

[Consultation on the review of the BCAP advertising codes in underway.
Submission by Hugh Geach, on behalf of ERA UK]

Dear

ERA UK (Electronic retailing Association) has discussed the BCAP Code Review (Consultation on the Proposed BCAP Broadcast Advertising Standards Code) and collectively feel that the changes outlined in this Consultation represent, by and large, a significant improvement on the present BCAP Advertising Standards Code.

We particularly support the proposal that health professionals may be used, in limited circumstances, to provide testimonials in advertising for health products and services. The present restrictions reflect a different age of advertising when it was felt that using health professionals to provide testimonials could, through providing a professional endorsement, unfairly bias viewers in favour of the product. Television viewers are more sophisticated these days and the limited circumstances in which health professionals can be used and other rules such as those covering misleadingness should ensure proper consumer protection.

However there is one area in the new proposed rules which our members do not feel reflect current public attitudes. There is virtually no change in the rule that prohibits the use of people in adverts, which make weight loss claims, who look obese, and furthermore advertisers cannot promote weight loss products to obese individuals. The number of obese people in the population is about 1 in 5 and growing. It is our members' view that it is exactly this group of individuals who could benefit from some of the products, such as fitness equipment, that they advertise. As long as the advertising is not misleading and makes it clear that medical advice should be obtained before starting, for example, an exercise regime, then we think that advertising for such products which include obese individuals ought to be acceptable. Our members completely accept that no advertising should be directed at the super morbidly obese.

Otherwise the ERA UK is impressed by the professional way in which this new proposed Code has been drafted and circulated for consultation. We regard most of the changes as being beneficial.