



## **ETHICAL GUIDELINES FOR ADVERTISING AND CHILDREN**

***European Association of Communications Agencies***

*<http://www.eaca.be>*

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*The issue of advertising and children has been discussed intensely in recent years. In 1997, when passing the Green Paper on Commercial Communication, setting out to liberalise commercial communication in the European Internal Market, the European Parliament asked for more data on children and TV advertising. Industry surveys show that national rules vary extensively in Europe, although every EU market with a functioning self-regulatory system is following the ICC Codes of Practice.*

*The small number of real consumer complaints, as indicated in statistics from the European Advertising Standards Alliance, suggests that consumers do not see Children and Advertising as a major source of concern. However, the debate in the media and political circles continues to be active. Consequently EAAA wishes to ensure that the existing codes and regulations are fully understood in clear terms and in the same manner across all European markets.*

*This document does not offer any new codes, but, for educational purposes, explains how the EU Policy & Legal Committee, as well as the Executive Board of EAAA, have interpreted the guidelines already in place.*

*These guidelines will be updated regularly to keep pace with market changes, in particular with the growth in Interactive advertising and the development of digital TV.*

*Brussels December, 1999*



## ETHICAL GUIDELINES FOR ADVERTISING TO CHILDREN

### INTRODUCTION

The EAAA acknowledges the need to recognise:

- a) The special sensitivities involved in communicating to children
- b) The various stages of development the child undergoes in its social environment
- c) The lack of experience the child has and its limited capacity to assess the credibility of messages it receives from the media
- d) The importance for caution when appealing to the imaginative capabilities of younger children
- e) The decisive roles of parents and their responsibility in the upbringing of their children and
- f) The reality that advertising plays a natural and integral part of any child's intellectual growth and the need to ensure that children understand the reality of the world in which they live.

Therefore, the Executive Board of the European Association of Advertising Agencies has prepared the following guidelines for use by its Members when advertising to children, to encourage a greater sensitivity and understanding among agency employees, now and in the future.

These guidelines acknowledge that differences may exist in the maturity of minors in the different regions covered by the European Association of Advertising Agencies EAAA. The emphasis on these Guidelines is towards pre-teens but care should be taken when dealing with younger teenagers, too.

### DEFINITIONS

**MINORS** People below the voting age, in general 17 years and under.

**CHILDREN** In general, people of 12 years or less, i.e. pre-teens\*

**ADVERTISING** Any commercial communication for products or services, with a wide view being taken as to medium and methodology.

### 1. LEGAL REQUIREMENTS

1.1 All advertising - whether to children or not - must be legal, decent, honest and truthful. Advertising must follow, to the letter and in spirit, the ICC International Code of Advertising Practices and the ICC Revised Guidelines on Advertising and Marketing in the Internet.

1.2 Advertising must abide by any codes, regulations and guidelines agreed locally in a particular country or region.

### 2. THE ETHICAL PRINCIPLES

2.1 Advertising to children must be clearly differentiated from programme or editorial content in any medium;

2.2 Advertisers must adopt language, visuals and symbols that are comprehensible to the recipients, avoiding promises that could create unreasonable expectations regarding product quality, performance and price.

2.3 Advertisers should use the opportunity where possible to create an ambience of positive social behaviour, including friendship, tolerance,

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\* This age limit is chosen for practical reasons and does not reflect any scientifically proven 'barrier' set at this age



generosity and respects for others, in particular avoiding stereotyping or appeals to prejudice;

### **3. SELF-REGULATION**

3.1 The EAAA assumes that all its members, nationally as well as on a European cross-border level, actively support the existing self-regulatory bodies;

3.2 As pre-condition for functioning Self-Regulation is internal information and training. The EAAA member agencies are expected to actively disseminate the ethical principles of these guidelines to employees, both present and future.

### **4. GUIDELINES WHEN PLANNING AND PREPARING ADVERTISING TO CHILDREN**

4.1 Advertisers should take great care in assessing the level of knowledge, sophistication and maturity of the intended audience. In particular great care should be taken when communicating with younger children who may have a lack of ability to comprehend the purpose of advertising and differentiate between it and non-advertising messages;

4.2 Advertisers should ensure that the language and manner of any advertisement is easily understood by those children for whom it is intended;

4.3 Advertisers should not exploit the lively imagination of children and their use of make-believe, by creating communications that take unfair advantage of their commercial innocence;

4.4 Advertisers should not portray unsociable or stereotyped behaviour; every opportunity should be taken to promote such attributes as friendship, kindness, honesty, justice, generosity and the like. Care should be taken to avoid any suggestion of bullying, vindictiveness, cruelty or behaviour involving undesirable body language or other anti-social gestures;

4.5 Advertisers should take great care to avoid any inference of or endorsement for discrimination based on race, religion or sex.

4.6 Advertising should not unfairly imitate programme or editorial content so as to confuse children as to what is advertising and what is not; where there is danger of this there should be clear statement marking it as an advertisement;

4.7 Advertisements should not portray violence or aggression, nor contain menacing or horrific elements likely to disturb children;

4.8 Advertisements should be rigorous in depicting proper behaviour and must avoid suggesting any activity that would be unsafe for children;

4.9 Advertisements should not suggest any feeling of inferiority or unsociability for not buying the product or service;

4.10 Children should not appear in any hazardous situation or be depicted behaving dangerously or irresponsibly (except in public service advertising where a problem is being addressed); children should not appear in street scene without supervision unless they appear old enough to take care of themselves; care should be taken not to place them in the context of potentially dangerous situations as with fire, matches, petrol, electrical appliances, inappropriate medicines or household substances; they must not be seen to operate vehicles, farm machinery, unsuitable electrical appliances and the like;

4.11 Advertisements must not play on children's potential to pester their parents to make a purchase;

4.12 Where price is mentioned or suggested, a clear and complete price for the product or service must be given, any additional items offered must be clearly defined; there must be no appeal to excessive purchasing;

4.13 If additional items are needed, such as batteries, this should be clearly communicated;

4.14 A product that is part of a series should be placed in the context of that series;



4.15 Advertising should not exaggerate what is attainable by a child with the product or service;

4.16 No appeal to a charity should be unfairly used to pressurise children or create a feeling of guilt in them;

## **5. GUIDELINES FOR PROMOTIONS AND ANCILLARY COMMUNICATIONS**

5.1 Advertising promotions should adopt the above Guidelines and in addition should take care over certain other concerns, as per below;

5.2 Promotions should make all requirements clear and simple and not create conflict between child and parent; this applies in particular to concert tickets, holidays, in-school benefits (e.g. computers) animals, bicycles and the like;

5.3 Promotions should not exaggerate the value of prizes nor the possibilities of winning a competition or draw;

5.4 Promotions should clearly identify any proof of purchase needed to participate; care should be taken not to make such demands excessive;

5.5 Mail-order and other catalogues should clearly distinguish between children's products and those not suitable for children;

5.6 No attempt must be made to sell or supply an item or service that would be of moral or physical danger to children;

5.7 No product or service should be promoted to children that is unsuitable for them;

5.8 Care must be taken that offers are not ambiguous or likely to mislead children about true size, value, durability, nature, price or performance.

## **6. DEALING WITH THE NEW INTERACTIVE MEDIA**

The rapid evolution of Internet and website activity and the ease with which children can access such terminals is a matter of grave concern for parent and legislators; this concern is shared by the EAAA.

Advertisers are asked to take special care in implementing the above Principles and Guidelines when preparing and operating such sites. The gullibility of children and the potential for children to access sites without parental supervision, is a reality and abuse of this situation could lead to stringent and inhibiting legislation. This can be best prevented by showing a strong moral and practical responsibility in all New Media advertising. The EAAA strongly recommends that site-owners should create a system of identification that allows for parents to know, at the least, that a site operates within these Guidelines.

The EAAA is committed to tackle these problems actively, as part of the industry's tripartite planning functions, in the near future. Any interactive site should take particular care not to lull children into any false or unfair situation.

## **7. DATA COLLECTION**

There are clear laws laid down in EU Directive, particularly Directive 95/46/EC of the European Parliament and Council on the protection of individuals with regard to the processing of personal data and the free movement of information from data bases.

Children may not understand the nature of information being sought from them over the Internet or through questionnaires and its intended use. The solicitation of personal data triggers privacy and security issues.

The following broad guidelines are suggested, along with the recommendations in Sections 1 – 5, above. Before asking children for information about themselves or others, advertisers should remind children to ask a parent for permission to



answer the information gathering questions (e.g. 'You must ask your Mom or Dad if you can answer these questions');

7.1 The advertiser should disclose, in language easily understood by a child, why the information is being requested (e.g. 'We'll use your name and e-mail to enter you in this contest and also add it to our mailing list') and whether the information is intended to be shared, sold or distributed outside of the collecting advertiser company. Reasonable efforts should be made to offer parents the opportunity to exercise choice and control;

7.2 If information is collected from children through passive means (e.g. navigational tracking tools, browser files, etc.) this should be disclosed to the child and the parent along with what information is being collected;

7.3 Advertisers to children who collect identifiable information online should make reasonable efforts, in light of the latest available technology, to ensure that parental permission is obtained;

7.4 Even if a child is asked to register at a site using his or her full name, advertisers should encourage the child to use a 'screen name' (e.g. 'Bookworm', 'skater', etc.), first name, initials, or other alternatives to full names for any activities which will involve public posting;

7.5 If the information is optional, and not required to engage in an activity, that fact should be clearly disclosed in language easily understood by a child (e.g. 'tell us your name if you want to' or 'you don't have to answer to play the game'). The advertiser should clearly disclose what use it will make of this information, if provided, as in point 2 above;

7.6 Since e-mail addresses can be used to learn other, personally identifiable information about the owner, e-mail addresses should be solicited on secure sites, when available. If a secure site is not yet available, an advertiser who solicits an e-mail address from a child should make every reasonable efforts in light of the latest available

technology, to ensure that parental permission is obtained;

7.7 The interactivity of the medium offers the opportunity to communicate with children through electronic mail. While this is part of the appeal of the medium, it creates the potential for a child to receive unmanageable amounts of unsolicited e-mail. If an advertiser communicates with a child by e-mail, there should be an opportunity with each mailing for the child or parent to choose by return e-mail to discontinue receiving mailings.

## 8. ADVERTISING IN SCHOOLS

There are different attitudes to and rules about advertising in schools in the various countries of the EU.

Advertisers are recommended to make themselves familiar with the regulations that apply in their own country, the local EAAA Member will be able to help with this.

In general the need for extra sensitivity must be stressed.

The EAAA in co-operation with other parties to the advertising industry is studying this aspect of communications and will present its findings later.

The key principle to adhere to is that the final decision-maker regarding material fit for use in schools are the school principals themselves. The best advice to any agency required to produce material to be used in the educational system is to co-operate closely with relevant authorities.

## 9. RESEARCH

It is essential in all advertising planning to work from a basis of solid consumer data.

There are special problems relating to researching children and the EAAA asks all Members to ensure that all research programmes should relate closely to the issues raised in this document.



## 10. INFORMATION

The EAAA is a founding member of the Advertising & Education Forum (address to come). Part of the services of this organization is to impartially collect and provide academic and

other research related to advertising and children & minors.

All member agencies are recommended to make active use of available research in order to understand the special considerations related to children & minors in advertising.