



Sector Compliance Guidance: Undue Prominence

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1. Introduction and Purpose

- 1.1. When reflecting our society and the modern age, it is inevitable that references to brands or services, organisations or political views, will appear in our content in a variety of ways. Our challenge, therefore, is to ensure that references of this sort are justified editorially, that they are not given undue prominence, and that we comply with our general duty as a public broadcaster to be fair and unbiased.
- 1.2. The first purpose of this guide is to provide guidance as to what S4C expects of its producers in relation to the prominence rules set out by Ofcom in the Broadcasting Code. The second purpose of this guide is to go further than that by providing guidance on related matters which, although not dealt with specifically in the Broadcasting Code, often raise questions during the production process.
- 1.3. S4C acknowledges the inherent challenge which producers face in tackling this aspect of broadcasting compliance, particularly because prominence is a subjective concept, meaning that it can be difficult to apply the relevant rules in some cases. The aim of this guidance is to offer as much clarity as possible in order to assist producers, facilitate the production process, and to save time and expense when delivering content to S4C.
- 1.4. It is expected that producers comply entirely with the requirements of this guidance, and it is recommended that they incorporate the guidance into their own relevant policies. Producers must notify the relevant S4C commissioner as soon as possible with any questions or concerns that they may have regarding any aspect of the guidance, and in any case, before the content is delivered to S4C.
- 1.5. For the avoidance of doubt, S4C retains full editorial control over any content produced for S4C and producers are expected to resolve any reasonable requests made by S4C to edit or change that content.

2. Commercial

- 2.1. Although commercial references can be included in content, there must be editorial justification for their inclusion in all cases. Producers must also ensure that the nature of such references is suitable, and that no undue prominence is given to them.
- 2.2. Save in content where products are reviewed, where there would usually be editorial justification, comments or descriptions that are favourable should be avoided, and if they are included, there must be an editorial justification for them. Furthermore, producers should avoid any close or long shots of any brands, logos or slogans and any verbal references should be avoided where possible. (See paragraph 2.5 below also).
- 2.3. In practice, S4C recognises that interpreting and applying these rules can be challenging and so, as a starting point, it is suggested that producers consider the following list of considerations when assessing whether there is an editorial justification for including commercial references, and if there is, whether the use provides them with undue prominence:
 - Is the number of references unreasonable or excessive in context?
 - Is/are the reference(s) drawing too much attention to a product, service or trademark? I.e., do the reference(s) appear to be a promotion or advert?
 - Does/do the reference(s) add something to the content, or do they feel unnatural or unnecessary?

Contributors that have a connection with a brand/product/service

- 2.4. Content should not include a reference to a brand, product or service if there is a contributor or contributors who has or have a direct or indirect interest or connection with that brand, product or service, unless there is editorial justification for doing so, because this could increase the possibility of the audience perceiving it as a promotion.

Verbal References

- 2.5. As a rule, verbal references are considered to be more prominent than visual references, and they should be avoided unless there is editorial justification for their inclusion. Furthermore, unless there is strong editorial justification which has been approved by the relevant S4C commissioner, verbal and visual references should not be used together to refer to the same thing.

Cumulative effect of references

- 2.6. Producers must also consider, if more than one reference of the same or similar nature is made in content, their cumulative effect when considered together and as a whole. In the case of series, producers should consider the effect across all the episodes that include the same references.
- 2.7. The cumulative effect is likely to be at its greatest when a brand, product or service is released and so timing should be considered when assessing cumulative effect.
- 2.8. The cumulative effect of references should be minimised as much as possible, and producers should consult with the relevant S4C commissioner as soon as possible if they have any concerns regarding the possible effect of references.

3. Political Parties

- 3.1. Unless there is editorial justification, verbal or visual references to a political party are not permitted in content. This includes (but is not limited to) the use of clothes, badges, flags, and/or signs or gestures that represent or are directly or indirectly associated with a recognised political party.
- 3.2. Even when there is editorial justification, producers should continue to observe the requirement to avoid giving undue prominence to references and ensure that the content complies with the Due Impartiality rules in section 5 of the Ofcom Broadcasting Code, together with the fairness rules in section 7 of the Ofcom Broadcasting Code.
- 3.3. In circumstances where those references cannot be avoided or foreseen whilst filming content, and there is no way to resolve the issue during production, producers must ensure that they come to an appropriate solution, through using the appropriate editing techniques, so that references are not included in the final cut of the content delivered to S4C. When it is not possible to completely remove the references, producers should reduce them as much as practicably possible.
- 3.4. When relevant, producers should ensure that they comply with the rules regarding election and referendum period (see section 7 below).

4. Contentious subjects and views

Clothes, badges, flags, stickers etc ("merchandise") that express or are associated with contentious topics or views

- 4.1. It is inevitable that there will be occasions where a contributor will wear merchandise that expresses their support of a contentious subject or opinion, thereby giving prominence to them. This can include contributors wearing merchandise associated with a movement or campaign which promote contentious or political subjects or views.
- 4.2. A 'contentious subject or view' can be a matter of public policy or be politically or industrially contentious. It can also be a contentious element within religion, science,

finance, culture, ethics or any other matter. It is suggested that the following should be considered when deciding whether a topic or opinion is contentious:

- the nature and level of the debate in public;
 - how current it is;
 - whether the topic or opinion concerns or is connected to a current public policy;
 - the subject or view's sensitivity in relation to the beliefs and cultures of the relevant audiences;
 - is the subject or view a matter of intense debate or of great importance within a nation, region or community that is likely to make up a large part of the audience;
 - whether there is an independent report commissioned by a recognised and reliable organisation, and that has not been challenged by another recognised and reliable organisation; and/or
 - the difference between matters that are based on facts and those that are based on opinion.
- 4.3. References of this nature will often create a twofold difficulty: firstly, contributors wearing or displaying merchandise could give prominence to a contentious topic or opinion; and secondly (depending on the merchandise) give prominence to a commercial reference e.g., a logo or slogan from a movement or campaign of a contentious nature. Because of the nature of this type of reference, strict restrictions are in place on their use in content. Therefore, save for the circumstances below in which there may be justification, references to merchandising which express or are connected to contentious subjects or views should not be made in content.
- 4.4. With that, it is expected that producers, when the circumstances allow, ask contributors not to wear or display merchandise which express or are connected to a contentious subject or view.
- 4.5. Inevitably there will be occasions where this will not be possible, for example, if it is not practicably reasonable to contact contributors before shooting. In such circumstances, producers should make every reasonable effort to ensure that the references are not included in the content delivered to S4C or, where it is not possible to avoid them completely, to reduce the number of references as much as practicably possible.
- 4.6. In addition to the above, there may be editorial justification in some productions to allow references of that nature including, but not limited to, content where contentious subjects or views forms part of the subject matter of the content. Producers must still consider if the references are reasonable and must minimise any prominence as much as practicably possible. In all cases, S4C will have complete editorial control over deciding whether the references are appropriate or not.

Verbal references

- 4.7. As a general rule, verbal references create greater prominence than visual references. There is a greater expectation for producers to avoid including verbal references given that they generally have greater control over them and given that it is often easier for producers to omit a verbal reference when editing the content to ensure compliance.

Cumulative effect of references and individuals that have a connection with a brand, product or service

- 4.8. The above guidance on 'cumulative effect of references' and 'contributors that have a connection with a brand/product/service' are connected with the commercial references (paragraph 2 above) apply in the same way to references to contentious subjects or

views. Producers should consider whether contributors have an exceptional connection which could give more prominence to the contentious topic or opinion than a contributor who does not have a similar connection. This can include, but is not limited to, an individual known for being outspoken about, or has a well-known connection with, a contentious subject or view.

5. Non-Contentious subjects and views

- 5.1. Producers are expected to deal with references to products related to non-contentious subjects and views (including but not limited to a movement or campaign) in the same way as commercial references.

6. Charities

- 6.1. S4C, as a public broadcaster, has a duty to ensure that it gives fair coverage and prominence to a wide range of charities. and must not favour or give undue prominence to particular charities. In order to comply with this requirement, producers must ensure that undue prominence is not given to a charity in content, and/or in the case of a series, that fair prominence is given to a range of charities.
- 6.2. Because of the above duty, producers should seek permission from an S4C commissioner whenever there is an intention to include a charity appeal in content.
- 6.3. Producers should consider this in the same way as any other case of undue prominence in content and assess whether there is editorial justification for including a reference to a charity. Producers must also ensure that they have verified the status of the charity and ensure, where applicable, that there is no restriction against advertising on television.
- 6.4. Producers should discuss with the relevant commissioner if there are questions regarding the suitability of any reference to a charity, and whether there is a connection between a presenter or contributor and a charity that could give rise to an issue.

7. Election and referendum periods

- 7.1. No political references can be made in content during an election and/or referendum period (as defined below), except where they are editorially justified, including, but not limited to, content that deals with and discusses elections and/or referenda. This therefore means that any political references which would have otherwise been acceptable in accordance with this guidance will not be appropriate if the content is broadcast during an election period.
- 7.2. An election period runs from when Senedd is dissolved (which is usually six weeks before the scheduled election), until the close of voting. In the case of a referendum, the periods can vary as is published in an act or measure.
- 7.3. Producers must ensure that they comply with S4C's election and referendum guidance which are published and reviewed from time to time [here](#). It is the duty of the producers to ensure that they are aware of any new or amended guidance published by S4C before delivering any content related to elections/and or referenda.

8. Presenters

- 8.1. Presenters have a leading role in content and therefore there is inherent prominence which needs to be considered. Presenters must not demonstrate any connection with a political party, nor with a political movement/organization or campaign, nor share contentious opinions (as defined in paragraph 4 of this guidance) when appearing in content as a presenter.

- 8.2. Given the representative role of presenters, and the degree of control by the producer which might reasonably be expected, there is also a higher expectation that they avoid giving prominence to brands, slogans, products and commercial services.
- 8.3. Producers are expected to ensure that they comply with the S4C Guidelines on Programme Compliance, Conflict of Interest and Political Interests which is available [here](#).

9. Product Placement

- 9.1. Product placement means including products, services or trademarks in content or referring to them in content, for commercial purposes in exchange for payment or other valuable consideration.
- 9.2. Producers must observe all the relevant rules on product placement (including the placement of props as well) and remember that product placement must always be editorially justified. There is guidance for producers on how to comply with the rules on product placement in S4C Guidelines on Product Placement which is available [here](#).
- 9.3. In addition, when referring to the placement of a product, service or trademark, producers must ensure that they are not promoted and should not be too prominent.

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This policy is also available on S4C's website in Welsh.