



Coimisiún  
na Meán

# Response to Consultation: Draft Media Service Codes & Rules for Broadcasting (Stage 2)

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This document contains the response to consultation on submissions received as part of the Stage 2 review of the Media Service Codes and Rules relating to Broadcasting.

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# 1. Executive Summary

On 4 September 2024, Coimisiún na Meán (“An Coimisiún”) [published draft revised versions of the Broadcasting Codes and Rules](#) (“the Draft Codes & Rules”), together with a Consultation Document, as part of its initiative to update the regulations.

Further to completion of the Stage 1 consultation process, An Coimisiún published revised Broadcasting Codes and Rules on 5 December 2024. A second stage of consultation (‘Stage 2’) was undertaken which invited submissions up to 30 November 2024 (subsequently extended to 20 December 2024) on broader issues relating to the regulation of broadcasting, which may inform future revisions of the regulations. This document summarises the submissions received and sets out the steps that An Coimisiún will take on foot of its review of these submissions.

## Overview of Stage 2 submissions received by topic:

Response	Topic
More than 10 responses	<ul style="list-style-type: none"><li>• High Fat, Salt, and Sugar products</li><li>• Infant formula, including follow-on formula</li></ul>
6 – 10 responses	<ul style="list-style-type: none"><li>• Advertising of alcohol products and products advertised as 0.0% alcohol content / non-alcoholic</li><li>• Protection afforded to participants in programming</li><li>• Implementation of the Broadcasting Codes and Rules</li></ul>
5 or less responses	<ul style="list-style-type: none"><li>• Environmental sustainability</li><li>• Cryptocurrency and related financial products and services</li><li>• Advertising, sponsorship, and product placement</li><li>• Climate change, science, and health</li><li>• News and current affairs during elections and referenda</li><li>• Balance and false equivalence in news and current affairs reporting</li></ul>

## Summary of key issues raised in Stage 2 consultation

### High Fat, Salt, and Sugar (HFSS) products

- Health sector representatives called for a ban on all commercial communications deemed as HFSS across broadcast and on-demand media from 5:30am to 9:00pm, as well as the extension of the provisions and protections of the regulations to the online environment. UK legislation was cited as an example to follow.
- Industry called for no amendments to the current rules and recommended that An Coimisiún should incorporate an impact assessment into any future changes to the definitions and use of age groupings.



### **Infant formula, including follow-on formula**

- Several respondents called for restrictions in place for the marketing of infant formula to be extended to cover all Commercial Milk Formula (“**CMF**”), comprising all forms of breastmilk substitutes, for children up to 36 months and/or a full prohibition due to the similarities with infant formula and follow-on formula logos and branding. There was also a call for the regulation of digital marketing of infant formula products.
- Industry said that the current Irish and EU legislative framework in place is adequate. There was a call for further promotion of An Coimisiún’s Codes and Rules to highlight relevant obligations of broadcasters and brands.

### **Alcohol products and products advertised as 0.0% alcohol content / non-alcoholic**

- Health sector and some civil society representatives called for 0.0% alcohol product advertisements which use the branding of alcohol producers to be subject to the same restrictions as alcohol advertisements. It was noted that this approach is in use in Norway.
- Industry said that the increased availability of non-alcohol alternatives is accelerating the trend towards moderation, and that An Coimisiún should avoid the creation of new and potentially contradictory requirements that might hinder this progress.

### **Protection afforded to participants in programming**

- It was suggested that An Coimisiún work cooperatively with broadcasters in developing policies in this area, while other submissions proposed that broadcasters should be required to publish on their websites their policies and procedures on participant protection and implement mandatory staff training.
- Another submission opposed further regulatory intervention in privacy and participant rights, emphasising the need to balance protections with editorial independence.

### **Implementation of the Broadcasting Codes and Rules**

- There was a call for greater clarity and consolidation of regulatory requirements, and it was suggested that streamlining the Codes and Rules and related guidance materials would improve compliance among broadcasters.
- Several respondents proposed the establishment of an advisory panel to ensure ongoing input from a diverse range of stakeholders in the development and enforcement of the Broadcasting Codes and Rules.
- Additionally, the publication of case studies and compliance reports was suggested as a way to provide broadcasters with practical examples of best practices and regulatory breaches.



- Some submissions also suggested An Coimisiún should explore the use of training initiatives for broadcasters to enhance awareness of regulatory obligations.

**Further guidance was called for on:**

- Promotions by well-known sporting personalities (in the context of HFSS foods).
- Infant and follow-on formula requirements.
- Adequately identifying vulnerable participants, the steps required to safeguard them, the process for obtaining informed consent, and how to facilitate withdrawing consent.
- Behaviour that could be considered as “grossly prejudicial to the protection of the environment”.
- The application of the false equivalence principle (in the context of coverage relating to climate change, science, and health). It was suggested to create a FAQ to support journalists in climate reporting and to create a climate literacy programme for journalists.
- Definitions of impartiality, particularly in the context of broadcasters providing coverage of emerging political movements or single-issue campaigns, and to ensure that smaller political parties and independent candidates receive proportionate coverage.
- The interpretation of constituency reporting requirements and the selection criteria for candidate and leader debate programmes.
- Regulatory and transparency requirements related to new cryptocurrency and financial products and services.
- It was noted that the BAI guidance note on non-alcoholic products had been effective.

**Any other additions or amendments**

- It was suggested that the scope of the Broadcasting Codes and Rules be expanded to address emerging forms of commercial communication, such as influencer marketing and branded content, ensuring that they are subject to the same transparency and accuracy requirements as traditional advertising.
- A number of submissions recommended increased monitoring and enforcement mechanisms, including the potential for independent audits of broadcaster compliance with the Codes and Rules.
- Proposals were also made for periodic reviews of the Broadcasting Codes and Rules to ensure they remain responsive to evolving media practices and audience expectations.

## 2. Introduction

Coimisiún na Meán (“**An Coimisiún**”) is Ireland’s public body responsible for developing and regulating a thriving, diverse, creative, safe and trusted media landscape. Its responsibilities include:

- Overseeing the funding of and supporting the development of the wider media sector in Ireland.
- Overseeing the regulation of broadcasting and video-on-demand services.
- Developing and enforcing the Coimisiún na Meán’s Online Safety Framework.

An Coimisiún was established in March 2023 under the Online Safety and Media Regulation Act 2022, which amended the Broadcasting Act 2009 (“**the Act**”). Its duties and obligations were extended subsequently to provide for the Digital Services Act and the Terrorist Content Online Regulations.

One of An Coimisiún’s key duties under the Act is to make **media service codes**<sup>1</sup> and **media service rules**<sup>2</sup> to govern the standards and practices of radio and television broadcasters and providers of audiovisual on-demand media services.

### 2.1. Public Consultation

On 4 September 2024, An Coimisiún [published](#) draft revised versions of the Broadcasting Codes and Rules (“**the Draft Codes & Rules**”), together with a [Consultation Document](#), as part of its initiative to update the regulations.

An Coimisiún commenced a public consultation on the Draft Codes and Rules, inviting the public and relevant stakeholders to provide submissions on the proposed regulations. The public consultation was conducted in two distinct stages:

- Stage 1 invited submissions up to 3 October 2024 and was focused on changes being proposed under the Draft Codes & Rules. The primary purpose of Stage 1 was to give effect to Ireland’s obligations as a member of the European Union, in particular by incorporating into national law EU Directive 2018/1808, which updated the Audiovisual Media Services Directive (“**the AVMS Directive**”). Further to the completion of the Stage 1 consultation process, An Coimisiún [published](#) revised Broadcasting Codes and Rules on 5 December 2024.
- Stage 2 invited submissions up to 30 November 2024 (subsequently extended to 20 December 2024) on broader issues relating to the regulation of broadcasting, which may inform future revisions.

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<sup>1</sup> **Media service codes** are made by the Commission under Section 46N of the Act. Such codes generally are designed to address the content of programmes or commercial communications, ensuring that all content made available on the service adheres to established standards.

<sup>2</sup> **Media service rules** generally relate to the presentation and structural aspects of the service being provided, covering matters such as promoting the accessibility of the service to all members of the public. These are made by the Commission under Section 46O of the Act.



This Response to Consultation document exclusively addresses the submissions received during Stage 2 of the consultation process and concerns proposed changes to the Broadcasting Codes and Rules on:

- (i) Access Rules for Television Broadcasters
- (ii) Media Service Code and Rules - Advertising, Teleshopping, Signal Integrity and Information
- (iii) Media Service Code and Rules - Advertising for Radio Broadcasters
- (iv) Children's Commercial Communications Code
- (v) Code of Fairness, Objectivity & Impartiality in News and Current Affairs
- (vi) General Commercial Communications Code
- (vii) Code of Programme Standards
- (viii) Short News Reporting

### 2.1.1 Stage 2 Consultation Questions

The Stage 2 Consultation invited views on 12 questions. 11 of the 12 questions were informed by the findings of the Statutory Reviews of the Broadcasting Codes and Rules undertaken by the Broadcasting Authority of Ireland, the regulatory predecessor to Coimisiún na Meán. The questions we sought submissions on under the Stage 2 Review are as follows: -

**Question 1:** Are there any additions or amendments you believe should be made to the Broadcasting Codes and Rules to address the issue of environmental sustainability, particularly in the areas of commercial communications and news and current affairs reporting?

**Question 2:** Are there additions or amendments you believe should be made to the Broadcasting Codes and Rules to promote objectivity, accuracy, and factual reporting, particularly in the coverage of matters relating to climate change, science and health?

**Question 3 -** Are there additions or amendments you believe should be made to the Broadcasting Codes and Rules in respect of the coverage of news and current affairs during elections and referenda but not including the moratorium (which is currently the focus of a separate review process)?<sup>3</sup>

**Question 4 -** Are there additions or amendments you believe should be made to extend the scope of the Broadcasting Codes and Rules to cryptocurrency and related financial products and services?

**Question 5 -** Are there additions or amendments you believe should be made to the Broadcasting Codes and Rules in respect of the advertising of High Fat, Salt, and Sugar products?

**Question 6 -** Are there additions or amendments you believe should be made to the Broadcasting Codes and Rules in respect of the advertising of alcohol products and products advertised as 0.0% alcohol content / non-alcoholic?

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<sup>3</sup> See Press Release dated 1 November 2024 from [www.cnam.ie](http://www.cnam.ie): [Coimisiún na Meán removes traditional broadcast moratorium for election coverage](#)



**Question 7** - Are there additions or amendments you believe should be made to the Broadcasting Codes and Rules in respect of the advertising of infant formula, including follow-on formula?

**Question 8** - Are there additions or amendments you believe should be made to the Broadcasting Codes and Rules to enhance the protection afforded to participants in programming where such participation carries a risk of harm following broadcast? Such measures may include enhanced rules on privacy, identification, and consent, relating to programme participants.

**Question 9** - Are there any measures you believe could be undertaken by An Coimisiún to enhance support for the implementation of the Broadcasting Codes and Rules? Such measures may include consolidation and / or simplification of the regulations, stakeholder engagement initiatives, or the publication of additional guidance documentation.

**Question 10** - Do you believe that the current distinctions between advertising, sponsorship, and product placement, in the Broadcasting Codes and Rules are sufficiently clear? If not, are there additions or amendments you believe should be made to provide greater clarity?

**Question 11** - Are there additions or amendments you believe should be made to the Broadcasting Codes and Rules to address the issues of balance and false equivalence in news and current affairs reporting?

**Question 12** – Are there any other additions or amendments that you believe should be made to An Coimisiún’s Broadcasting Codes and Rules?

### **2.1.2 List of Respondents to the Consultation**

In total, An Coimisiún received **35** submissions in response to the consultation from the following person(s) / organisations: -

- Advertising Standards Authority
- Alcohol Action Ireland
- Association of Advertisers in Ireland
- Association of Lactation Consultants Ireland
- Bauer Media
- Baby Feeding Law Group Ireland
- Breastival
- Conradh na Gaeilge
- Dairy Industry Ireland
- Danone
- Department of Health
- Drinks Ireland
- Food Drink Ireland
- Friends of Breastfeeding



- HSE:
  - Health & Wellbeing Group
  - Healthy Weight for Children Group
  - National Child Health Public Health
  - National Intersectoral Working Group
  - Regional Integrated Infant Feeding Committee
  - Mary McFeely
- Independent Broadcasters of Ireland
- Irish Heart Foundation
- National Disability Authority
- Nestlé
- Private Individuals:
  - Dr Aoife Long
  - Dr Julie Smith, Honorary Associate Professor, Crawford School of Public Policy, Australian National University
  - Dr Liz O'Sullivan, Lecturer in Nutrition Programme Chair, BSc Public Health Nutrition, Technological University Dublin
- Purpose Disruptors
- RTÉ
- Safefood
- Senator Alice-Marie Higgins
- TG4
- UNICEF
- Virgin Media
- Onic (formerly Wireless Ireland)

Copies of all submissions received, together with a summary of the submissions, are available to view on the [publications page](#) on An Coimisiún's website at [www.cnam.ie](http://www.cnam.ie).

## 2.2. Purpose of the Response to Consultation

In accordance with An Coimisiún's [Consultation Guidelines](#) published in June 2023, An Coimisiún is publishing this Response to Consultation following its conclusion of the public consultation process.

The purpose of the Response to Consultation is to set out the key issues emerging from the submissions received as part of Stage 2 of the public consultation, and to explain how these issues have been considered by An Coimisiún in the context of determining any future review of the regulations.



### 3. Next Steps

We have carefully considered all submissions received across several consultation phases. This includes feedback from the initial consultations launched in July 2024 on the [Draft Media Service Code & Rules \(Audiovisual On-demand Media Service Providers\)](#) and the [Access Rules for Television Broadcasters](#), as well as the [September consultation on Stage 1](#) of the revised Broadcasting Codes and Rules. We have also had regard to the findings of the statutory reviews by the Broadcasting Authority of Ireland undertaken across 2020-2023.

An Coimisiún is committed to taking a strategic and evidence-based approach to regulation. On 22 April 2025, we published our [Strategy Statement 2025 – 2027](#) to shape our future actions and establish a clear framework for our regulatory approach. All consultation submissions have been considered as part of this strategic framework.

The issues that have been highlighted by our consultations on the Broadcasting Code and Rules have been wide-ranging. For many of these issues, the regulatory response that may be necessary will need to be undertaken in consultation with other regulatory bodies and agencies (for example, the Central Bank of Ireland with respect to cryptocurrencies, the HSE and the Department of Health with respect to alcohol, and the Advertising Standards Authority and the CCPC with respect to transparency of commercial communications online).

Future changes to our broadcasting regulations will be progressed as part of the actions and activities undertaken as part of our Strategy Statement. The work to be undertaken will be aligned with the six key strategic outcomes included in An Coimisiún's Strategy Statement, namely: -

- i) **Children**
  - A media landscape that upholds the rights, wellbeing and development of children and their safe engagement with content.
- ii) **Democracy**
  - A media landscape that supports democracy and democratic values, underpins civic discourse, and reduces the impact of disinformation.
- iii) **Trust**
  - A media landscape that consumers can trust, and where they are protected from exploitation and fraud.
- iv) **Irish Culture and Media**
  - A media landscape that is sustainable, pluralistic and participative, and that reflects and shapes who we are as society.
- v) **Diversity and Inclusion**
  - A media landscape that promotes the values of justice, equality, diversity and inclusion.



vi) **Public Safety (including Public Health)**

- A media landscape that strengthens public health and safety.

Following the consultation process, we have identified a range of policy areas and the issues to be explored, how these align with our six key strategic outcomes and the relevant codes and rules that are impacted. While the focus of this document is on broadcasting, a number of these issues are also relevant to on-demand and video sharing platform services and will be considered separately. The areas, issues and alignment are as follows:

Policy Area	Issues to be Explored	Strategy Alignment & Code or Rule
<b>Environmental Sustainability, Climate Change, Science and Health Reporting</b>	<ul style="list-style-type: none"> <li>• Environmental and sustainability claims in commercial communications.</li> <li>• News and current affairs reporting of environmental issues, including climate change.</li> <li>• Guidance on “behaviour grossly prejudicial to the protection of the environment.”</li> <li>• News and current affairs reporting of climate change and health matters (vaccines etc.,) including science-based reporting.</li> </ul>	<p><b>Trust:</b> Working towards a media landscape that consumers can trust.</p> <p><b>Democracy:</b> Supporting democratic values through accurate reporting.</p> <p><b>Irish Culture and Media:</b> Supporting a sustainable, pluralistic and participative media landscape, that reflects and shapes who we are as society.</p> <p><b>Relevant Code/Rules:</b> General Commercial Communications Code and Code of Fairness, Objectivity and Impartiality in News &amp; Current Affairs.</p>
<b>Elections and Referenda Coverage</b>	<ul style="list-style-type: none"> <li>• Election and Referendum Coverage.</li> <li>• Constituency reporting requirements.</li> <li>• Criteria for debates (including leaders’ debates).</li> <li>• Harmful content during electoral coverage including hateful, unduly offensive and discriminatory content.</li> <li>• Consideration of whether a statutory code for coverage of elections and referenda is warranted.</li> </ul>	<p><b>Democracy:</b> Supporting democracy through impartial civic discourse.</p> <p><b>Irish Culture and Media:</b> Supporting a sustainable, pluralistic and participative media landscape, that reflects and shapes who we are as society.</p>



		<p><b>Trust:</b> Building trust in electoral coverage.</p> <p><b>Diversity and Inclusion:</b> Promotion of the values of justice, equality, diversity and inclusion.</p> <p><b>Relevant Code/Rules:</b> Code of Fairness, Objectivity &amp; Impartiality in News and Current Affairs (including Guidelines on Election and Referendum Coverage) and the Code of Programme Standards.</p>
<b>Cryptocurrency</b>	<ul style="list-style-type: none"> <li>• Cryptocurrency and related financial products and advertising.</li> </ul>	<p><b>Trust:</b> Protecting consumers from potential exploitation.</p> <p><b>Relevant Code/Rules:</b> General Commercial Communications Code.</p>
<p><b>Advertising targeted at Children, particularly of High Fat, Salt, and Sugar Products</b></p> <p><b>Children's Code</b></p>	<ul style="list-style-type: none"> <li>• HFSS products (nutrient profile definition).</li> <li>• Regulation during 'family viewing times' (6pm-9pm).</li> <li>• Application of a 'watershed' for promotion of such products.</li> <li>• Definition of 'Children's Programming' including percentage of children versus actual number of children watching or listening.</li> <li>• Meaning of 'Products of particular interest to children.'</li> <li>• Communications containing potentially upsetting content during unsupervised viewing times.</li> </ul>	<p><b>Children:</b> There is reduced exposure of children to content and conduct that is harmful to them.</p> <p><b>Public Safety:</b> Strengthening public health outcomes.</p> <p><b>Relevant Code/Rules:</b> General Commercial Communications Code and Children's Commercial Communications Code.</p>



<b>Alcohol Advertising</b>	<ul style="list-style-type: none"> <li>Alcohol advertising regulation in the context of the Public Health Alcohol Act.</li> <li>Zero-alcohol products and exposure by children to commercial communications for these products.</li> </ul>	<p><b>Children:</b> There is reduced exposure of children to content and conduct that is harmful to them.</p> <p><b>Public Safety:</b> Strengthening public health outcomes.</p> <p><b>Relevant Code/Rules:</b> General Commercial Communications Code and Children's Commercial Communications Code.</p>
<b>Infant and Follow-On Formula Advertising</b>	<ul style="list-style-type: none"> <li>Effectiveness of /compliance with current requirements and restrictions re promotion of Infant formula and follow-on formula products.</li> <li>Consideration of new statutory provisions for broadcasting and on-demand set out in Section 46N(7) of the 2009 Act as amended.</li> </ul>	<p><b>Children:</b> Upholding the wellbeing of children.</p> <p><b>Public Safety:</b> Supporting public health outcomes.</p> <p><b>Relevant Code/Rules:</b> General Commercial Communications Code and Children's Commercial Communications Code.</p>
<b>Protection of Programme Participants</b>	<ul style="list-style-type: none"> <li>Protection of programme participants.</li> <li>Whether family viewing time needs enhanced requirements to protect children.</li> </ul>	<p><b>Trust:</b> Building trust in media content and processes.</p> <p><b>Diversity &amp; Inclusion:</b> Promoting safety for all participants.</p> <p><b>Relevant Code/Rules:</b> Code of Programme Standards.</p>
<b>Advertising, Sponsorship and Product Placement</b>	<ul style="list-style-type: none"> <li>Whether further flexibility is possible with respect to advertising, sponsorship and product placement in the context of Irish and European legislation and the need to protect audiences.</li> <li>Advertising restrictions for radio including political advertising.</li> <li>Gender stereotyping.</li> </ul>	<p><b>Trust:</b> Creating a media landscape that consumers can trust.</p> <p><b>Irish Culture &amp; Media:</b> Supporting a sustainable media sector.</p>



	<ul style="list-style-type: none"> <li>• Marketing of cosmetic surgery.</li> <li>• Consideration of regulatory burden in context where a wide range of bodies regulate commercial communications.</li> </ul>	<b>Relevant Code/Rules:</b> General & Children's Commercial Communications Code, Advertising Rules for Radio.
<b>News and Current Affairs Coverage</b>	<ul style="list-style-type: none"> <li>• Fairness and balance including achieving fairness to individuals/organisations that are the subject of coverage and fairness to the coverage of a topic.</li> <li>• Managing risks of false equivalence/artificial balance.</li> </ul>	<b>Democracy:</b> Facilitating civic discourse.  <b>Trust:</b> Building a media landscape that consumers can trust.  <b>Relevant Code/Rules:</b> Code of Fairness, Objectivity & Impartiality in News and Current Affairs.
<b>General</b>	<ul style="list-style-type: none"> <li>• Emerging forms of commercial communications.</li> <li>• Economic impact assessments.</li> <li>• Restatement and consolidation of the Broadcasting Codes and Rules to support implementation as well as introduction of guidance.</li> </ul>	<b>Trust:</b> Creating a media landscape that consumers can trust.  <b>Irish Culture &amp; Media:</b> Creating a sustainable and responsive sector.  <b>Relevant Code/Rules:</b> All broadcasting codes and rules.

As set out above, each of the submissions received will inform An Coimisiún's work to be undertaken to ensure delivery of our Strategy Statement. The submissions will further inform the ongoing work to restate and consolidate the Broadcasting Codes and Rules and develop accompanying guidance materials. Given the range of topics to be explored, An Coimisiún will need to decide those issues that require prioritisation.

In addition, some of the topics are more complex and may be relevant across multiple mediums (Broadcasting, Video-on-Demand, and Video-Sharing Platforms) and will as a result take time to consider whether and what type of regulatory intervention is required.

Regarding the issue of **accessibility** of broadcasting services, contributors to the [public consultation on the Access Rules](#) that ran in July 2024 raised several important issues requiring further consideration, particularly concerning the feasibility of Irish Sign Language sub-targets, enhanced quality measurement rules, resource availability, and facilitating accessibility for live events.



An Coimisiún acknowledged these submissions in its [Response to Consultation \(Access Rules\) publication](#) and intends to consider these specific points as part of a future review of the Access Rules.

We are grateful for the extensive engagement from stakeholders throughout this consultation process. The insights provided have been invaluable in shaping the next steps in our regulatory approach. As we move forward with further considering changes in the identified areas, we remain committed to ensuring that regulated entities, audiences and other relevant stakeholders have clear and effective guidance and expectations. Our ongoing dialogue with the industry and the public will continue to inform our approach to regulation.

Looking ahead, we will maintain an open and transparent process, ensuring continued collaboration with all interested parties. Future consultations will be held as necessary, and we encourage stakeholders to remain engaged as we refine and develop our regulatory framework. We appreciate the constructive feedback received and will work to ensure that the Broadcasting Codes and Rules continue to reflect evolving media practices and public expectations.



## 4. Summary of Submissions

This section summarises in broad terms the key issues raised by the submissions received in response to each of the consultation questions listed in the [Consultation Document](#) as part of the Stage 2 review.

Please note that the overview of the submissions below is intended to provide a general sense of the responses received and highlight some of the more prominent issues raised. It is not a comprehensive account of every submission or concern expressed.

In general terms, the issues included in submissions received require, in the view of An Coimisiún, further consideration. Where appropriate, any draft regulatory proposals emerging will be the subject of further public consultation before being introduced in accordance with the procedures provided for under the 2009 Act.

### 4.1 Coverage of matters related to environmental sustainability

**Consultation Question 1: *Are there any additions or amendments you believe should be made to the Broadcasting Codes and Rules to address the issue of environmental sustainability, particularly in the areas of commercial communications and news and current affairs reporting?***

#### Overview of submissions received

With regard to the General Commercial Communications Code (“**GCCC**”), some submissions recommended that no further additions or amendments are required in response to the issue of environmental sustainability. It was suggested that any product or service that is legally available in the state is a legitimate source of advertising and there was a call for further guidance as to what behaviour could be considered as “grossly prejudicial to the protection of the environment” given the restriction on such material in An Coimisiún’s media service codes and rules.

Other submissions proposed there should be restrictions on advertising for fossil fuel companies and companies that heavily rely on fossil fuels, in particular in science-related programming. There was support for the regulation of both sponsorship and product placements related to fossil fuel products, and it was recommended that there should be an examination to assess the feasibility of regulating the advertisement of these products. Respondents also called for consideration to be given to not only the environmental impact of a broadcast message but also the environmental and carbon impact in relation to how the message is produced and promoted. It was suggested that advertisements of fossil fuel products should carry health warnings.

In relation to news and current affairs reporting, it was suggested to include provisions to encourage editorial independence while ensuring accuracy in climate-related reporting. Some submissions proposed that broadcasters should be required to disclose sponsorship or financial relationships with industries that may have vested interests in environmental narratives. Additionally, it was proposed to introduce guidance in relation to grossly prejudicial behaviour as it pertains to the environment, for instance in relation to featuring representatives of certain industries in news and current affairs interviews.





## 4.2 Coverage of matters relating to climate change, science, and health

**Consultation Question 2: *Are there additions or amendments you believe should be made to the Broadcasting Codes and Rules to promote objectivity, accuracy, and factual reporting, particularly in the coverage of matters relating to climate change, science, and health?***

### Overview of submissions received in response

A number of submissions were received in relation to coverage of climate change, science and health related topics in news and current affairs programming.

One submission sought guidance on the management of false equivalence,<sup>4</sup> while another proposed amending the Codes and Rules to allow presenters to make statements of fact based on assessments by international expert bodies to correct and counter misinformation. Other submissions recommended that An Coimisiún create a public awareness campaign to clarify that the Broadcasting Codes and Rules do not impose a requirement for false equivalence, particularly in reporting on scientific matters. Proposals were also made for mandatory fact-checking mechanisms to be integrated into editorial processes. It was recommended that the Codes and Rules reinforce obligations for accuracy by specifying that scientific consensus should be appropriately reflected in coverage, particularly on climate change and public health issues. A separate submission opposed amendments to the Codes and Rules that would explicitly address environmental sustainability, climate change, science, or health, citing concerns about regulatory overreach in editorial content.

Several submissions proposed that An Coimisiún adopts a firm approach to complaints concerning conspiracy theories and that the complaints process be made more transparent and accessible. Another submission called for a review of the sanctions policy to account for differences across different forms of media, advocating for a harmonised approach to enforcement.

Furthermore, it was recommended to develop comprehensive documentation to support journalists in climate reporting, including by creating FAQs and by creating a climate literacy programme for journalists. As stated in the previous section, an amendment to the Codes and Rules was suggested to require the disclosure of financial interests in fossil-fuel-related industries for individuals involved in editorial decision-making in news and current affairs.

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<sup>4</sup> For example, where current affairs coverage of a story is presented in a way that two different views are presented as equally valid when in reality the facts or evidence clearly favour only one of the two views presented.



## 4.3 Coverage of news and current affairs during elections and referenda

**Consultation Question 3: *Are there additions or amendments you believe should be made to the Broadcasting Codes and Rules in respect of the coverage of news and current affairs during elections and referenda but not including the moratorium.*<sup>5</sup> ?**

### 4.3.1 Overview of submissions received in response

Several submissions were received on refining election coverage and referenda.

Some respondents called for clearer definitions of impartiality, particularly in the context of broadcasters providing coverage of emerging political movements or single-issue campaigns. One submission advocated for guidelines ensuring that smaller political parties and independent candidates receive proportionate coverage. It was also suggested that guidance be provided on the interpretation of constituency reporting requirements and the selection criteria for candidate and leader debate programmes. A proposal was made to clearly recognise pre-recorded sessions as a means for stations to fulfil their obligations to candidates fairly. In relation to referenda, a submission sought confirmation that broadcasters are not obliged to allocate equal airtime to 'Yes' and 'No' sides of a referendum issue, allowing for editorial discretion in achieving balance.

Additionally, amendments were suggested to allow expert statements that correct misinformation, as stated as well in relation to the coverage of climate change, science, and health-related matters. It was also proposed to require broadcasters to fact-check political claims and clearly distinguish between reporting and commentary. It was further recommended that An Coimisiún incorporate relevant contextual factors from the 2024 Election Guidelines into Codes and Rules.

Another proposal called for an expansion of digital safety measures to ensure that journalists covering elections receive protections against intimidation and harassment, in line with safeguards already in place for election candidates. Some respondents suggested that the Broadcasting Codes and Rules be updated to ensure that broadcasters contextualise social media-driven narratives and avoid amplifying misleading or unverified claims originating from online sources.

A more general and recurring point was made in relation to supporting broadcasters in applying the Codes and Rules, in particular during electoral periods. This could include the development of FAQs, the publication of a consultation and research calendar, and the establishment of regular engagement between An Coimisiún and broadcasters to discuss the implementation of election-related provisions.

Enhancing public awareness campaigns was recommended as well to make the complaints process more transparent and accessible, ensuring the public is well-informed about the procedures and safeguards in place for fair and impartial election reporting. There were also calls for enhanced transparency in the reporting of political advertising, including clear labelling and disclosure of funding sources for political campaign materials.

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<sup>5</sup> At the time of the consultation, the moratorium was the subject of a separate consultation process. The outcomes of that consultation may be found here: - <https://www.cnam.ie/coimisiun-na-mean-publishes-updated-guidelines-for-broadcast-coverage-of-elections-2/>



## **4.4 Coverage of matters relating to cryptocurrency and related financial products and services**

**Consultation Question 4: *Are there additions or amendments you believe should be made to extend the scope of the Broadcasting Codes and Rules to cryptocurrency and related financial products and services?***

### **4.4.1 Overview of submissions received**

With regard to the General Commercial Communications Code (“GCCC”) and matters related to cryptocurrency and related financial products, one submission called for further guidelines detailing regulatory and transparency requirements to ensure consumer protection and education around new products in this area. Another respondent put forward an amendment which sought to prohibit advertisements which promote speculative financial activities, including cryptocurrency trading (grouped with the promotion of gambling). In addition, a proposal was received to create one website with clear information on crypto products that could be promoted by all broadcasters.

Other submissions recommended that there was no pressing need to introduce new regulation of these products and services and pointed to the prevalence of these promotions online rather than on traditional mediums like radio. It was suggested that the listing of lengthy terms and conditions at the end of financial advertisements was not helpful (and a duplication of efforts of organisations such as the Central Bank of Ireland, An Coimisiún and the Advertising Standards Authority).

## **4.5 Coverage of matters relating to the advertising of High Fat, Salt, and Sugar (HFSS) products?**

**Consultation Question 5: *Are there additions or amendments you believe should be made to the Broadcasting Codes and Rules in respect of the advertising of High Fat, Salt, and Sugar products?***

### **4.5.1 Overview of submissions received**

With regard to the Children’s Commercial Communications Code (“CCCC”), several submissions called for a ban on all commercial communications deemed as HFSS across broadcast and on-demand media from 5:30am to 9:00pm, as well as the extension of the provisions and protections of the CCCC to the online environment. UK legislation was cited as an example to follow. Some respondents recommended that there was a need for mandatory codes on HFSS and said that voluntary self-regulation is not sufficient.

It was suggested that there should be no HFSS advertisements containing food products at any point during times and programmes where children could potentially be subjected to them. A number of submissions said that consideration should be given to the actual number of children that are watching programmes as opposed to the percentage of viewers. It was recommended that HFSS advertisements during family-friendly programmes such as The Late Late Toy Show should be banned. It was also suggested that fast food and confectionary products should be subjected to the same marketing rules as HFSS products.

Submissions were also received recommending a move towards the WHO Nutrient Profile Model. Another respondent suggested that a line should be added to the Codes and Rules noting that 'foods high in fat, sugar and salt' should be eaten a maximum of 1-2 times a week.

Some respondents recommended that any changes should be accompanied by strong monitoring and compliance systems, and it was proposed that the monitoring of children's exposure to harms outlined in the Codes and Rules should be carried out by An Coimisiún, together with the publication of regular reports on breaches and actions taken. It was also suggested to undertake public awareness campaigns to ensure the complaints process is as user friendly and transparent as possible and that the public is empowered to participate fully in its effective operation.

Some respondents said the CCCC continues to be relevant and provide effective and adequate protection to both children and adults from harmful exposure to advertising of HFSS products. One respondent noted that the BAI Statutory Report had found the existing CCCC to have been effective and called for consideration to be given to changes in media consumption over time.

Others said that there were already strict restrictions applying to broadcasters and called for no further restrictions in this area. In their view, An Coimisiún should review information on the web and social media before introducing any new regulation aimed at broadcasters. It was suggested that a guidance note would be beneficial as to what can and what cannot be promoted by well-known sporting personalities.

It was recommended that any changes should consider advertising across the food supply chain, ease of understanding and implementation by not only manufacturers but also out of home operators and retailers. Others said that any changes should not undermine a broadcaster's competitiveness for advertisement compared to other media services where these rules and codes do not apply. They said that additional restrictions could potentially result in companies deciding to reduce their media commitments to the broadcasting sector.

Some submissions said that the 2004/05 Nutrition Profiling Model ("**NPM**") used to define HFSS products for the purpose of the CCCC should continue to be applied. It was suggested that the use of an alternative NPM would need to be consulted on in order to gain a full understanding of the implications of such a change, and the view was expressed that adopting a new model could lead to confusion and increased regulatory burden without providing significant additional benefits.

It was recommended that An Coimisiún should incorporate an impact assessment into any future changes to the definitions and use of age groupings.

#### **4.6 Coverage of matters relating to the advertising of alcohol products and products advertised as 0.0% alcohol content / non-alcoholic**

**Consultation Question 6: *Are there additions or amendments you believe should be made to the Broadcasting Codes and Rules in respect of the advertising of alcohol products and products advertised as 0.0% alcohol content / non-alcoholic?***



#### 4.6.1 Overview of submissions received

Regarding the General Commercial Communications Code (“**GCCC**”), some respondents said they were concerned by the advertising of zero alcohol products using identical branding to the alcohol master-brand and the exposure of children to alcohol advertising as a result. It was recommended that zero alcohol product advertisements which use the branding of alcohol producers should be subject to the same restrictions as alcohol advertisements. It was noted that this approach is in use in Norway. Others said that alcohol and zero alcohol product placements in broadcast programmes should be explicitly banned.

Regarding the broadcast of sporting events, it was recommended by some respondents that alcohol ads on pitches and hoardings around pitches should not be broadcast to TV audiences before the 9pm watershed. Another submission suggested that at any event sponsored by a company advertising 0.0% alcohol, the product should be made available at the event. One respondent called for greater clarity around the advertising of non-alcoholic products and suggested that including “zero” or “0.0%” is not enough.

Some respondents said the Codes and Rules are not robust enough to protect children and it was suggested that as children make up 23 percent of the population, it is likely, where it comes to important GAA, rugby, and football events, they are watching in the same proportion. Others said that events where alcohol brands have their logos imprinted on the playing field are creating a linkage between alcohol and enhanced physical performance and thereby in breach of the GCCC.

Some respondents called for the regular monitoring of children’s exposure to alcohol branding to be published and it was recommended that any adjudication on advertisements should be solely carried out by An Coimisiún and not outsourced to any self-regulatory body.

Regarding the GCCC, several respondents said there should be no further additions or amendments to the broadcasting code in respect of the advertising of alcohol products, including with regard to non-alcohol 0.0% products. They said there was no need for further changes beyond alignment with the Public Health (Alcohol) Act 2018 (“**PHAA**”) provisions.

Others said that the increased availability of non-alcohol alternatives is accelerating the trend towards moderation, and that An Coimisiún should avoid the creation of new and potentially contradictory requirements that might hinder this progress. Figures were cited that Ireland is still significantly below the EU average of 7 percent of overall beer market share for non-alcohol drinks, with more advanced markets reporting a market share of as much as 14 percent of all beers sold.

Another submission said a consistent approach is required to avoid a potential disconnect between broadcast and online services of similar programmes with regard to alcohol advertising. One respondent said the BAI guidance note on non-alcoholic products had been effective.



## 4.7 Coverage of matters relating to the advertising of infant formula, including follow-on formula

**Consultation Question 7: *Are there additions or amendments you believe should be made to the Broadcasting Codes and Rules in respect of the advertising of infant formula, including follow-on formula?***

### 4.7.1 Overview of submissions received

With reference to the General Commercial Communications Code (“**GCCC**”), a number of respondents called for protections and restrictions in place for infant formula advertising to be extended to cover all Commercial Milk Formula (“**CMF**”) products, comprising all forms of breastmilk substitutes, for children up to 36 months and/or a full prohibition due to the similarities with infant formula and follow-on formula logos and branding. Others proposed a 12-month limit.

Respondents said that marketing communications should not allow any advertisements or cross-promotion of products with logos and branding like infant formula, follow-on formula and toddler milks. Some said that advertisements should state that follow-on formula is unnecessary for most babies and breastfeeding remains beneficial beyond six months. Others called for a prohibition of formula feeding products such as formula preparation machines, UV sterilisers and bottle warmers.

With regard to digital marketing, some respondents said that broadcast advertising serves as a gateway to unregulated digital ecosystems. They expressed the view that television and radio campaigns often direct parents to websites or social media platforms, where marketing rules are weaker or non-existent. Others noted that apps, baby clubs, and online services, allow advertisers to collect personal information from parents, enabling them to send targeted advertisements and promotions for breast-milk substitutes. They called for stricter regulations on digital marketing tactics to protect vulnerable parents from misleading and aggressive marketing practices.

Respondents called for restrictions on CMF commercial communications to apply across broadcast television and radio services; on-demand audiovisual media services; and digital and interactive platforms offering audiovisual content under the jurisdiction of Coimisiún na Meán. Others called for consideration to be made to the inclusion of commercial complementary foods along with CMF. It was also proposed that the Broadcasting Codes and Rules should mandate clear disclaimers in all formula advertisements, stating that breastfeeding is the recommended method of feeding for infants.

One submission proposed that in case there is no prohibition put in place, CMF companies should add the mychild.ie logo and link on their advertising when they mention breastfeeding to direct mothers to provide unbiased information on infant feeding, both breastfeeding and formula feeding.

Others called for broadcasters and video-sharing platform services to be required to monitor, report and publish actions taken to ensure compliance with Broadcasting Codes and Rules, and for effective sanctions to be put in place for non-compliance.

Respondents said that market research surveys should not be allowed as evidence to quote 'no.1' as a recommendation with regard to any CMF product. They also said that follow-on formula producers should be prohibited from advertising or drawing attention to non-mandatory ingredients names, abbreviations or illustrations in advertisements.

Others said that there should be a prohibition on incentives, rewards or provision of free samples within all forms of advertisements (online and broadcasting), which are used to attract the user to sign up to the website/product with logos/branding/similarities to any formula milk or toddler milk product.

A number of respondents said that there is no need for further additions or amendments, saying that the Irish and EU legislative framework in place is adequate. References were made to additional voluntary industry guidelines, which demonstrate a willingness to engage with relevant authorities and ensure strict compliance without the need for additional regulations. It was submitted that commercial communications relating to infant formula are consistently clear in their communication to parents and caregivers that breastmilk is the best source of nutrition for babies. Further reference was made to circumstances where breastfeeding is not feasible or chosen, formula milks are the only safe, legitimate, alternative during a baby's first year, recognised by medical societies and guidelines from regulatory bodies. It was stated that while supporting and promoting breastfeeding as the optimal option for newborns is crucial, offering safe, high-quality, scientifically developed baby formula, as well as unbiased information and support is also essential so that all parents feel empowered in making confident feeding decisions for their babies.

Other respondents called for independent research into exploring the composition of breastmilk and the outcomes associated with breastfeeding to inform the continued innovation of formula products. One submission called for a guidance document on infant formula policy to support broadcasters, as well as further promotion of the Codes to highlight relevant obligations of broadcasters and brands.

## **4.8 Protection afforded to participants in programming**

**Consultation Question 8: *Are there additions or amendments you believe should be made to the Broadcasting Codes and Rules to enhance the protection afforded to participants in programming where such participation carries a risk of harm following broadcast? Such measures may include enhanced rules on privacy, identification, and consent, relating to programme participants.***

### **4.8.1 Overview of submissions received in response**

Proposals were made to strengthen the protections for participants in programming where there is a risk of harm following broadcast, including after the broadcast or programming went public or when vulnerable groups like minors, victims of crime and investigative journalists are concerned. A suggestion was made as well to replace the definition of 'vulnerable person'. A number of submissions requested further guidance on adequately identifying vulnerable participants, the steps required to safeguard them, the process for obtaining informed consent, and how to facilitate withdrawing consent, citing as well concerns that existing provisions could interfere with contractual relationships between broadcasters and participants.



Some submissions emphasised that any duty of care should be proportionate to the nature of participation and the format of the programme, with a proposal that obligations in this regard should apply only to national television broadcasters.

It was further suggested that An Coimisiún work cooperatively with broadcasters in developing policies in this area, while a submission proposed that broadcasters be required to publish their policies and procedures on participant protection on their websites and implement mandatory staff training.

One submission addressed the issue of differing levels and contexts for informed consent: for example, a person may give consent to be interviewed in respect of a news story which by its nature will occur at short notice. This context differs from a member of the public providing consent when they are asked to be part of a vox pop. Context is crucial for informed consent and contributors should be advised of the planned nature of the programme and the extent of their participation. Further guidance was requested on the nature of informed consent and the level of due care appropriate to a contributor given the subject matter. However, another submission opposed further regulatory intervention in privacy and participant rights, emphasising the need to balance protections with editorial independence.

Regarding harmful content, a proposal was made to amend the Codes and Rules to include explicit guidance on the depiction of suicide methods, ensuring that any inclusion of such content must have strong editorial justification.

Proposals also included the introduction of clearer guidelines on the ethical use of editing and framing in factual programming to prevent misleading portrayals, along with enhanced rights for participants to review and challenge content before broadcast. Finally, a recommendation was made to refine the definition of "undue offence" provided in the Code of Programme Standards and extend its application to all forms of media, including online platforms.

## **4.9 Implementation of the Broadcasting Codes and Rules**

**Consultation Question 9: *Are there any measures you believe could be undertaken by An Coimisiún to enhance support for the implementation of the Broadcasting Codes and Rules? Such measures may include consolidation and / or simplification of the regulations, stakeholder engagement initiatives, or the publication of additional guidance documentation.***

### **4.9.1 Overview of submissions received in response**

One respondent said that stakeholder engagement initiatives should not be too narrowly focused on those being regulated but also reflect and include those affected by or with expertise in the issues which are the subject of regulation – for example breastfeeding advocates, public health campaigners, children's rights groups etc. It was suggested that these provisions could be outlined in section 4 of the General Commercial Communications Code.

A number of submissions called for greater clarity and consolidation of regulatory requirements, suggesting that streamlining Codes & Rules and guidance material would improve compliance among broadcasters.





Several respondents proposed the establishment of an advisory panel proposed to ensure ongoing input from a diverse range of stakeholders in the development and enforcement of the Codes and Rules.

Additionally, the publication of case studies and compliance reports was suggested to provide broadcasters with practical examples of best practices and regulatory breaches. Some submissions also suggested An Coimisiún to explore the use of training initiatives for broadcasters to enhance awareness of regulatory obligations, as mentioned as well under relevant consultation questions on specific topics.

#### **4.10 Advertising, sponsorship, and product placement**

**Consultation question 10: *Do you believe that the current distinctions between advertising, sponsorship, and product placement, in the Broadcasting Codes and Rules are sufficiently clear? If not, are there additions or amendments you believe should be made to provide greater clarity?***

##### **4.10.1 Overview of submissions received**

One respondent said that distinction between sponsorship and product placement is clear.

Some respondents said that the rules on cosmetic services and procedures should be reviewed, and also with regard to the availability of CBD products and their promotion.

Others said that the current distinctions are sufficiently clear to radio listeners but added that further commercial opportunities and relaxation in this area would be welcome, given the pressures facing the sector. They encouraged An Coimisiún to allow integrated commercial messaging in live radio broadcasts, accompanied by appropriate transparency requirements, as well as product placement, where specifically and clearly identified as such, on radio, as it is on other media.

One submission said that the restriction on political advertising on radio no longer makes sense given the widespread use of social media channels by candidates as well as across other media. They said this policy is commercially unfair and against the idea of a pluralist media.

Others said that the rules for sponsorship should not be relaxed to allow for more commercial activity, especially removing the prohibition on sponsorship logos during children's programmes. In relation to radio broadcasting, they recommended An Coimisiún to not allow for an exemption for radio programmes from the requirement to separate sponsorship from programming.

#### **4.11 Balance and false equivalence in news and current affairs reporting**

**Consultation Question 11: *Are there additions or amendments you believe should be made to the Broadcasting Codes to address the issues of balance and false equivalence in news and current affairs reporting?***

#### **4.11.1 Overview of submissions received in response**

A small number of submissions received addressed issues with balance and false equivalence in news and current affairs reporting, beyond suggestions already discussed in sections 4.2 and 4.3.

A respondent recommended that the Codes and Rules explicitly differentiate between balance and impartiality, ensuring that editorial decisions prioritise factual accuracy over artificial symmetry between viewpoints. Other submissions suggested that broadcasters should be required to disclose the credentials and affiliations of expert contributors to improve transparency in news reporting. Finally, it was also proposed that mechanisms for complaints on misleading balance should be strengthened.

### **4.12 Any other additions or amendments**

**Consultation Question 12: *Are there any other additions or amendments that you believe should be made to An Coimisiún's broadcasting codes and rules?***

#### **4.12.1 Overview of submissions received in response**

Some stakeholders suggested expanding the scope of the Codes and Rules to address emerging forms of commercial communication, such as influencer marketing and branded content, ensuring that they are subject to the same transparency and accuracy requirements as traditional advertising. Another respondent said that prior to introducing any further editorial or commercial regulation, An Coimisiún should undertake economic impact assessments, to understand the financial impact of any proposed new regulations or policies on the range of stakeholders it regulates.

Others said that broadcasters should be encouraged to engage with the Advertising Standards Authority (“ASA”) as a complementary measure to the requirements of the General Commercial Communications Code and Children's Commercial Communications Code, to facilitate an enhanced system of audience protection. They suggested that both Codes should reference the complaints handling systems of both the ASA and those of the European Advertising Standards Alliance's network.

Finally, a number of submissions recommended increased monitoring and enforcement mechanisms, including the potential for independent audits of broadcaster compliance with the Codes and Rules. One submission said that complaints should be allowed in the Irish language and referred to the prohibition under Article 21 of the EU Charter of Fundamental Rights to discriminate on the basis of language.

Proposals were also made for periodic reviews of the Codes and Rules to ensure they remain responsive to evolving media practices and audience expectations.