

THE CLEARCAST GUIDE TO TELESHOPPING CLEARANCE



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CLEARCAST

CLEARCAST AND TEleshopping

In the UK, broadcasters must ensure that the ads shown don't mislead, offend or cause harm, and that they comply with the UK Code of Broadcast Advertising. Clearcast works on behalf of the broadcasters checking this compliance. We are the experts in getting ads to air and ensuring that they stay there, protecting the reputation of the advertising industry.

We live and breathe advertising. Every year we receive over 90,000 scripts and videos. We discuss, debate and dissect them in detail during our daily meetings. Quite simply, we know advertising like nobody else.

Ad agencies, advertisers and broadcasters use our services to help create, develop, and broadcast great adverts. Although we're best known for clearing ads, we work with clients throughout the development process. We play a key role in delivering unforgettable advertising: our input ranges from providing inspiration and ideas during development to the procedures and practical considerations of clearance.

WHAT IS TEleshopping ADVERTISING?

A teleshopping advertisement has three characteristics: it presents one or more products, states a price and has an ordering mechanism. Together these constitute a direct offer of sale and ads that have these three characteristics will be classified as teleshopping.

Teleshopping ads longer than 5 minutes are traditionally referred to as longform teleshopping or infomercials.

In all teleshopping ads direct offers must be constant or nearly so. In that respect, Ofcom advises that constant on screen displays giving product, price and ordering details should be used.

Ads that don't include pricing information and/or ordering details are not teleshopping and should be scheduled outside teleshopping windows.

THE TEleshopping TEAM

We have a team dedicated to teleshopping ads which we've bolstered over the last year to meet an increased number of submissions and improve our support for the sector.

The team consists of three members:



Justyna Shala
Teleshopping Clearance Manager



Paul Burrows
Senior Teleshopping Clearance Executive



Barry Noone
Teleshopping Clearance Executive

Between them they've racked up 50 years of teleshopping and copy clearance experience. And all that expertise is available to you, whenever you need it.

Don't just call us when you want to get your ad cleared, but get us involved when you're generating ideas, finalising a script or at any other point on that journey.

In addition, our Clearcast Plus team can help with a range of other useful services such as training, copy development and managing international clearances and delivery.

HANDY CONTACTS

UK and International Training
training@clearcast.co.uk

International Advice and TV Admin
danny.turner@clearcast.co.uk

Copy Development
seb.lynych@clearcast.co.uk

TELESHOPPING SUBMISSIONS THE PRACTICAL BITS



When will I hear back?

Teleshopping scripts up to 2 minutes long fall within target levels applicable to all other spot ads that Clearcast receives – you should expect feedback within 4 working days for a script submission and 2 days for a video submission.

You should receive feedback on scripts between 2 and 5 minutes long within 6 working days, and on longform scripts within 12 working days.

When planning the schedules, the best advice is to build in time that would allow for 2 or 3 script updates as well as Clearcast feedback each time within the above guidelines.

Also, clearance could take longer if the script is particularly complex or requires a considerable amount of substantiation. If we need advice from one of our specialist consultants, the time frame for feedback will be longer.

Our consultants are experts in their fields and independent from Clearcast with their own busy schedules. Consultants are asked to assess evidence within a week and this may be extended at times depending on work volumes.

Charges

Shortform teleshopping clearance (for ads up to 5 minutes) is funded by the broadcasters and so it's free to advertisers. Clearance of longform teleshopping falls within Clearcast specialist services and as such is subject to a charge of £600 +VAT for all new script submissions of 5 minutes and more.

If you submit several shorter scripts with a view of creating one longform ad, that amalgamation will also be subject to a fee of £600 +VAT.

How do I send a script for clearance?

We have an online system called CopyCentral which is used by all parties involved in ad clearance.

All scripts, support, correspondence and subsequent clocked ads are held there, so the first step is getting set up on CopyCentral and creating your submission. You'll find more details on page 20.

Is my script viable?

When making the script submission, you will need to provide product information and evidence for the claims made within the ad for us to review.

If we see from the outset that we are unable to progress, perhaps due to the nature of the product, for example a medical device (see 'Medical devices' on page 15) or if you are at the very early stages of your product development and are in need of Copy Development advice, we will let you know straight away and suggest the next best step.

KEY AREAS



CHILDREN'S PRODUCTS

This area can be a little bit tricky – you must be careful not to target your ads directly at children. However if you bear in mind a few simple rules, you'll sail through the clearance process.

- Ensure that your ad clearly addresses adults by using qualifiers such as “your children”.
- As you will be including prices in your ads (for them to be considered teleshopping), remember not to use qualifiers such as “only” or “just” to make the price seem less expensive.
- Ensure that demonstrations of the product are accurate and don't exaggerate features like size, sound, colour, movement:
 - Include a scale reference, making it easy for viewers to judge the size of the product.
 - If the product requires batteries and these are not supplied, say it in your superimposed text.
 - If your product doesn't move on its own, don't show any independent movement.
 - If you are showing constructions that require multiple sets, include superimposed text to this effect.

- If you are showing various ‘characters’ in your ad, ensure you have them all in stock.
- As in any ad, ensure you don't feature behaviour that could be dangerous for children to emulate. This includes going off alone or featuring them in a potentially dangerous environment.
- If you are showing children on scooters, bikes etc., they must wear protective gear and road safety must be observed. Any stunts should be off-road or on roads clearly marked as closed.
- Your ads must not imply that children will be less popular if they don't have your product.

SCHEDULING

It's worth remembering that if you're offering merchandise based on a children's programme your ad won't be broadcast in the two hours before or after episodes or editions of that programme.

Also, if your ad features a character (this could be a puppet!) who appears regularly in any children's programme on a UK TV channel that is either presenting or endorsing products of special interest to children, then the ad cannot be broadcast before 9pm.

COMPARATIVE ADVERTISING & DENIGRATION

The principal purpose of an ad should be to promote the advertiser's goods or services, not to damage the reputation of other advertisers. Comparative advertising, and particularly advertising which names or otherwise identifies competitors' products, should not attack competitors.

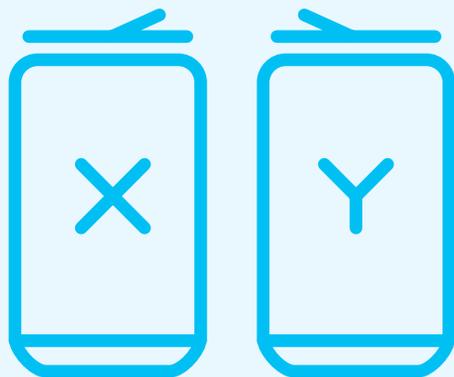
Ads whose function or effect is to denigrate competitors are not acceptable even if the comparative claims are true. Ads that portray other products and services as outmoded, cumbersome, difficult to use or generally unfit for purpose are likely to be rejected.

If you have a demonstrable advantage over the competition then you may of course draw attention to this, but it must be meaningful to consumers and should not be chosen in a way that would give you an artificial advantage.

If, for example, the advantage relates to a quality or characteristic that consumers would not normally take into consideration before making a purchase then it is likely to be considered misleading.

Superiority claims must be based on facts that can be substantiated and should not be unfairly selected. The basis of the comparison should be the same for all products being compared.

Demonstration sequences must be accurate and true. They should also be representative of the product's performance as is likely to be experienced by the viewer at home.



NUTRITION

The majority of nutrition claims that we see in teleshopping ads refer to foods that are used during demonstrations of various kitchen devices.

A nutrition claim is a statement or suggestion that a food has particular beneficial nutritional properties.

Examples include 'low fat', 'source of omega-3 fatty acids' or 'high in fibre'. Nutrition claims must comply with the criteria in the annex of Regulation 1924/2006:

<http://bit.ly/1MxTRDN>

Nutrition claims in ads for food supplements cannot imply that a balanced diet is unable to provide appropriate quantities of nutrients in general.

Ads for vitamins and supplements will be given a scheduling restriction to keep them away from programmes commissioned for, principally directed at or likely to appeal particularly to persons below the age of 16.

'General' health claims are terms such as 'healthy', 'wholesome', 'good for you' and similar. These must be accompanied by a specific, authorised claim from the EU Register of Nutrition and Health Claims, which all have strict criteria that must be met. For a product to be called a 'superfood' we would expect it to meet several specific, authorised health claims.

The general principle of wording for health claims is to make the claim only for the nutrient/substance for which they have been authorised, not for the product that contains them, for example:

'Product Y contains X which contributes to normal function of the immune system'

But not:

'Product Y contributes to the normal function of the immune system'

Claims relating to '5 a day' should conform to the government's criteria and advice on what constitutes a portion - this can be found on the NHS Choices website.



COSMETICS

We deal with a wide range of cosmetic products including those for hair and skin care. Simply put, we consider cosmetics to be products that improve the appearance of the body or face. Ads must not mislead regarding what an advertised cosmetic is likely to achieve for the average consumer.

All objective efficacy claims for cosmetics must be supported by robust evidence and, if relevant, consist of trials conducted on people.

We also accept consumer perception studies, providing the results are above the generally accepted threshold.

We will often ask for the results of consumer perception studies to be included as superimposed text.

For example, if an advertiser claims that their product has a notable effect on hair shine, we would ask for superimposed text to be placed alongside the claim e.g. '85% out of 50 users agreed they had more shine.'

SKIN CARE AND CREAMS

We all want to look younger, but advertisers need to make clear that their product will generally only affect the appearance of skin and nothing more. Most anti-aging creams are moisturiser-based cosmeceutical skin care products marketed with the promise of making the consumer temporarily appear younger by reducing, masking or preventing signs of skin aging.

We accept consumer perception studies and testimonials for skin claims, however advertisers need to be careful that their product does not suggest a miraculous solution to the inevitability of growing older.

HAIR REMOVAL

One of the most popular areas we consider is claims for hair removal. There's a huge range of treatments, which can be confusing for consumers. Advertisers need to clearly state whether their product only works on a temporary basis or offers a more permanent reduction.

Clearcast has considered claims for all of the main products in the market and we follow the advice that has been given by the The US Food and Drug Administration (FDA). The FDA has given clearance for some devices to claim permanent hair reduction but not permanent hair removal. Although some devices can permanently reduce the total number of hairs, they will not permanently remove them all.

Marketers making claims for permanent hair removal should hold evidence to support their claims, which we will need to review (rule 3.9 in the BCAP code) and those claiming permanent hair reduction should hold either convincing evidence, FDA clearance, or be able to show that their device is substantially the same as those cleared by the FDA.

Given the huge range of products and technologies making different claims, it's important to know what can be claimed for each before advertising them. Some treatments are not suitable for all skin types and rely on the contrast between skin and hair colour. Also, repeated and possibly long-term treatments will be needed to achieve the desired results.

Laser

Laser hair removal is a way to accomplish permanent hair reduction; this may be achieved with fewer treatments than some methods but the results may differ depending on hair and skin colour and type. This will need to be made clear in any ads. Superimposed text is usually enough.

IPL

Light treatments such as Intense Pulsed Light or IPL, can claim permanent hair reduction but not permanent hair removal. IPL systems work on the same principles as lasers, in that light energy is absorbed into particular target cells with colour in the skin.

Pulsed Heat Technology

This uses only heat to treat the hair and again can only claim permanent hair reduction but not permanent hair removal.

The most important thing for any advertiser in this area is to have the evidence to support their claims. This evidence will then be assessed by Clearcast's specialist consultants.

FITNESS PRODUCTS INCLUDING WEIGHT LOSS

If you are offering fitness programmes that include dietary or nutrition plans and your ad concentrates on weight loss, you will fall within the category of weight-control or slimming products and the rules of section 12 of the BCAP Code.

Common pitfalls to watch out for:

- Weight loss can only be attributed to diet and not to exercise. We would expect to see robust studies that should include a control group, therefore your substantiation will in most cases be sent to a consultant physiologist for evaluation. We also need to see full details of diets and eating plans – these will be forwarded to a consultant nutritionist to check if they are safe to follow and nutritionally sound.
- Your ad will get a scheduling restriction to keep it away from programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18.
- Promises or predictions of specific weight loss are not acceptable.

- Any testimonials or case studies must bear in mind the following:
 - Subjects must be overweight to start with (BMI between 25 and 29.9)
 - Subjects must be normal weight, or still overweight, at the end of the programme (BMI not going below 20)
 - The optimum time frame for ‘drop a dress size’ / ‘up to two inches off’ claims is 6 weeks – any faster is likely to be considered unsafe
 - Subjects may lose up to 2 pounds a week
 - The ad must indicate a period of time over which the subjects have lost weight, and this must be a representative experience
- Ads for Very Low Calorie Diets (a daily intake of less than 800 calories) must not use testimonials.

If your ad contains purely fitness claims, with no reference to weight loss, then section 12 of the BCAP Code won't apply.

Do bear in mind though that if you are offering an exercise device (such as an abdominal machine), claims should not be extended beyond the part of the body for which it is intended.

MEDICAL DEVICES

Medical devices are instruments intended by the manufacturer to be used for the purpose of:

- diagnosis, prevention, monitoring, treatment or alleviation of disease
- diagnosis, monitoring, treatment, alleviation or compensation for an injury or handicap

Examples of medical devices include allergy nasal spray, head lice treatment, eczema cream, pain relieving gel, etc.

The UK Code of Broadcast Advertising expressly prohibits medical treatments from appearing in teleshopping ads (BCAP 11.12.3). For the purposes of this rule, medical treatments include medicinal products and medical devices.

Medical devices can be advertised for sale on TV indirectly via high street retail outlets, although this approach will constitute conventional ‘spot’ advertising and not teleshopping.

In the EU, all medical devices must be identified with the CE mark that indicates compliance with EU legislation.

CE marking is an indication that the device is fit for its intended purpose and, if required, has been independently assessed by a Notified Body. You cannot make a health claim on behalf of a device unless it has the correct authorisation.

We will also need to review the evidence for any efficacy claims - the CE marking in itself does not guarantee we will approve claims.

References to pain relief are likely to be considered a treatment claim for a health condition.

Presentations or statements by medical professionals such as doctors, nurses, etc. are acceptable for medical devices but **not** for medicinal products.

Recommendations or presentations by a person well known in public life, sport or entertainment, etc. are acceptable for medical devices but **not** medicinal products.



PRICE STATEMENTS AND REFERENCES TO 'FREE'

Teleshopping by definition means direct offers broadcast to the public with a view to supplying goods or services in return for payment. Direct offers must include all the material information which the average consumer needs to take an informed transactional decision, including the product and delivery prices.

Price statements in ads should take into account the Department for Business, Innovation and Skills (BIS) Pricing Practices Guide (PPG) and The Consumer Protection from Unfair Trading Regulations 2008. They must not mislead by omission, undue emphasis or distortion, and must relate to the product or service depicted in the ad.

Ads that quote instalment costs need to state the total price of the advertised product or service and the instalment frequency as prominently as the cost of individual instalments:

3 PAYMENTS OF

£9.99

OR 1 PAYMENT OF £29.97 PLUS P&P

Incorrect

**3 PAYMENTS OF £9.99
OR 1 PAYMENT OF
£29.97 PLUS £2.99 P&P**

Correct

If you make price comparisons, you should be able to show that any claims you make are accurate and valid.

A comparison with your own previous price should in general be with your immediately previous price for the product and should not be made with prices last offered more than six months ago.

If your comparison is made on a basis which differs on any point from the PPG you should make the basis of the comparison explicit, so far as it differs. It should set out clearly what comparison is being made.

For price comparisons, the previous higher price, as well as the actual price you intend to charge for the product, is likely to be material information that will need to be included in the ad.

If you make statements like "sale price £5" or "reduced to £39" you should quote the previous higher price.

Comparisons described by words like 'regular price', 'usual price' or 'normal price', which do not say whose regular, usual or normal price it is should not be used.

Now £19.99. Save £5.

Incorrect

Was £25. Now £19.99. Save £5.

Correct

**Save £5 off the normal price.
Now £19.99**

Incorrect

**Save £5 off our normal price
Was £25. Now £19.99.**

Correct

**Regular price £25
Now £19.99
(Previous price not applied
on TV)**

Incorrect

**Our regular price £25
Now £19.99
(Previous price applied online
at www.xxxxxx.co.uk)**

Correct

A previous price used as a reference price to make a comparison should be a genuine retail price. A genuine reference price has a number of facets to it which may include the following:

- you might reasonably expect to sell a significant number of the goods at that price
- a significant quantity of the goods were placed on sale at that price
- the goods were offered for sale at that price for a period at least sufficient to be a genuine offer of sale (normally 28 days)

Free premiums (free items bundled with a product) are a common feature of teleshopping and are acceptable in theory providing you can show that the price of the paid-for item has not been increased to recover the cost of the free item.

The free item must be genuinely separate from and additional to the item that the customer is required to buy. If the paid-for item is normally sold for the same price but without the free item, then the reference to 'free' is likely to be considered genuine. Acceptable alternatives to 'free' are 'bonus' and 'at no additional cost'.

References to 'value' or 'worth' must only be used when the item in question has a genuine, stand-alone price that has been established for at least 28 days in the past 6 months.

COPY DEVELOPMENT CASE STUDY: CHOLCLEAR

Clearcast offers a range of premium services that can provide essential support for teleshopping advertisers.

Copy Development offers the opportunity for advertisers to submit proposed claims and substantiation, in advance of formal script submission, to determine whether they will be acceptable. It can be very useful to establish this before committing to a full length teleshopping show. It enables advertisers to move forward with production knowing the claims that they are basing the show around are acceptable.

Teleshopping advertiser High Street TV submitted their proposed claims for a product called 'Cholclear' which is designed to reduce cholesterol. They provided full nutritional details for the product and a proposed protocol for a consumer study that they planned to carry out.

Our Copy Development Manager passed this material to our nutrition consultant and she returned a report detailing which claims were acceptable, which were acceptable with amendments and which were not acceptable.

She provided helpful advice on what other information the advertiser would need to provide before claims could be accepted. She also gave guidance on the proposed study to ensure that it would be carried out to the required standard, thus producing results that would be valid and acceptable to Clearcast.

A consumer study is expensive so High Street TV wanted to know that they were doing it the right way before investing their money in it.

Because High Street TV was given advice on the wording of their claims, superimposed text, and on the robustness of their substantiation, they knew exactly how to approach the development of their ad.

All of this work was very helpful to them when they submitted their ad for clearance with the Clearcast teleshopping team. The advice High Street TV had been given was clearly documented, so the teleshopping clearance team were able to speed up the process – with claims ironed out in advance it meant there were fewer issues to consider.

Here's what they think:

'Copy Development has proved to be an invaluable tool for us when developing in-house productions, allowing us to gain expert advice on more complex clearance topics such as cosmetics and nutritionals in advance of production. We now use this service on a regular basis, to obtain advice on testing requirements, which helps to ensure our own productions operate smoothly.'

Donna Crossland
General Manager | Sales & Marketing
High Street TV Group

HAPPY TO HELP

MEET THE CONSULTANT

We sometimes have to refer evidence in support of claims to expert consultants in order to clear them for broadcast with confidence.

On occasion it can be helpful to meet the consultants directly and therefore we organise either specially scheduled or ad hoc meetings in selected product categories, such as cosmetics, nutrition and medicine.

While we can't clear specific scripts or claims at these meetings, they provide a chance to talk through issues, discuss the pitfalls of particular creative ideas and gain a better understanding of evidence required to justify claims.

For more information contact meettheconsultants@clearcast.co.uk or see our website: <http://bit.ly/1PzrmFN>

FORMATS

Longform teleshopping airtime is usually sold on a monthly basis with slots of half hour duration, but what if you have ads of different durations?

The answer is quite simple – you can run the same ad back to back. We have seen cases of advertisers running a 5 minute ad repeatedly throughout 30 minutes.

A duration that is frequently used in the US is 28.5 minutes—with that you can place a 90 second shortform ad at the end, provided both are submitted under the umbrella of one clock number and the shortform ad is also teleshopping.

We've also had several advertisers showcasing their products through a string of 4.5 minute scripts that were then combined into half hour ads, offering the advertiser the flexibility of moving products between the longform clocks to see which product mix was the most popular.

This approach is not very straightforward, however if you work closely with our team and follow the advice, it makes the longform format accessible to advertisers who may have not considered this medium before.

SUBMITTING TEleshopping ADS INTO COPYCENTRAL



CopyCentral is our next generation copy clearance workflow system, built from the ground up to improve on the functionality and layout of our previous system.

The cornerstone of the teleshopping industry is the 30 minute longform ad. We used to have difficulty accepting these large files, needing agencies to either send us a DVD or a file transfer for download. With CopyCentral that's no longer the case; the system is designed to accept large files.

This new functionality will make it a lot easier to submit longform ads quickly for approval.

We think the system is fairly intuitive and the feedback we've had from agencies has been positive. Agencies love the ability to upload broadcast quality videos, which means the end of producing lower resolution versions for Clearcast. It's also much easier to track how a submission is progressing with the new feedback channel.

We have developed a website to help users navigate and quickly get to grips with the system. Please visit: help.clearcast.co.uk

All of the information you need is located there, including the user guide, FAQs and how to log in and reset your password. If you find there isn't an answer to your question please contact help@clearcast.co.uk.

We know from experience that teleshopping agencies will be using the system more towards the end of each month. This is to get new copy out that has been previously approved but may now just have a new telephone number or a minor Call To Action amendment. In view of this there is likely to be some repetition of data with similar previously approved edits. CopyCentral has tools to help with this.

On the next page there are some of the most frequently asked questions about the system which you may find helpful.

I have many similar edits with lots of artist, advertiser or music information. Do I have to enter it into every submission?

CopyCentral has a submission copy feature that will save you entering the same information on all of the submissions you are creating.

First, create one submission and make sure you have entered all of the information onto it.

Once complete, go into the submission and on the "Details" tab click the Action button and select "New Copy". This will create a copy of the original submission. If this was a Video submission with a TVC, once you upload the video or check the "Record information without a file" box, the TVC Details section will also display the information entered into the first submission.

I need to enter a list of artists in the visual and/or voice-over artists fields. Do I have to enter these one by one?

From within the submission you can enter these in the field one by one. However if you have a list of these you can copy and paste this list straight into the field. The list should have the different artists separated by a comma e.g. Father Christmas, Tooth Fairy, Easter Bunny.

When I enter my clock why does it warn me that the format is wrong?

CopyCentral checks the format of a clock number when you enter it and will not let you submit with an invalid format. The format required depends on the submission type.

For shortform submissions the format is (where AAA is your agency code): [AAA/BBBB123/456](#)

For longform submissions the format is: [AAA/BBBB12/3456](#)

As you get used to the system you'll find other new functionality, like the ability to grant access to some submissions to trafficking agencies or post houses. This is an important function for many smaller teleshopping agencies that rely on these post houses to produce or traffic their ads for broadcast.

If you think there is something that we could do to further improve the system let us know and we'll take on board your feedback and build it into future releases.

GLOSSARY

BCAP Code

The UK Code of Broadcast Advertising

BIS PPG

The Department for Business, Innovation and Skills Pricing Practices Guide.

Clocked ad

Final version of ad intended to be broadcast with a unique ID (clock), consisting of 15 characters.

CopyCentral

Our bespoke online ad submission system.

Duration – Shortform

The term used for teleshopping ads up to 5 minutes long.

Duration – Longform

The term used for teleshopping ads over 5 minutes long.

EU Register of Nutrition and Health Claims

The list of approved nutrition and health claims and their conditions for use.

Ofcom

Independent regulator and competition authority for the UK communications industries.

Scheduling Restriction

A restriction applied when an ad can be shown at any time of the day, but may not be shown in programmes with certain audiences (generally under-16s or under-18s).

Superimposed Text

This usually refers to the ‘small print’ in ads, used to qualify claims being made in the main body copy. Also known as ‘legals’ or ‘supers’.

USEFUL LINKS

The BCAP Code

cap.org.uk/Advertising-Codes/Broadcast.aspx

Our Notes of Guidance on the BCAP code

kb.clearcast.co.uk/wiki/27/notes-of-guidance

Help Notes provided by CAP and BCAP

cap.org.uk/Advice-Training-on-the-rules/Help-Notes.aspx

The Clearcast Knowledge Base

kb.clearcast.co.uk

CopyCentral

copycentral.co.uk

Our Copy Development service

www.clearcast.co.uk/what-we-do/copy-development-pitching/copy-development/

Our TV Admin service

www.clearcast.co.uk/what-we-do/tv-admin-editing/tv-admin/

EU Register of Nutrition and Health Claims

ec.europa.eu/nuhclaims/

The BIS Pricing Practices Guide

www.gov.uk/government/publications/pricing-practices-a-guide-for-traders

The Consumer Protection from Unfair Trading Regulations 2008

legislation.gov.uk/uksi/2008/1277/contents/made



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