

# 15

## **Independence from Commercial and other External Interests**



# Independence from Commercial and Other External Interests

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## 15.1 Introduction

The BBC's reputation and the strength of its brand in the UK and around the world are based upon its fundamental values of impartiality, editorial integrity, and independence. These values are central to the BBC's UK Public Services, the BBC World Service and the BBC's Commercial Services. Audiences everywhere must be able to trust the BBC.

This section of the Editorial Guidelines concerns the editorial decisions and production of BBC editorial content and related BBC activities<sup>1</sup>. It should be read in conjunction with Section 4: Conflicts of Interest, which considers how to ensure that the external activities and interests of those working for the BBC and involved in producing content or related activities do not bring their or the BBC's editorial integrity into question. Collaborations with other parties and financing are covered in Section 16: External Relationships, Including Commercial Relationships, and Financing.

## 15.2 Principles

- 15.2.1 The BBC's impartiality, editorial integrity and independence must not be compromised by outside interests and arrangements.
- 15.2.2 The BBC must maintain independent editorial control over its output.
- 15.2.3 Brands, products, organisations, services and trade marks can be referred to where it is editorially justified, but must not be given undue prominence.
- 15.2.4 Travel, accommodation and most other services should normally be paid for. This does not apply to product placement and prop placement.

<sup>1</sup> The sections of the Ofcom Broadcasting Code that relate to this are 9: Commercial References on TV and 10: Commercial Communications in Radio Programming

- 15.2.5 People working for the BBC must not accept gifts or hospitality where there may be a business advantage.
- 15.2.6 The BBC must not commission, produce or co-produce output for its UK Public Services which contains product placement.

## **BBC UK Public Services and BBC World Service**

- 15.2.7 The BBC UK Public Services as set out in the BBC Charter and Framework Agreement, are primarily funded by licence fee revenue, and the BBC World Service is funded principally by licence fee revenue together with agreed supplementary funding.

Brands, products, organisations, services, trade marks, activities, views or opinions must not be promoted on the UK Public Services or the World Service.

## **Commercial Services**

- 15.2.8 Commercial Services are activities that the BBC is permitted to carry out through separate commercial subsidiaries, which operate to make a profit to supplement the licence fee. They are not funded by licence fee revenue either directly or indirectly and are undertaken with a view to generating a profit.

The BBC's Commercial Services can refer to other brands, products, organisations, services, trade marks or activities as part of a commercial arrangement but they must not promote brands, products, organisations, services and trade marks in their editorial content. If they do make such references, they must follow the guidelines on product placement and on advertising and sponsorship which explain that it is not appropriate to make deals with some types of organisations.

**See** 15.4.32–15.4.37

**See** Advertising and Sponsorship Guidelines for BBC Commercial Services

## 15.3 Mandatory Referrals— must be referred in advance

***Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.***

- 15.3.1 When planning to feature a brand, product, organisation, service or trade mark in a number of pieces of editorial content (excluding daily news output), broadcast or published in a limited period, such as a single day, referral must be made to the relevant output controller(s) and Editorial Policy, who will consider the cumulative effect.  
**See 15.4.2**
- 15.3.2 Any proposal to use advertising clips in programme trails on UK Public Services or the World Service must be referred to the relevant Head of Editorial Standards/Compliance and Complaints.  
**See 15.4.5**
- 15.3.3 Any proposal to accept a trip that is paid for or heavily discounted by a third party must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor who may consult Editorial Policy.  
**See 15.4.19**
- 15.3.4 Any proposal to direct UK audiences toward charities that are not listed on an Action Line must be referred to Editorial Policy.  
**See 15.4.28**
- 15.3.5 Any proposal to carry output on UK Public Services which requires signalling for product placement must be approved by the Director-General.  
**See 15.4.29**
- 15.3.6 Any proposal to broadcast/publish a programme that was originally transmitted on a UK commercial service unconnected with the BBC which includes product placement must be referred in advance to the relevant channel controller and to Editorial Policy.  
**See 15.4.31**

- 15.3.7 All proposals to include product placement on BBC Commercial Services must be approved by a senior editorial figure or, for independent production companies, by the commissioning editor. In BBC Studios the senior editorial figure must also consult the Head of Editorial Standards/Compliance and Complaints. The senior editorial figure/commissioning editor is responsible for ensuring any relevant onward referrals are made.

See 15.4.32

- 15.3.8 Any proposal for a BBC Commercial Service, operating in the UK, including but not limited to video on demand, to insert product placement into any content produced by the BBC, or by an independent producer, which was originally commissioned by a BBC UK Public Service, must be referred to Editorial Policy and the Head of Editorial Standards/Compliance and Complaints, BBC Studios.

See 15.4.36

## 15.4 Guidelines

### Product Prominence

- 15.4.1 The BBC needs to be able to reflect the real world and this will involve referring to brands, products, organisations and services in output. A product can include references to organisations, to people, such as artists or performers, or to artistic works, such as films, books or musical tracks. However, there must be no undue prominence of brands, products, organisations, services, or trade marks in content. To avoid this, content makers must:

- ensure that visual and aural references, including verbal and musical references, to brands, products, organisations, services, trade marks, and slogans are editorially justified
- make sure that the way in which the reference is made is appropriate. Favourable descriptions must be editorially justified. Prices and availability should not normally be discussed outside consumer review content

- avoid lingering on, or showing close-ups of, brand names or logos, and use aural references sparingly unless it is editorially justified to do so
- minimise references in output designed to appeal to children.

The degree of prominence that may be acceptable will depend on the context. A product that is integral to an item may justify a greater degree of exposure. Organisations who are partners must be given due attribution, but this must not be unduly prominent.

Use of material from advertising campaigns or promotions must be editorially justified. Normally only a short extract should be selected.

References to products may be verbal or visual but a combination of the two is likely to create a greater risk of undue prominence than one or the other.

## **Product Prominence—the cumulative effect**

- 15.4.2 Content producers should consider the cumulative effect of repeated references when planning to feature a brand, product, organisation, service or trade mark in output over a limited period to ensure it does not become unduly prominent. Programme repeats and marketing should be included in this assessment. A cumulative effect is likely to be greatest around the time of a new launch by a brand or the release of a product such as a film or record.

When planning to feature a brand, product, organisation, service or trade mark in a number of pieces of editorial content (excluding daily news output), broadcast or published in a limited period such as a single day, referral must be made to the relevant output controllers(s) and Editorial Policy who will consider whether any cumulative impact of such references is editorially justified.



## Product Prominence and Interactivity

- 15.4.3 When encouraging audiences to interact with the BBC, or where their comments are referred to online or on air, any references to products, such as social media platforms or hashtags, can reflect how audiences prefer to interact with content. However, they should not be unduly prominent either within a single piece of content or cumulatively.

Any brands and hashtags should be appropriate for the expected audience. With calls to action on UK Public Services and the World Service, the third-party platforms referred to should be free to use. Decisions will need to take into account the expectations of the target audience and to refer to the options in a demonstrably fair way.

- 15.4.4 Contributions from a variety of platforms should normally be offered but the brands should not be attributed each time they are used.

See Section 17 Competitions, Votes and Interactivity: 17.4.55–17.4.71

## Product Prominence in Trails

- 15.4.5 References to products or services in programme trails or BBC programme marketing material should normally be avoided because the repeated exposure could be unduly prominent. Music in trails may also become unduly prominent if it is around the time of a new release of the track. The cumulative effect of use of a new release in a trail should be considered when it is also scheduled to be performed elsewhere in BBC content. Any reference to a branded product or service in trails should be editorially justified.

Any proposal to use advertising clips in programme trails on UK Public Services or the World Service must be referred to the relevant Head of Editorial Standards/Compliance and Complaints, who will consider whether the use is editorially justified and not unduly prominent.

## Undue Prominence and Contributors

- 15.4.6 Undue prominence must be avoided when contributors discuss their new work, such as a film or music release, or a new book or play. Any related products should not be used as a prop unless editorially justified and any references, particularly close-ups, must be editorially justified and appropriately limited.

## Reviewing Products or Services

- 15.4.7 Products or services should not be promoted when reviewing them and a range from different suppliers should be reviewed within a programme or series. In the case of books, albums and other digital products, only copies for review may normally be accepted. Those responsible for reviewing or covering theatre, concerts or other events or performances may accept review tickets. Products of significant value should generally be bought for review. However, if on occasion content makers are supplied with them, the products must be returned to the manufacturer or supplier.

## Linked or Embedded Streams from Third Parties

- 15.4.8 There must be no undue prominence of the linked/embedded third party. On UK Public Services and the World Service when a stream has been sponsored, there must be no reference to the sponsor or the sponsor's brands, products, organisations, services or trade marks. On Commercial Services any reference to a sponsor or their products, services or trade marks may be product placement. However, references must not be promotional.

**See** 15.4.32–15.4.37

**See** Section 7 Privacy: 7.4.37–7.4.41, Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.20–16.4.21 and Section 17 Competitions, Votes and Interactivity: 17.4.67

## **Supply of Props in Drama, Comedy, Entertainment or Lifestyle Content**

- 15.4.9 The use of, or reference to, branded products, organisations or services in drama, comedy, entertainment and lifestyle content must be editorially justified and a wide range should be used over time to avoid undue prominence.

Any spoken reference accompanying a visual reference must be editorially justified.

When real products are used as set dressing, lingering shots should be avoided, and content makers should try to avoid their visibility in other shots. Consideration should be given to whether there is any conflict of interest in relation to a product and any external commercial relationships of talent used in the content.

## **Prop Placement**

Prop placement, as defined by Ofcom<sup>2</sup>, is the inclusion in a programme of, or a reference to, a product, service or trade mark where the provision of the product, service or trade mark has no significant value, and no relevant provider, or person connected with a relevant provider, has received any payment or other valuable consideration in relation to its inclusion, or the reference to it, in the programme, disregarding the costs saved by including the product, service or trade mark, or a reference to it, in the programming.

- 15.4.10 On UK Public Services and the World Service, programme makers should usually expect to pay for props used in productions. Where possible, productions should use the BBC internal procurement process.

<sup>2</sup> Ofcom Code Section 9: Commercial References on TV

- 15.4.11 On Commercial Services there must be no arrangements guaranteeing that placed props will receive exposure in editorial content. If these conditions are met, then it will be regarded as prop placement not product placement provided the provision of the prop or service has no more than a trivial value.

Props of significant value may be treated as product placement if they are not returned to the provider.

See 15.4.32–15.4.37

- 15.4.12 On UK Public Services and the World Service when props are accepted at a reduced cost, and on Commercial Services when props are accepted free or at a reduced cost, there should be:
- records kept by production of all free or reduced cost props
  - no guarantee that any brand, product, organisation or service will be featured and, if featured, no guarantee that it will be in a favourable light
  - no undue prominence of the prop that has been accepted.
- See guidance: Props

## Free and Reduced Cost Facilities, Products and Services

- 15.4.13 Travel, accommodation and most other services should normally be paid for by production. This does not apply to product placement and prop placement.
- 15.4.14 Consumer and lifestyle content which reviews or features a wide range of products may accept free or reduced cost products or services if they are editorially justified and meet appropriate selection criteria. But in such cases production must:
- keep records of what has been accepted
  - never promise that any brand, product, organisation or service will be featured, and if featured, that it will be in a favourable light
  - only accept discounts if these are consistent with discounts offered to other large organisations

- inform suppliers in writing that they cannot refer to the BBC's use of their brand, products, organisation or services in any advertising or promotions
- only give online and on-air credits if editorially justified. UK Public Services and the World Service should never promise to feature a supplier's details online in return for the supply of free or reduced cost products or services.

15.4.15 No payment must be accepted for brands, products, organisations or services to be featured on any BBC output as product placement is prohibited in consumer advice content.

**See** 15.4.32–15.4.37

15.4.16 Suppliers must not have an editorial say in the content and should not be given a preview of it.

**See** Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.39

## **Shared Facilities**

15.4.17 Where a facility, such as a feed, is shared between the BBC and a third party, the BBC must retain editorial control of any ensuing content on BBC services and pay the appropriate portion of the cost.

## **Media Facility and Fact-Finding Trips**

15.4.18 UK Public Services and the World Service, and news and current affairs content on Commercial Services, should not normally accept a trip paid for or heavily discounted by a third party unless it is the only way to cover a significant event.

15.4.19 Any proposals to accept a trip paid for or heavily discounted by a third party must meet the BBC's Anti-Bribery Policy.

Any reference to organisations which have facilitated the trip must be editorially justified.

Care should be taken if accepting facilities from charities or lobby groups. Any proposal to accept a trip that is paid for or heavily discounted by a third party must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor, who may consult Editorial Policy to consider whether:

- the trip, and any references to organisations which have facilitated it, is editorially justified and will not damage the editorial integrity of the BBC
- a contribution should be made towards the cost, where reasonably practicable
- acceptance of the trip would give rise to a reasonable perception by the public that it could influence the BBC's decision making.

15.4.20 Staff working for Commercial Services which review a range of services and facilities may seek assistance from travel providers such as tourist boards, airlines and hotels. In such cases:

- there must be no assurances of any coverage in exchange for such services
- information should be published on a range of travel suppliers and not just those who provide assistance.

## **Promotional Material or Stories Supplied by Outside Bodies**

15.4.21 Stories must be selected and covered for independent editorial reasons and content makers should be alert to the possibility that organisations may approach a number of areas of the BBC by different routes to try to gain coverage across services in a limited period.

## Online Links and References to Third-Party Platforms

- 15.4.22 The impression must not be given that the BBC is promoting a commercial brand, product, organisation or service when linking to a commercial platform.

Links from UK Public Service or World Service platforms and from the editorial content of a Commercial Service platform must be editorially justified.

**See** 15.4.1–15.4.9

**See** Section 2 Impartiality: 2.4.10 and Section 3 Accuracy: 3.4.24

On UK Public Services and the World Service, links should lead to third-party sites which, if not free to access, should be labelled as subscription sites.

**See** guidance: Links and Feeds

## Logos and Credits

- 15.4.23 Use of third-party logos and credits on UK Public Service or World Service platforms and in the editorial content on Commercial Service platforms must be editorially justified.

Where the BBC is in a formal partnership, partners should be given due attribution and recognition, including in the branding and promotion of the output and services created or distributed.

**See** 15.4.1–15.4.9

**See** Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.11–16.4.15

**See** guidance: Crediting and Labelling External Relationships

- 15.4.24 UK Public Services and the World Service should never promise to mention a supplier's details in return for the supply of free or reduced cost products or services.

**See** 15.4.13–15.4.21

## **UK Public Service and World Service References to BBC Commercial Services and Products and Other Material Related to Editorial Content**

### **UK Public Service and World Service References to BBC Commercial Services**

- 15.4.25 On UK Public Services and the World Service all references to commercial products and services must be editorially justified and this includes references to BBC Commercial Services.

The BBC, and independent companies working for the BBC, may produce and license programme-related material, such as a book, which may be referred to during, or promoted around, the editorial content from which it is directly derived and/or is relevant. Any such promotion must be to allow audiences to benefit from or interact with the related editorial content and must be editorially justified.

Following the above guidance should ensure that UK Public Services and the World Service do not unfairly promote any BBC Commercial Services or products.

### **Trails for Commercial Products Related to BBC Programmes**

- 15.4.26 UK Public Services and the World Service online may link to a page on a commercial site where commercial products related to BBC programmes may be purchased, if editorially justified.

On air there may be broadcast trails for some programme-related materials in junctions adjacent to the editorial content from which they are directly derived<sup>3</sup>.

3 Cross Promotions Guidelines online from BBC Policy



Any product which is trailed must be under the BBC's editorial control and must have been commissioned, licensed or developed directly in conjunction with the associated content. Trails or announcements after programmes should be focused on providing sufficient factual information to enable audiences to benefit from, or interact with, the products in question.

BBC-branded magazines must not be trailed on BBC UK Public Services or the World Service online or on air. For other BBC-related products on radio and BBC Sounds, see the relevant guidance.

**See** guidance: Trailing of BBC-Related Commercial Products, Material or Services on BBC Network Radio Stations, Nations, BBC Public Service Television Channels and BBC Public Service Platforms

## **Transactional Links from UK Public Service and the World Service Platforms to Commercial Products Related to BBC Editorial Content**

- 15.4.27 BBC UK Public Service and World Service platforms may offer users the opportunity to purchase selected BBC-related editorial content from a range of online commercial suppliers.

## **BBC Support Services and Supporting Material**

- 15.4.28 The BBC may offer support services and programme-supporting material that extends the impact and understanding of its content.

When the BBC publishes or broadcasts content raising difficult or distressing issues it may be appropriate to provide details of an action line listing organisations which offer front line support relevant to the issues raised. BBC Action Line should normally be consulted for UK-facing content.

**Any proposal to direct UK audiences toward charities that are not listed on an Action Line must be referred to Editorial Policy.**

Fact packs and other learning programme-supporting material may be provided to complement other content.

The following conditions apply to support services and supporting material:

- information provided on support services and supporting material should be duly accurate and duly impartial
- any external links should be justified by the relevance and value to the audience. Links to a range of charities, agencies or statutory organisations should normally be provided. They should be chosen using appropriate selection criteria
- any organisation featured should be able to provide resources to meet anticipated demand which can follow a BBC reference. Any front line support services via a helpline (phone line) or equivalent live interface, such as webchat or SMS, should be capable of offering a robust service
- front line support service phone lines should be free or priced at cost recovery, not designed to make a profit. Premium rate services must not be used for action lines  
**See** Section 17 Competitions, Votes and Interactivity: 17.4.32–17.4.33
- for action lines, support provided by an organisation should not be used to drive secondary religious, campaigning, political or other aims which may compromise the BBC's impartiality. Due diligence must be carried out on the third party's objectives and aims, its activities, its financial soundness, who funds or sponsors the organisation, and whether the organisation has been involved in any controversy which could have a material negative effect on the BBC's reputation  
**See** Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.1–16.4.3
- third-party campaigns must not appear to be promoted when supporting material is produced in conjunction with other organisations
- third-party fundraising material should not be distributed unless it is for BBC-approved charity appeals
- UK Public Service supporting material online must not be sponsored

- the BBC may credit organisations that have contributed to supporting material, on the material itself. The BBC may credit the involvement of a partner  
**See** Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.40
- in the UK, helplines or action lines run by other organisations should not normally be trailed, except where they offer a specialised service.

## Product Placement

**Product placement**<sup>4</sup> is the inclusion in a programme of, or a reference to, a product, service or trade mark where the inclusion is for a commercial purpose and is in return for the making of any payment or the giving of other valuable consideration to any relevant provider or any person connected with a relevant provider. It is not prop placement.

### Product placement—UK Public Services

- 15.4.29 The BBC must not commission, produce or co-produce output for its UK Public Services which contains product placement. All programmes made by the BBC or an independent producer for broadcast on UK Public Services must be free of product placement. Any proposal to carry output on UK Public Services which requires signalling for product placement must be approved by the Director-General.

<sup>4</sup> Ofcom Code Section 9 Commercial References on TV

## Product Placement in UK Public Service Acquisitions from Third Parties with No Connection to the BBC

### Acquisitions from outside the UK

- 15.4.30 When a UK Public Service acquires content containing product placement that it has not commissioned or produced and that has not been commissioned or produced by a connected person<sup>5</sup>, such as a BBC Commercial Service, there is no product placement signalling requirement.

There must be no conditions attached to the acquisition that the product placement will be broadcast.

Any visual or aural mentions of products that have been placed in an acquisition that is not from a connected person should be editorially justified and must not be promotional or unduly prominent.

A record should normally be kept of the existence of any product placement where known, and of any measures taken in relation to it.

See 15.4.1–15.4.9

Editorial content made after December 2009 and distributed on an Ofcom-regulated service must not contain product placement of any products, services or trade marks prohibited under the Ofcom Code.

5 Connected person—the following persons are connected with a particular person ('person' includes an individual as well as a corporate body and other incorporated and unincorporated legal entities):

(a) a person who controls that person  
(b) an associate of either person in (a); and  
(c) a body which is controlled by that person or an associate of that person

## Acquisitions from the UK

- 15.4.31 Some acquisitions contain placed products. Product placement should normally be removed or obscured.

Any proposal to broadcast/publish a programme that was originally transmitted on a UK commercial service unconnected with the BBC which includes product placement must be referred in advance to the relevant channel controller and to Editorial Policy who will consider:

- whether the product placement is editorially justified
- would bring the BBC into disrepute
- whether the placed products should be obscured or removed
- whether the acquisition arrangements allow the BBC the discretion to obscure or remove the products.

## Product Placement Requirements for BBC Commercial Services

- 15.4.32 In some cases, BBC Commercial Services may commission or make editorial content which includes appropriate product placement.

All product placement in any editorial content made by any part of the BBC for a BBC service or for any third party, or commissioned or produced by an independent production company for a BBC service, must meet these requirements:

- product placement must not compromise the editorial integrity or independence of the content or BBC service
- no product placement of any product or service may bring the BBC and its services into disrepute
- in services under the BBC's control, product placement must not influence the content and scheduling of content in a way that affects the responsibility and editorial independence of the broadcaster
- references to placed products, services and trade marks must not be promotional or unduly prominent

- the inclusion of product placement should be signalled to audiences
- product placement must meet the applicable product placement regulation for the territory in which it will be broadcast.

All proposals to include product placement on BBC Commercial Services must be approved by a senior editorial figure, or for independent production companies by the commissioning editor, who will consider whether the product placement would damage the reputation of the BBC.

In BBC Studios the senior editorial figure must also consult the Head of Editorial Standards/Compliance and Complaints.

The senior editorial figure/commissioning editor is responsible for ensuring any relevant onward referrals are made.

### **Restrictions on Programme Genres Which May Take Product Placement and Types of Product Which May Be Placed**

15.4.33 Product placement must not be included in:

- news and current affairs content
- religious content
- children's content
- consumer advice content.

15.4.34 Product placement of the following is prohibited:

- any product or service connected to a political party or political organisation
- any product or service connected to a body associated with faith, religion or equivalent systems of belief
- adult products and services
- tobacco products (including but not limited to cigarettes)

- placement by or on behalf of any undertaking whose principal activity is the manufacture or sale of cigarettes or other tobacco products
- weapons
- any product or service which may not be advertised on the output.

Careful consideration should be given to other products which may have a reputational risk.

These prohibitions apply in addition to applicable laws and regulations in the particular territory.

## **Transparency and Signalling Requirements**

15.4.35 In content commissioned, produced or co-produced for the BBC, the inclusion of product placement should be made transparent to audiences. This should normally be through a list of all placed products in the credits for produced or commissioned programmes and should be done in a neutral, non-promotional manner, similar to other programme credits.

Any local regulations on product placement signalling must always be observed.

## **BBC Commercial Services Targeted at UK Audiences**

- 15.4.36 BBC Commercial Services targeted at UK audiences should not normally insert product placement into any content produced by the BBC which was originally made for UK Public Services.

Any proposal for a BBC Commercial Service, operating in the UK, including but not limited to video on demand, to insert product placement into any content produced by the BBC, or by an independent producer, which was originally commissioned by a BBC UK Public Service must be referred to Editorial Policy and the Head of Editorial Standards/Compliance and Complaints, BBC Studios who will consider whether the product placement would damage the reputation of the UK Public Services and the BBC Commercial Services.

## **BBC Commercial Services Targeted at Audiences Outside the UK**

- 15.4.37 Where a BBC Commercial Service or a connected person<sup>6</sup> co-commissions or co-produces a programme with a UK Public Service, the version on the UK Public Service must not contain product placement.

<sup>6</sup> Connected person—the following persons are connected with a particular person ('person' includes an individual as well as a corporate body and other incorporated and unincorporated legal entities):

(a) a person who controls that person  
(b) an associate of either person in (a); and  
(c) a body which is controlled by that person or an associate of that person