parties, broadcasters, production companies, crew, agencies and clients need to have a clear understanding of undue prominence

More often than not the first place to start is context, see current rules regarding editorial justification. If the product is a prop in the truest sense of the word in that it helps to establish a scene or character, or that it furthers the action of a scene then this must be taken into account when deciding whether there is undue prominence.

Give us clear guidelines and there will not be a problem.

21. At what point should the Government, or Ofcom, draw the line between legitimate paid placement of goods or services and illegitimate 'direct encouragement' to purchase or hire them?

If we are to get an even playing field will the Likes of Jonathan Ross with his chums coming on to promote their latest book, exercise video, tour or film be included in this legislation?

22. Are rules – in addition to those that prevent ‘undue prominence’ and the promotion of placed products – needed to safeguard editorial integrity? If so, what should these be?

We are yet to meet a Director or Producer that would be swayed from their primary duty to create watchable programming to fulfill a product placement contract. The principle of “The Creative Prerogative” is understood to be fundamental to the industry.

Tobacco, alcohol, HFSS foods, gambling

23. Should television placement of smoking accessories such as cigarette papers and pipes be prohibited?

Use the same restrictions that apply to advertising around these programmes. No point in inventing new rules when we have perfectly adequate guidelines in place.

24. Should television placement of alcohol, HFSS foods or gambling be subject to an outright prohibition; or, if not prohibited, should it be subject to restrictions of some kind?

By using the codes of advertising practices (Broadcast Committee of Advertising Practice rules on the scheduling of television advertisements) and supplemented by the industry bodies such as the Portman Group Code of Practice there will be enough checks and restrictions in place.

25. If it is not practicable to apply the detail of the BCAP Code rules on alcohol advertising to alcohol product placement, would the simple AVMS Directive rules that alcohol advertising must not be aimed specifically at minors and must not encourage immoderate consumption provide adequate safeguards?

As stated above we believe that all responsible drinks companies will abide by the Portman Group Codes of Practice.

26. Are there any alternative forms of safeguard that may be appropriate?

No

Monitoring

27. What methods of assessment and monitoring would be most effective in ensuring that there was accurate and reliable information about the actual effects of any introduction of product placement in these areas?

28. Would it be possible or desirable to levy a charge on product placements to enable monitoring and/or research to take place?

No

Other types of product

29. Are there any other product or service categories whose placement should be subject to prohibition or restriction?

Take our lead from TV advertising restrictions

30. If so, what, and why?

Terms of trade

31. If television product placement is allowed, what models might there be for revenue sharing between broadcaster and producer?

By ensuring that all paid for placements are brokered by the Broadcaster it will be easy to develop a totally transparent marketplace. The revenue sharing will be a matter of negotiation between the Broadcaster and the Production Company

32. Does the industry anticipate that the commercial negotiation of product placement arrangements would form part of the terms of trade between broadcasters and producers?

Yes see answer to point 31

Prop placement market

33. What impact would allowing television product placement have on the existing prop placement market, and on the ability of broadcasters to source props and services in this way?

The experience of the US TV marketplace and Films would suggest that after an initial period of confusion and misunderstandings the free prop market will eventually return to its current levels and may even grow if we can get clearer guidelines as to what constitutes "undue prominence".

Signalling product placement to viewers

34. How should television product placement be notified to viewers?

Although much taken with the suggestion of the Germans who were toying with the idea of a hooter sounding whenever a placement appeared we believe that a mention in the end credits will suffice. Perhaps give examples of US programming where this occurs Americas Next Top Model, Sex in the city ... Our rationale is that if we have a warning at the beginning of the programme then the undue prominence clause may come into effect.

35. When should it be notified to viewers – should we go beyond the EU requirement for notification before and after the programme and after any ad breaks?

See above. Too many notifications would have a detrimental effect on viewers' enjoyment, and reduce the running time of the show.

36. Should notifications to viewers mention the product(s) which has or have been placed?

We do, but after the programme is broadcast so as not to draw the viewers attention away from the content. A list of brands in the end credits ala films etc.

37. Do you have any other views about alerting viewers to the presence of product placement in a television programme?

We would be interested to know how long would be left for the broadcast in respect to a number of the magazine and chat shows, Formula One broadcasts could be double the length for example. Could a full list be made available online?

Thematic placement

38. Should the prohibition of 'thematic placement' extend to placements which feature only generic products and services or types of product and service rather than branded ones?

No

39. Should the prohibition of 'thematic placement' extend to the placement in a programme of references to the beliefs, policies, aims or objectives of the placer?

No

Negative and simulated placements

40. If television product placement is to be allowed, should there be rules which prevent negative placements?

Yes

41. Should the regulation of television product placement, if it is to be allowed, contain specific controls on the use of simulated products?

In what circumstances simulated products should be used can be covered in the final definition of undue prominence.