

Not So Super? BCAP Issues Strict New Guidance on the Use of Superimposed Text in TV Ads



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The Broadcast Committee of Advertising Practice (“**BCAP**”) has recently issued [revised guidance](#) on the use of superimposed text (“**supers**”) in TV advertising. Advertisers often use supers to help avoid misleading viewers, as supers can convey information (required for legal or regulatory purposes), to qualify claims made in television ads. However, research by the Advertising Standards Authority (“**ASA**”) established that some consumers find certain supers difficult to read and comprehend, with viewers expressing particular concerns around the elongation of letters and text having poor background contrast.

According to BCAP, the guidance, which will come into force in March 2019, seeks to address such issues by setting “*a higher bar*” when it comes to the use of supers. BCAP states that “*particularly significant qualifying information*” should be given greater emphasis and suggests that this may be achieved by holding certain information on screen for longer. There is also a warning against the practise of ‘edging’ or ‘shadowing’ text, as it can have the effect of blurring lettering, thereby making supers more difficult to read.

BCAP advises marketers to use shorter, centred supers rather than using long and

complex supers as a means of qualifying advertising claims. Advertisers are also advised to *“take care to avoid a detrimental impact on viewers when their attention is drawn to other ad content, including imagery or written messaging, at the same time as a super”*. This presents a difficult balancing act for advertisers, who will need to reconcile the dual objectives of creating effective advertising campaigns and being compliant with the UK Code of Broadcast Advertising (“**BCAP Code**”) and accompanying guidance. The rules are particularly challenging for those in heavily regulated sectors, such as financial services, where specific text is often mandated by regulators and statute.

Alongside the higher standards set by BCAP in its revised guidance, the ASA will take a stricter line when it comes to enforcing rule 3.11 of the BCAP Code (which requires qualifications to advertising claims to be presented clearly). However, the ASA has indicated that it will allow for a transitional period from the introduction of the guidance in March 2019, until September 2019. During that time, the ASA will seek to resolve complaints relating to the new supers guidance on an informal basis rather than issuing formal rulings. This will provide advertisers with some breathing space to understand the new guidance, without the unappealing prospect of an adverse ASA ruling looming in the background. Prudent advertisers should seek legal advice to clear TV ads that use supers, in order to ensure compliance with the BCAP Code and accompanying guidance.

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