

Identifying TV programmes likely to appeal to children

Advertising Guidance (broadcast)

Foreword

The Committee of Advertising Practice (CAP) offers guidance on the interpretation of the UK Code of Advertising (the CAP Code) in relation to non-broadcast marketing communications.

The Broadcast Committee of Advertising Practice (BCAP) offers guidance on the interpretation of the UK Code of Broadcast Advertising (the BCAP Code) in relation to broadcast marketing communications.

Advertising Guidance is intended to guide advertisers, agencies and media owners how to interpret the Codes but is not a substitute for those Codes. Advertising Guidance reflects CAP's and/or BCAP's intended effect of the Codes but neither constitutes new rules nor binds the ASA Councils in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404 or you can log a written enquiry via our [online request form](#).

For advice on specific radio advertisements, consult the [Radio Centre](#), and for TV advertisements, [Clearcast](#).

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Introduction

Scope

This guidance note aims to help broadcasters comply with the scheduling rules in Section 32 of the BCAP Code (See Annex 4) as they relate to children and young people.

The guidance outlines a variety of approaches, which broadcasters might be expected by the ASA to follow as part of their scheduling policies. They ensure that those programmes that appeal particularly to children and young people are correctly identified allowing broadcasters to place restrictions on the advertisements in the commercial breaks during and adjacent to them.

The BCAP scheduling rules ensure that the exposure of children (those aged 15 and under) and young people (those aged 16 and 17) to TV advertisements for products like alcohol or gambling is appropriately limited. They are not designed to wholly prevent exposure. Instead, they work in conjunction with the extensive and strict rules on the content of such advertising.

The BCAP Code requires broadcasters to restrict specified categories of advertising or advertising for specified products around programmes: commissioned for, principally directed at or likely to appeal particularly to a particular age group.

In practice, it is usually straightforward for broadcasters to identify a programme commissioned for or principally directed at a particular age group. Primarily, broadcasters should consider the intended audience at commissioning or acquisition stage. If this is no longer valid, for instance, because the programme is legacy material, broadcasters should consider additional factors, such as their intention in scheduling, along with an assessment of the programme's content and themes.

If broadcasters still judge that the original commissioning intent is valid and the programme is either for or principally directed at a particular age group, then broadcasters must not schedule restricted advertisements in or adjacent to such a programme, no matter the time at which the programme is scheduled to be broadcast.

Identifying programmes that appeal particularly to children or children and young people is more complicated. Broadcasters are therefore required to make use of audience data or, if such data is unavailable or unreliable, other reasonable criteria to predict a programme's likely appeal.

See Annex 1 for definitions of the various terms used throughout this document.

Approaches to Scheduling and Audience Indexing

Audience Indexing

Audience Indexing is the predictive tool that allows broadcasters to identify programmes likely to appeal particularly to children and young people. detailed explanation of Audience Indexing, including the calculation, is in Annex 2.

Using Broadcast Audience Research Board (BARB) data, which breaks down the audience into categories of viewers, in this case by age (e.g.10-15 year olds), Audience Indexing determines what proportion of a particular category of viewers are watching a programme relative to the proportion of the audience as a whole (all viewers aged 4 and over) watching the same programme. The process allows broadcasters to identify programmes that appeal disproportionately to particular groups, either various age groups of children or all children and young people.

The Audience Indexing process results in an index score for each programme (or programme part in the case of long-form programming). This is assessed against a threshold index score of 120, above which a programme is considered to appeal particularly; this known as the “120 Index”. Broadcasters should assume that the ASA will expect them, in instances where there is an index score of 120 or more for the relevant age group, to have considered whether the programme fell within the scope of the restriction and whether there were other factors to be considered.

Broadcasters must apply the correct age category to meet the requirements for each type of advertising or product covered by the Section 32 rules (See Annex 4); for instance, the under 18 class of restriction rely on BARB data age category 10-15 and apply to advertising for products such as alcohol and gambling.

Details of the approach for each product covered and included in Annex 3.

ASA approach to enforcing the rules

BCAP recognises that Audience Indexing is a predictive tool employed by broadcasters to help apply scheduling restrictions. As such, the onus is on broadcasters to provide evidence of robust and diligent efforts to predict the likely index score of programming or parts of the day to facilitate appropriate scheduling decisions.

BCAP acknowledges that compliance with the rules in section 32 requires different approaches to making scheduling decisions taking account of different channels and different types of programming and factors such as times of the day and times of the year.

The key principle in applying the rules is whether a broadcaster could reasonably be expected to have applied a scheduling restriction when, in the event, it did not.

Broadcasters should be able to demonstrate that they have taken robust and diligent steps to predict the likely index scores of programmes.

In applying the principle set out above, the ASA is likely to focus on identifying patterns or trends in Audience Indexing data. If restricted advertisements are scheduled in or adjacent to a programme which has exceeded the 120 Index for the relevant age group on a number of occasions, a broadcaster should expect that, in the event that the ad is brought to the ASA's attention by way of a complaint or its own proactive monitoring, the ASA is likely to seek the broadcaster's explanation for that scheduling decision. On the assumption that the programme is not commissioned for or principally targeted at a stated age group of children or children and young people, the ASA is unlikely to consider that an isolated, retrospective incidence of a restricted advertisement broadcast during a programme which exceeded the 120 Index is in breach of the Code.

Examples of the principle in action:

A broadcaster may predict an index score below 120, only for the relevant programme to exceed it. In these circumstances, BCAP acknowledges that isolated incidences of restricted advertisements being broadcast during a programme which exceeds the 120 Index are unlikely to be regarded as a breach of the Code, provided that the broadcaster can satisfy the ASA that it took all reasonable steps to attempt to predict the index score of the relevant programme or relevant part of the day and scheduled in accordance with that prediction.

Instances of changes in the composition of the audience for a series of programmes over a period of several weeks that lead to repeated incidences of restricted advertisements being broadcast during a programme exceeding the 120 Index, are likely to be regarded as a breach of the Code, if the broadcaster fails to demonstrate that it made an appropriate scheduling decision once the trend became apparent.

At the same time, the ASA might consider that an average Audience Indexing score for the various episodes of a programme over a particular time period that is below 120 might not be sufficient to comply with the Code, if a significant number of those episodes exceed the 120 Index without adequate explanation.

A programme or channel which attracts a very low audience will be assessed objectively on the understanding that the sample size of the audience is insufficient for Audience Indexing to be robust. However, broadcasters may be expected to demonstrate that they made reasonable attempts to improve the robustness of their audience data, for instance, by increasing the period of data used, before they made any decision to base a scheduling decision on factors other than Audience Indexing.

In instances where uncertainty may exist over the likely index score of a programme, for instance, if a programme is a one-off special, broadcasters are likely to be expected by the ASA to use the closest available match in terms of content, transmission time and other factors, such as the time of year.

Making scheduling decisions

This section outlines a standard model for scheduling, but must be read in conjunction with the subsequent sections that address variations and exceptions when this approach is unlikely to be appropriate.

Ordinarily, in carrying out their assessments, broadcasters should use the relevant audience data; where possible, the data should relate to the same or a similar programme appearing on the same channel during the same part of the day. Broadcasters may also draw on other sources of data for the programme; for instance, from other channels provided the circumstances of the broadcast of the programme were comparable.

Additionally, broadcasters may rely on other immediate factors to supplement their analysis of audience data:

- Subjective analysis of the content of the programming;
- Channel profile (e.g. general interest or with a specific focus);
- Time of day and day of the week (e.g. weekends); and
- Time of year (e.g. school holidays or Christmas).

As a basic model, broadcasters should endeavour to use audience data for the programme over a rolling four week period unless, for instance, the audience is too small to provide robust data over a four week period or the programme is subject to variable scheduling.

BCAP acknowledges that some programmes will appear at greater frequency during the four week period, facilitating more robust and up-to-date audience data. In instances where a programme is only shown weekly, potentially resulting in volatility in the programme's index score, broadcasters might use a longer period for the rolling average by adding another four weeks of data.

Broadcasters may wish to supplement the basic model of audience indexing with other methods of analysis of audience data. For example, broadcasters might assess the proportion of incidences of the programme exceeding the 120 Index, use a "whole series" average index or commercial break audience index data.

In all instances, broadcasters must be able to justify their choice of data.

- The ASA is likely to expect that they will use the most up-to-date data that permits a robust scheduling decision.
- Broadcasters should not use old data when newer data is available owing to the potential for the audience profile for a programme to change over time.
- Broadcasters should not use data from a longer rolling period, when that from a shorter period is robust enough to make a scheduling decision.

Broadcasters should ensure that they take account of consolidated ratings, which include playback and time-shifted channel audience data up to seven days after broadcast. However, broadcasters should not refrain from acting when “overnight” data indicates a clear trend.

Scheduling Decisions for Different Types of Channel

Consideration of the type of channel

When making scheduling decisions, an important first step is to recognise the type of channel involved. The following sections provide examples of how the above principles may be applied to the circumstances of different channels.

Channels where Audience Indexing may be unnecessary or inappropriate

Certain types of channel are highly unlikely to appeal to children or children and young people, for instance, special interest channels such as those covering horse racing or financial issues. These channels need not normally employ scheduling restrictions but, they should be able to demonstrate to the ASA why that is the case.

Conversely, a programme that has at least some appeal to children and is scheduled on a children’s channel or within slots of dedicated children’s programming on a non-children’s channel (e.g. a block of programmes characterised by continuity announcements targeted at children) is very likely to be considered by the ASA to be a programme “principally directed at” children, negating the need for such channels to use audience indexing in most circumstances.

Channels with large audiences

For programmes with audiences large enough to yield sample sizes that allow statistically robust Audience Indexing, broadcasters are encouraged to follow the orthodox approach outlined in this guide. If broadcasters choose to deviate from this, they should be able to explain clearly why they took that decision.

Channels with small or uncertain audiences

BCAP recognises that when assessing audience data, a low sample size reduces the level of accuracy of Audience Indexing making it difficult to assess a programme against the 120 Index. As such, BCAP acknowledges that, for a programme with an isolated high 120 Index but low audience, the risk of inappropriate scheduling will be low, owing to the potential for a small number of viewers to influence the index score.

When making predictions in the context of smaller audiences, broadcasters should adopt a cautionary approach and seek to draw on what data is available to them. For instance, they might use:

- The audience data for a programme across an entire series;
- A longer rolling period than four weeks;
- The part of the day, if a channel delivers predictable viewing data irrespective of the programme broadcast; and/or
- Audience data derived from commercial breaks (as opposed to programmes) in a particular timeslot.

The ASA will assess issues of small audiences on a case-by-case basis. The emphasis is likely to be on whether the broadcaster used the best available data as the basis for their scheduling decision. Broadcasters should therefore ensure that they can demonstrate why any data used is the most appropriate, both in terms of its applicability and statistical robustness.

Broadcasters are also encouraged to rely more readily on the other scheduling decision criteria as the rationale for decisions.

Children's channels

Channels devoted to children's programmes, or where the generality of the programme content might reasonably be expected to appeal particularly to children, will not at any time be able to carry restricted advertising.

Advertising with "post 7.30 pm" and "post 9 pm" timing restrictions may not be scheduled in or around programmes of interest to children on a children's channel even if broadcast outside of the restricted time period.

Simulcast or time-shifted channels

The ASA is likely to expect that scheduling decisions should be made on an individual channel basis. However, given the similarity in content to the primary channel, it is reasonable for broadcasters to combine indexing data from simulcast and time-shifted channels to create a larger, more robust sample, for example, combining the main channel with a “+1” channel.

As the advertising content on both channels will be the same and is likely to derive from the scheduling decisions made for the primary channel, broadcasters should have due regard to the impact of the audience of the time-shifted channel. For instance, broadcasters should have regard to periods during the day when the composition of the audience is likely to change quickly owing to factors like children arriving home from school.

Scheduling Decisions for Different Types of Programming

Consideration of the type programming

When making scheduling decisions, broadcasters should also have regard to the types of programming involved.

Programming where Audience Indexing may be unnecessary or inappropriate

There will be instances when the use of indexing may be either unnecessary or inappropriate. Principally, for:

- Programming, such as news or current affairs, which are quite clearly not directed at children or children and young people;
- Programmes, such as movies that are clearly principally targeted at an adult audience or start late in the evening; and
- Certain time slots when it can be demonstrated that children or children and young people are highly unlikely to be watching.

Series with inconsistent scheduling

When analysing audience data for programmes that have inconsistent scheduling, for instance a series of programmes appearing in different time slots over a period of time, the emphasis should be on predicting the likely index score for the programme as shown in the timeslot under consideration rather than relying on data for all the episodes. Commercial break index data may assist broadcasters in this regard if the programme genre is consistent across the relevant channel.

If a programme appears for the first time in a new time slot, it should be considered in the same way as a new programme

New series or one-off programmes

BCAP acknowledges that, in some instances, a programme will have no predecessors to allow assessment of audience data. This is also the case for the majority of programmes on certain channels (e.g. documentary channels).

In these instances, broadcasters should make an assessment of the likely index of the programme using the criteria for making scheduling decisions. Audience Indexing data for the channel and part of the day and/or for programmes that are similar to the one proposed for broadcast will be relevant until such time as a four week rolling average can be established. Commercial break index data may assist broadcasters in this.

Channels with long-format programming

Some channels, such as music channels, have programmes that last for several hours. BCAP considers that it is reasonable for broadcasters to sub-divide long format programmes or look at relevant parts of the day for such programmes when making scheduling decisions.

Such channels might consider applying scheduling restrictions according to periods when there are likely to be significant numbers of children or children and young people in the audience and may use commercial break index data where relevant.

Review and Record Keeping

Approaches

Broadcasters should continuously review their scheduling decisions and associated data to ensure that they identify changes in viewing patterns that might lead the audience for a series to change over time to include a greater proportion of children or children and young people, which could lead to it exceeding the 120 Index.

In the event of a complaint, broadcasters will be expected to provide the ASA with a detailed outline of its scheduling processes. BCAP considers that it is in a broadcaster's interest to keep records of their processes and scheduling decisions so that these can be communicated to the ASA.

Annex1 - Definitions

“Adjacent to”

means the commercial break appearing immediately before or after the programme in question.

“Adult commercial airtime”

means commercial airtime excluding all BBC and other non-commercial channels and all commercial children’s channels and any slots of dedicated children’s programming on all other channels.

“Advertising impacts”

means the number of times a 30 second commercial spot advertisement is viewed. For example, ten impacts could be achieved by ten people viewing a single 30 second advertisement, or by one person seeing the advertisement ten times.

“Advertising spots”

means one occasion on which an advertisement is broadcast.

“Age category”

means standard sub-groups of BARB data. Different age categories are used for different classes of restriction (see Annex 3).

“BARB”

means the Broadcasters’ Audience Research Board, which provides audience data on programmes are broadcast (see <http://www.barb.co.uk/>).

“Children’s programme”

means a programme made for persons below the age of 16.

“Daypart”

means parts of the broadcast schedule defined by common broadcasting practice, for instance, peak time, daytime or breakfast.

“Legacy material”

means programming where the original commissioning intent, in terms of the target audience, may no longer be valid.

“Restricted Advertisements”

means advertisements for products or services that have a scheduling restriction attached to them.

| | |
|--|---|
| <i>“Simulcast channel”</i> | means an alternate version of a main channel, such as a High Definition (‘HD’) channel. |
| <i>“Timeshifted channel”</i> | means a version of a main channel broadcast separately with a delay, for instance a ‘+1’ channel. |
| <i>“Viewing population as a whole”</i> | means individuals aged of 4 and above on the BARB panel. |

Annex 2 – Explanation of Audience Indexing

Purpose

Audience Indexing is used to predict whether a programme is likely to appeal particularly to various age groups of children or to children and young people. It allows broadcasters to target scheduling restrictions for certain types of advertising to reduce exposure among those groups.

In simple terms, it compares the proportion of all viewers in an age category watching a programme to the proportion of all potential viewers watching the same programme. This identifies programmes where the audience for the age category is disproportionate, suggesting that the programme appeals particularly to that group.

Data

Audience Indexing uses a metric called a TVR (a television rating) measured in data compiled by BARB on all TV viewing. One TVR is numerically equivalent to one per cent of a target audience.

For example, if a programme achieved a child TVR of 5 (using the BARB age category 4-15), it would mean 5% of all children were watching that programme.

BARB breaks down its figures into several different age categories for the purposes of making scheduling decisions: 4-9, 4-15 and 10-15. Annex 3 provides guidance on which age categories should be used when applying the various different classes of restriction, for instance, under 18, under 16 and under 10.

Calculation

The index score for a programme can be calculated by dividing the TVR of the age category relevant to the restriction (e.g. under 18 restrictions use BARB age category 10-15), by the TVR for all viewers and multiplying it by 100.

The equation is:

$$\frac{\text{Age Category 10-15 TVRs}}{\text{Total Viewing Population TVRs}} \times 100$$

Examples

The following table puts the equation into practice with an example of a range of index scores, how they are calculated and how they translate into appeal:

| % of 10-15 age category watching | TVR | % of total viewing population watching | TVR | Calculation of Index | Index score | Appeal |
|----------------------------------|-----|--|-----|----------------------|-------------|------------|
| 8 | 8 | 10 | 10 | 8/10 x100 | 80 | Lower |
| 10 | 10 | 10 | 10 | 10/10 x100 | 100 | General |
| 12 | 12 | 10 | 10 | 12/10 x100 | 120 | Particular |

120 Index

A score of 120 is the threshold index score; an index score of 120 or higher indicates that a programme appeals particularly to children or children and young people, as they are disproportionately represented in the audience for the programme. The programme is of proportionately greater appeal to children or children and young people than it is to the viewing populations as a whole.

This is commonly referred to as the “120 Index”.

Annex 3 – Restrictions and BARB data age categories for different products

| Class of restriction | BARB data age category | Categories of advertising or advertisements of specific products covered |
|--|------------------------|---|
| Under 18s | 10-15 | Alcoholic drinks containing 1.2% alcohol or more by volume |
| | | Gambling except lotteries, football pools, equal-chance gaming (under a prize gaming permit or at a licensed family entertainment centre), prize gaming (at a non-licensed family entertainment centre or at a travelling fair) or Category D gaming machines |
| | | Betting tipsters |
| | | Electronic cigarettes |
| | | Slimming products, treatments or establishments (an exception is made for Advertisements for calorie-reduced or energy-reduced foods and drinks, if they are not presented as part of a slimming regime and provided the advertisements do not use the theme of slimming or weight control) |
| | | Religious matter subject to the rules on Religious Advertising in Section 15 of the BCAP Code |
| | | Live premium-rate services, unless those services have received prior permission from PhonePay Plus to target people under 18. |
| Under 16s | 10-15 | Lotteries |
| | | Football pools |
| | | Equal-chance gaming (under a prize gaming permit or at a licensed family entertainment centre) |
| | | Prize gaming (at a non-licensed family entertainment centre or at a travelling fair) |
| | | Category D gaming machines |
| | | Medicines, vitamins or other dietary supplements |
| | | Drinks containing less than 1.2% alcohol by volume when presented as low alcohol or no-alcohol versions of an alcoholic drink |
| Computer or console games carrying an 18+, 16+ or 15+ rating, including those that have not yet been classified, but which are expected by the publisher to secure a 15, 16+ or 18-rating. | | |
| Other categories | 10-15 | Matches |
| | | Trailers for films or videos carrying an 18-certificate or 15-certificate |
| HFSS | 4-15 | Food or drink products that are assessed as high in fat, salt or sugar (HFSS) in accordance with the nutrient profiling scheme published by the Food Standards Agency (FSA). |
| Under 10s | 4-9 | Sanitary protection products |
| | | Condoms |

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