

Dear Sirs

I write as a private individual.

My starting position is one of opposition to product placement of any kind on UK television. I feel that to be debating fine points concerning what restrictions or safeguards might apply is to be fighting a defence against strong vested commercial interests. Although those in the advertising industry are fond of telling the public that advertising is an innocent activity that can do no harm, they make their living from persuading clients that quite the reverse is the case. If product placement is expected to boost TV revenues, then those who buy placement for their products expect to increase sales. And they expect that this will be achieved by influencing programme content.

The arguments of those who advocate product placement are contradictory. They say that viewers would not watch programmes in which there is clumsy product placement. Supposing this to be true (which it could not be - many of us dislike programmes being interrupted by advertising breaks, but we watch them), then the implication is that product placement will not be obvious - it will pass unnoticed. And yet the advocates of product placement are compelled to assert that viewers are capable of recognising when they are being sold to, to avoid the accusation that product placement will be hidden persuasion. They also say that viewers accept product placement that already appears in films and overseas programming; I have to say that I do not much notice it. I am evidently unable to recognise when I am being sold to, and I wonder how my attitudes and behaviour are being influenced.

I think that the rules you quote from Ofcom's Broadcasting Code (10.1, 10.2 and 10.4) are good rules. In the UK's implementation of the AVMS Directive, we should veer towards protecting them. You are interested in comment on 10.4 on undue prominence. I would support rules to prohibit undue prominence. But, as I have suggested above, this comes with its own dangers. The idea of making an announcement before and after programmes pointing out that they have included product placement may help, as long as it reveals all. It should name the product (or service) being placed and the moment of placement. This would, of course, be additional advertising for the product, and one may ask in that case whether the product placement would any longer be needed at all. It should go without saying (but unfortunately does not) that any such announcements should not overlay the running of the programme (a voice-over, for example) as this would do additional harm to the programme's integrity. It should always be clear when a programme slot commences and ends - there used to be rules safeguarding this, but they either no longer exist or are slackly applied now.

Rule 10.1, on editorial independence, is of obvious importance. But as you point out in your discussion of thematic placement, there is no sharp line. In fact one of your examples is particularly chilling, and points to a further major argument against product placement. A local authority, you suggest, might pay for a reference to one of its traffic management initiatives. Given a series of public benefit initiatives that could be mentioned, might a programme editor think twice before mentioning one for which no payment is offered? It is not just a case of the direct influence that product placement has on what is included in programme content, but also its influence on what is not included. Once there is horse trading for air space, then virtue could fly through the window. The Government could no longer persuade the TV equivalent of the Archers to promote agricultural policy without paying for it! The answer to this difficulty of not knowing where to draw the line is not to allow product placement at all. Rule 10.2 (broadcasters must ensure that the advertising and programme elements of a service are kept separate) is one to be preserved.

I cannot see any reason to have greater restrictions on one kind of product (tobacco or sex toys, for example) than on another. We should not find ourselves being persuaded to buy any product or service as a consequence of watching a programme ostensibly about something else, and which we are watching for some other purpose. It is intrusive if visible and clandestine if not. Arguments in

favour of defending vulnerable viewers are similarly improper. We are evidently all vulnerable, or no-one would be lobbying hard to promote product placement.

The category 'films and series made for audiovisual media services' as one for which product placement would be allowable is particularly worrying. That appears to be anything that might fall into the remit of the regulations which is made as a series. Light entertainment is similarly far too broad a category. If we are to have product placement, then we should be much more specific about the types of programme that qualify. "Programmes in which sport is being played", for example, is fairly specific (more so than "sports programmes"). There may be some pockets such as this for which no-one would mind - there is not much programme content to be subverted in a football match. The AVMS policy is to start from the position that product placement is not allowed. It is safer to follow this policy wholeheartedly, and then to name a very small number of such pockets in which it is permitted. I would suggest that the method of regulating this would be for the programmes to apply for licences. This is safer than trying to define and defend programme types (such as news programmes) in which product placement is forbidden against a background in which product placement is generally permitted - promoters will be testing the boundaries continually.

Mike Fedeski