

**Introducing further advertising restrictions on TV and online for less healthy food and drink:  
consultation on internet protocol television (IPTV)**

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Action on Salt, and Action on Sugar

Interest group or voluntary organisation

**Summary of policy**

DHSC is seeking the views of interested parties on the proposal for Ofcom-regulated IPTV to be exempt from the online restrictions within the advertising regulations that are due to come into force on 1 October 2025. This would mean that Ofcom-regulated IPTV is subject to the broadcasting restrictions only, preventing double regulation. The proposed exemption for Ofcom-regulated IPTV also aligns with the approach outlined within the Communications Act 2003 in respect of online radio.

**Consultation questions**

**Question 1: Do you agree or disagree with the proposed exemption of Ofcom-regulated IPTV services from the online restrictions?**

We disagree with the proposed exemption of Ofcom-regulated IPTV services from the online restrictions. Advertising unhealthy food after 9pm on Ofcom regulated services instead of aligning with other online services' 24hr restriction, will not support the government's goal of reducing childhood obesity through these regulations. It is essential that the Government considers the growing trend of children's exposure to Ofcom regulated IPTV post 9pm.

**Ofcom regulated IPTV**

There is growing evidence<sup>1</sup> that Ofcom regulated IPTV is exposing a growing number of children to adverts after 9pm<sup>2</sup>. Therefore, it is essential that the Government protect significant numbers of children from unhealthy food advertising by aligning them with the 24-hour restriction that other online services are subjected to.

Our views are aligned with the Obesity Health Alliance (OHA) response on the following:

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<sup>1</sup> <https://www.statista.com/outlook/amo/esports/streaming/united-kingdom>

<sup>2</sup> <https://www.sheffield.ac.uk/education/research/education/clusters/literacies-language/stac>

Our views are aligned with the Obesity Health Alliance (OHA) response on the following:

1. Raising our concerns about the Government proposal of what rules a service is subject to be based on who regulates them and that could result in an unlevel playing field for industry, as the rules are applied inconsistently. Some services are not held to the same standards due to their regulatory body, while their competitors are subject to much stricter requirements.
2. This policy should aim to incentivise companies to shift the spotlight to healthier food advertising. However, we are concerned that these double regulation between the 9pm watershed and 24hr restriction may instead incentivise the industry to change regulators in order to bypass the stricter 24-hour rule, allowing them to continue advertising unhealthy foods after 9pm.
3. Calling for a review of the process and for an improvement in standards so that policy making can be protected from the interference of vested interests.

**Question 2: Do you agree or disagree that it is clear how the advertising restrictions, with the proposed exemption, apply to IPTV that is not regulated by Ofcom?**

We disagree that it is clear how the advertising restrictions, with the proposed exemption, apply to IPTV that is not regulated by Ofcom. We would prefer the IPTV service to be included with the 24-hour restrictions, in line with other paid-for internet services.

This line *'Where this is the case and the content on both versions is identical in all respects, including all adverts, our intention is to exempt the service available on the non-regulated platform, to avoid double regulation.'* is not clear to us and we seek more clarification on this exemption, for example:

- 1) We would like more clarity on whether the proposal is to exempt IPTV services from the 24hr restriction, and that the service would still be subject to the 9pm restrictions.
- 2) "identical in all respects, including all adverts" needs some clarification - how will the exemptions be granted? Will this be a transparent process? How will we be notified of a channel being granted an exemption to only restrict to 9pm?

**Question 3: Do you have any additional comments on how the advertising restrictions, with the proposed exemption, apply to an identical service that is simultaneously available on an Ofcom-regulated EPG and an unregulated platform?**

With new IPTV services like Tubi<sup>3</sup> launching in the UK, which appears to be regulated by Ofcom, it is very likely that a significant number of UK children will soon be exposed to unhealthy food advertising after 9pm via Ofcom-regulated IPTV platforms. We strongly urge the Government to align regulations with the goal of reducing childhood obesity and improving children's health. A cost-effective way to achieve this is by restricting unhealthy food advertising across both traditional TV and IPTV services.

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<sup>3</sup> <https://corporate.tubitv.com/press/tubi-enters-the-uk-streaming-landscape-with-a-free-diverse-and-massive-collection-of-movies-and-tv/#:~:text=Tubi%20will%20bring%20its%20playful,campaign%20launching%20on%2015%20July>.