

EDITORIAL POLICY GUIDANCE NOTE

ON PRODUCT PLACEMENT FOR BBC INTERNATIONAL COMMERCIAL CHANNELS AND ON-DEMAND SERVICES

Revised: March 2015

This guidance applies to all BBC international commercial television and on-demand services.

It should be read in conjunction with the Guidelines for BBC Commercial Services on Editorial Integrity and Independence from External Interests <http://www.bbc.co.uk/guidelines/editorialguidelines/page/guidelines-commercial-services> **and, for BBC World News, the Editorial Guidelines For BBC World Service Group On External Relationships And Funding** <http://downloads.bbc.co.uk/rmhttp/guidelines/editorialguidelines/pdfs/EditorialGuidelinesforBBCWorldServiceGroupServicesonExternalRelationshipsandFundingfinal060314links.pdf>

I. INTRODUCTION

Product Placement is the inclusion for a commercial purpose of a reference (in vision or audio) to a product, service or trademark within a programme in return for payment or other valuable consideration.

In some cases, BBC international commercial television channels or services may commission or make programmes which take appropriate product placement providing it does not undermine the editorial integrity of the programme, channel or service. Such placement may be physically included during production or digitally inserted during post-production.

This guidance applies in addition to any official local regulations applicable for broadcasts or services to relevant territories.

BBC international television services broadcasting from the UK to within the EU are subject to Ofcom regulation.

See Section 9 of the Ofcom Broadcasting Code at <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/commercial-references-television/>.

BBC on-demand services operating within the EU must comply, where applicable, with the Authority for Television On Demand (ATVOD) Code. See *ATVOD Rules and Guidance* at <http://www.atvod.co.uk/>.

2. KEY PRINCIPLES

- Product Placement must not undermine the editorial independence or integrity of the service.
- Product placement must not distort the editorial content of programmes.
- References to placed products, services and trademarks must not be promotional or unduly prominent.

3. MANDATORY REFERRALS

- **Any proposal for product placement or to signal product placement on BBC World News must be approved by Director, BBC World Service Group, who is responsible for ensuring the relevant onward referrals (set out below) are made.**
- **All proposals to include Product Placement on other BBC international commercial services must be approved by the relevant Editorial Director who is responsible for ensuring the relevant onward referrals (set out below) are made.**
- Advice should be sought from BBC Editorial Policy at the outset of any co-commission or co-production with BBC licence fee funded services if product placement might be included in any version of the programme.
- If BBC Worldwide or BBC World News or a production house connected to either produces a programme for a third party which contains product placement, BBC Editorial Policy must be informed of the placement if the contract gives BBC licence fee funded television guaranteed options to transmit the programme in the U.K.
- Any proposal to digitally insert product placement into a programme originally broadcast on a licence fee funded service must be approved by BBC Editorial Policy.
- Templates for the acceptable levels of reference to a placed product or service in each programme must be agreed with BBC Worldwide Commercial Policy or the relevant Editorial Director for BBC World News and BBC Editorial Policy.
- Any proposal for a non-English language service regulated by Ofcom to use a signalling method other than the universal neutral logo must be referred to BBC Editorial Policy who will consult Ofcom.

- Advice should be sought from BBC Editorial Policy for any proposal to broadcast an acquired archive programme or archive feature film which includes un-observed placement of normally unacceptable products, services or trademarks.

4. CO-COMMISSIONS AND CO-PRODUCTIONS WITH BBC LICENCE FEE FUNDED SERVICES

The BBC must not commission, produce or co-produce output for its licence fee funded services which contains product placement.

If a BBC licence fee funded television service commissions, co-produces or acquires a programme from BBC Worldwide or BBC World News or a production house connected to either, or any entity connected to the BBC, it must not contain product placement. There must be no product placement in such a programme when it is transmitted on BBC licence fee funded television even if the first transmission was outside the U.K.

Advice should be sought from BBC Editorial Policy at the outset of any such commission or production.

4.1 BBC Worldwide or BBC World News productions for third party broadcasters

If BBC Worldwide or BBC World News or a production house connected to either produces a programme for a third party (such as an American television network) which contains product placement, BBC Editorial Policy must be informed of the placement if the contract gives BBC licence fee funded television guaranteed options to transmit the programme in the U.K. See Guidance on BBC Licence Fee Funded Television Services and Product Placement, section 8 at <http://www.bbc.co.uk/guidelines/editorialguidelines/page/guidance-product-placement>.

5. PROHIBITIONS ON PROGRAMME GENRES

Product placement must not be included in any commissions, productions or acquisitions in the following programme genres:

- News and Current Affairs programmes
- Religious programmes
- Children's programmes
- Consumer advice content

See section 4.2.2 of the *Guidelines for BBC Commercial Services on Editorial Integrity and Independence from External Interests* at <http://www.bbc.co.uk/guidelines/editorialguidelines/page/guidelines-commercial-services-product-placement/>.

5.1 Definitions of prohibited genres

- News and current affairs programmes

A current affairs programme is one that contains explanation and/or analysis of current events and issues, including material dealing with political or industrial controversy or with current public policy.

- Religious programmes

Section 12.1 of the BBC Editorial Guidelines defines a religious programme as a programme which deals with the religious views and/or beliefs of a religion or religious denomination as the central subject or a significant part.

- Children's programmes

In this context a children's programme is a programme made for a television or video on demand service and for viewing primarily by persons under the age of sixteen. This would include all programming on a children's channel or branded block of children's programming, such as the CBeebies channel or a CBeebies branded block.

Where a children's programme is included as a segment of another programme, the children's content should be set clearly apart and be demonstrably free from product placement.

- Consumer advice content

In this context consumer advice content is content offering advice or including reviews on products or services (including 'what to buy', 'where to go' and 'what to see').

If in doubt as to whether the content counts as "consumer advice", specific advice should be sought from Editorial Policy.

6. RESTRICTIONS ON TYPES OF PRODUCT WHICH MAY BE PLACED

The following types of product may not be placed:

- Any product or service connected to a political organisation
- Any product or service connected to a religious body
- Pornography and sexual services
- Tobacco products (including cigarettes)

- Placement by, or on behalf of, any undertaking whose principle activity is the manufacture or sale of cigarettes or other tobacco products
- Weapons
- Prescription-only medicines
- Infant formula or baby milk
- Any product or service which may not be advertised on the service either because it is ruled out by relevant advertising regulation or official codes or by the Advertising and Sponsorship Guidelines for BBC Commercial Services.

Product placement of any product which might bring the BBC or its services into disrepute is not allowed.

See section 4.2.2 of the *Guidelines for BBC Commercial Services on Editorial Integrity and Independence from External Interests* at <http://www.bbc.co.uk/guidelines/editorialguidelines/page/guidelines-commercial-services-product-placement/>.

In addition, for any service broadcasting under an Ofcom Broadcast Licence, the following may not be placed:

- Alcoholic drinks
- Food or drinks high in fat, salt or sugar (“HFSS”)
- Gambling
- All medicinal products

HFSS food and drink products are defined by the nutrient profiling scheme which was devised by the UK’s Food Standards Agency for use by Ofcom. This can be found at: <https://www.gov.uk/government/publications/the-nutrient-profiling-model>

See *Ofcom Broadcasting Code rule 9.13* at <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/commercial-references-television/>.

7. DIGITAL INSERTION OF PRODUCT PLACEMENT

Digital insertion of product placement is where reference to a product, service or trade mark is added to the content of a programme in post production. This could be either for the original broadcast or for a subsequent repeat.

Any proposal to digitally insert product placement into a programme originally broadcast on a licence fee funded service must be approved by BBC Editorial Policy.

8. UNDUE PROMINENCE

We must avoid any undue prominence of placed products or services. To achieve this we must:

- Ensure that references to trade names, brand names and slogans are not unduly prominent and are editorially justified
- Not linger on brand names or logos and use verbal references sparingly unless there are very strong editorial reasons for repeated references to a brand.

The number of placements within a programme can lead to an impression that editorial independence or integrity has been undermined. For each programme intending to take product placement, a template must be drawn up for the acceptable levels of reference, either visually or verbally to the placed product or service. **This template must be agreed with BBC Worldwide Commercial Policy or the relevant Editorial Director for BBC World News and BBC Editorial Policy.**

Examples of format or storyline construction that are likely to lead to issues of undue prominence may include:

- A reality format in which participants are required to perform a task or challenge that features a placed product or service strongly or frequently
- Distortion of the editorial content of a programme such as improbably or contrived characters, plot development, presenter behaviour, location, setting or other structural elements of a programme resulting from or linking to a placed product or service.

We must also not make any promotional references or 'plugs' for placed products or services within the programme. The programme should not include:

- encouragements to purchase
- advertising claims
- price or availability information
- references (either explicit or implicit) to the positive attributes or benefits of the placed product or service
- slogans associated with the placed product or service
- endorsements (either explicit or implicit)

Product placement must not influence the content and scheduling of programmes. We must maintain editorial control, including the ultimate right to edit the programme, and schedule it, as we see fit.

9. TRANSPARENCY AND SIGNALLING REQUIREMENTS

Local regulations may require product placement to be signalled. For example, any service broadcast under Ofcom regulation must signal the inclusion of product placement at the beginning, end and recommencement of the programme if it was produced or commissioned by the broadcaster or a connected body; see *Ofcom Broadcasting Code rule 9.14*. This includes any broadcast on a BBC Worldwide or BBC World News service regulated by Ofcom of a programme produced or commissioned by UKTV or any production company in which BBC Worldwide or BBC World News holds a share, because these are connected bodies to BBC Worldwide or BBC World News.

In any event, the inclusion of product placement should be made transparent to consumers. This should normally be through the inclusion of a list of all placed products in the credits for a commissioned programme. This should be done in a neutral, non-promotional manner, similar to other programme credits.

In some cases, non-English language services regulated by Ofcom may be permitted to use a signalling method other than the universal neutral logo (as set out in *Ofcom Broadcasting Code rule 9.14*). Ofcom must be consulted, via BBC Editorial Policy, about any proposal to use an alternative signalling method.

Acquired programmes (i.e. those not produced or commissioned by BBC Worldwide or a connected body) do not normally require signalling or the inclusion of credits on BBC Worldwide or BBC World News services.

See Ofcom Broadcasting Code rule 9.14 on signalling requirements for television services broadcasting from the UK to within the EU and ATVOD Code for signalling requirements for on-demand services within the EU.

10. ACQUIRED PROGRAMMING AND FEATURE FILMS CONTAINING PRODUCT PLACEMENT

In line with section 5 above, product placement is not permissible in the following acquired programme genres:

- News and Current Affairs programmes
- Religious programmes
- Children's programmes
- Consumer advice content

Transmissions of acquired programmes and feature films should not contain product placement of:

- Any product or service connected to a political organisation

- Any product or service connected to a religious body
- Pornography or sexual services
- Tobacco products (including cigarettes)
- Placement by or on behalf of any undertaking whose principal activity is the manufacture or sale of cigarettes or other tobacco products
- Weapons
- Prescription-only medicines
- Infant formula or baby milk

When acquiring programmes every effort should be made to ensure that we know of any product placement. If we know that placement is in a category which is unacceptable then consideration should be given as to whether the programme may be acquired and the placement removed or obscured. If it is not possible to obscure or remove the placement, the programme should not normally be acquired.

10.1 Acquisitions of archive material

When we acquire archive programmes or archive feature films, we should make every effort to remove or obscure any unacceptable placement. However, when acquiring programmes or feature films which are several years old, the brands featured may no longer exist. For example a 1940s or 50s feature film might include a tobacco brand which disappeared many years ago. In such cases it may not be necessary to obscure the brand. However, any proposal to include a placed product from an unacceptable category without obscuring the brand should be referred to BBC Editorial Policy.

It should be noted that within the EU we may not broadcast any programme or feature film, acquired from anywhere in the world, which includes product placement of tobacco products or prescription-only medicines if the programme or film was made after 19 December 2009. See Ofcom Broadcasting Code rule 9.11.

In addition, local regulations may place restrictions on the types of product placement arrangement which are allowed in acquired programmes.

11. PROP PLACEMENT

Prop placement involves the supply of production props free of charge (or at a reduced cost) where the provision of the prop does not involve payment or other valuable consideration to the broadcaster, producer or a connected person. Prop placement does not count as a form of product placement unless the residual value of the product is

significant. For example, if a car is provided for filming and then returned, there is no significant residual value. Whereas if the car is retained by the production, or sold on, there is a significant residual value making it product placement.

Where prop placement takes place:

- Clear records should be kept of all free or reduced cost props
- No guarantee that any product or service will be featured and, if featured, no guarantee that it will be in a favourable light

If a guarantee is given to feature a product or service, it counts as Product Placement and all the provisions of this Guidance Note apply.

If there is any doubt about whether the provision of products or services should be counted as Prop Placement or Product Placement advice should be sought from BBC Worldwide Commercial Policy or the Editorial Director of BBC World News and BBC Editorial Policy.

Further guidance on Prop Placement can be found at
<http://www.bbc.co.uk/editorialguidelines/page/guidance-props>