

Susan Naisbitt
Standards, Content &
Regulatory Development Group
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

5 December 2011

Dear Susan

RadioCentre response to the Ofcom consultation "Proposed Code on the Prevention of Undue Discrimination between Broadcast Advertisers"

I am writing to you on behalf of RadioCentre, the industry body for commercial radio, in order to provide a brief response to Ofcom's consultation on this matter that was published on 2 November 2011.

Overall we broadly support the proposed rules and accompanying guidance, and have no particular concerns about the rules themselves as drafted. However, we do have some comments on the guidance, which will be crucial in ensuring consistent implementation and interpretation of the rules.

In particular, we welcome the acknowledgement within the guidance that broadcasters may require flexibility regarding the commercial terms and treatment of different advertisers. This freedom is critical for commercial radio broadcasters and may not always be related to specific technical or other adjustments for a particular campaign. Therefore it is important that this is understood and appreciated by Ofcom.

For example, we believe that it must be possible for different approaches to advertisers to be 'objectively justified' and not be considered as 'undue discrimination' in a number of different circumstances. This may include the treatment of an advertiser with a more appropriate or desirable brand association for a particular radio station. It could also manifest itself in action to prevent clashes between products and advertisers in scheduling and broadcast of commercial messages, especially if they were too similar, appeared inappropriate when in too closer proximity or could create confusion.

I hope that these brief comments are helpful. If you require any further information or would like to discuss any elements of this response please contact my office or Matt Payton at matt@radiocentre.org.

Yours sincerely



Andrew Harrison
Chief Executive, RadioCentre

RadioCentre
5 Golden Sq
London W1F 9BS

RAB

RACC

t 020 3206 7800
f 020 3206 7801

w www.radiocentre.org

JICRIT