

Written evidence submitted by Reform Political Advertising (OSB0199)

Introduction

This paper provides Reform Political Advertising's evidence to the Joint Select Committee appointed to consider the [Government's draft Bill](#) to establish a new regulatory framework to tackle harmful content online.

Who we are

[Reform Political Advertising](#) (RPA) has been campaigning for some three years now to do what it says on the tin; more specifically, to establish regulation of electoral advertising in particular so that it is required to be accurate when making material claims. RPA was founded by Alex Tait and Benedict Pringle, both holding or having held senior positions in the advertising industry, the former in charge of all Unilever advertising in the U.K. and Ireland. The author of this note is Rae Burdon, formerly COO of the Advertising Association and a director of RPA.

RPA is supported by ISBA - the trade body for advertisers in the UK - and by several political parties, the Green Party and the Women's Equality Party among them. The Liberal Democrats also agreed to our campaign 'pledge' for the May 2021 London mayoral elections, [together with five other candidates](#). We have worked with the Compassion in Politics cross-party group and we have convened webinars co-chaired by MPs such as Tommy Sheppard, Debbie Abrahams, and Liz Saville Roberts.

We are not-for-profit and determinedly politically neutral.

Our premise

Simply that electoral political advertising should be required to observe the same standards as all other advertising in the matter of material claims that can be substantiated. We are not proposing that 'policy or political arguments' (the term used by the Cabinet Office) should be regulated further. Readers of this note will likely be familiar with the current regulatory framework, i.e. the RPA 1983 prohibition of false statement of fact about the personal character or conduct of an election candidate and the requirement in print material for candidates and their promoters to be identified. (The Election Bill that has its second reading on September 7th – in our view wholly inadequate legislation in this context – extends the latter requirement to digital material).

[Electoral advertising reviews](#) from 2019 and 2021 have shown blatant and ridiculous abuse from many advertisers, much to the frustration of voters, nine out of ten of whom think that 'it should be a legal requirement that factual claims in political adverts must be accurate.' (YouGov 2019)

The Government's perspective

In June 2020, the House of Lords Democracy and Digital Technologies Committee, published [‘Digital Technology and the Resurrection of Trust’](#)

A primary recommendation from the Report stated (para 36): *‘The relevant experts in the ASA, the Electoral Commission, Ofcom and the UK Statistics Authority should co-operate through a regulatory committee on political advertising. Political parties should work with these regulators to develop a code of practice for political advertising, along with appropriate sanctions, that restricts fundamentally inaccurate advertising during a parliamentary or mayoral election, or referendum. This regulatory committee should adjudicate breaches of this code.’*

RPA provided evidence to the House of Lords Committee and strongly supported the recommendation above. The Government’s [Response to the Report](#) rejected the notion that ‘fundamentally inaccurate advertising during a parliamentary or mayoral election, or referendum’ should be restricted, holding that ‘policy or political arguments.....which can be rebutted by rival campaigners as part of the normal course of political debate are not regulated and the government does not support such regulation.’

The government was not, of course, asked to support the kind of regulation that they accuse the House of Lords of recommending. It is clear that this government finds it convenient to shelter behind a ‘freedom of speech’ argument when the evidence suggests that it is not so much freedom of speech that they wish to protect but the freedom for the party in power to (continue to) lie in electoral advertising.

The point of the above

We are showing that this - false statements of fact in electoral advertising - is first, the subject of risibly irresponsible advertising from many sources but in particular the party in power; second, a significant issue for voters and third a situation that the government is determined to protect, as is demonstrated by their evasive response to the House of Lords recommendation and by other statements on the issue.

And how it applies to the draft Online safety bill

The draft bill includes under Section 13 *Duties to protect content of democratic importance:* (Category 1 services), in part set out in this context as follows:

A duty to operate a service using systems and processes designed to ensure that the importance of the free expression of content of democratic importance is taken into account when making decisions about (a) how to treat such content (especially decisions about whether to take it down or restrict users’ access to it), and (b) whether to take action against a user generating, uploading or sharing such content.

And

‘the content is or appears to be specifically intended to contribute to democratic political debate in the United Kingdom or a part or area of the United Kingdom.’

We understand and respect the motives behind the drafting outlined above. However, our experience suggests that those admirable motives may be exploited by less admirable practitioners or advisors such that paid or unpaid electoral advertising is protected even in the event that an authority is established to regulate it and that digital platforms are authorised to take down advertising that transgresses.

We propose that the drafting of this section of the bill is more carefully considered so that 'fundamentally inaccurate' electoral advertising does not escape by the back door of the Online Safety bill.

29 September 2021

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