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Australian Subscription Television and Radio Association
5 Thomas Holt Drive
North Ryde NSW 2113

By Email: [Redacted]

4 February 2019

Dear [Redacted]

Comments on the Review of the Subscription Television Broadcasting Code of Practice (“SBT Code”) and the Subscription Television Narrowcasting Code of Practice (“SNT Code”)

Ad Standards appreciates the opportunity to provide comment on ASTRA’s review of the SBT Code and SNT Code (the **ASTRA Codes**).

Overall Ad Standards is supportive of the approach taken to modernise the ASTRA Codes in order to simplify and remove any duplication with the codes and initiatives adopted by the Australian Association of National Advertisers (**AANA**), and other relevant industry codes and initiatives including those administered by the Australian Food and Grocery Council (**AFGC**), Federal Chamber of Automotive Industries (**FCAI**), and the Alcohol Beverages Advertising Code (**ABAC**) management scheme codes (**Industry Codes**).

We are also pleased to see that the requirement for Licensees to use best efforts to refer complaints about the content of advertising to Ad Standards has been retained (clause 8.9 of the new *Draft Subscription Television Code of Practice* (**new ASTRA Code**)).

Amendment to Advertising Provisions

We acknowledge the support that ASTRA and its members have provided over a lengthy period in contributing to the effectiveness of the complaint resolution process managed by Ad Standards. That support is directly related to the requirement under the current SBT Code (at clause 6.1(a)), that advertisements broadcast by Licensees must comply with the advertiser codes of practice adopted by the AANA and administered through the complaint handling process managed by Ad Standards.



We propose that consideration be given to amending clause 7.1 of the new ASTRA Code to make it clear that whilst Licensees do not have direct control over the content of advertising, they also have a role to play in ensuring that the advertising they broadcast complies with the provisions of the AANA Codes and other relevant Industry Codes. For example, the Note at clause 7.1 of the new ASTRA Code could be amended as follows:

"Note: For the avoidance of doubt, the content of Advertising is not dealt with under this Code, however all advertisements broadcast by Licensees must comply with any relevant codes adopted by the Australian Association of National Advertisers or any other relevant industry codes and initiatives administered by Ad Standards."

This would not be a duplication between the Codes, but rather would demonstrate that Licensees are fully committed to supporting the advertising self-regulatory system in Australia and complying with the decisions made by the Ad Standards Community Panel should a complaint be upheld.

As you would acknowledge, the commitment of advertisers, their agencies, media buyers, media operators and industry associations are all essential to ensure community expectations about advertising standards are being met.

Pay TV Complaint Statistics

Ad Standards complaint statistics show a fairly steady level of complaints about advertising appearing on Pay TV media. In 2011, 5.04% of all cases considered by the Community Panel in that year related to advertising content on Pay TV. In 2013, this had increased to 7.98%. The highest recorded percentage was in 2015 with 8.38%.

In 2017, 7.66% of all cases considered by the Community Panel related to advertising content on Pay TV media (further details can be found on page 22 of the Ad Standards Review of Operations 2017 which can be accessed on our website at this link: https://adstandards.com.au/sites/default/files/ad_standards_review_of_ops_2017.pdf). In 2018, 4.9% of all cases considered related to advertising content on PayTV media.

Although the number of PayTV cases considered by the Community Panel are relatively low overall, we consider that the new ASTRA Code should continue to be explicit in requiring all advertisements broadcast by Licensees to adhere to community standards in relation to the content of advertising.

I would be happy to elaborate further on any of the information provided with this submission, and Ad Standards looks forward to continuing to work together with ASTRA to ensure that advertising on subscription television complies with the advertiser codes.

Yours faithfully



Fiona Jolly
Chief Executive Officer