

SECTION 7: CHILDREN (November 2004 - 30 June 2007)

Background:

- (1) The ASA and BCAP are required to have special concern for the protection of children. The ASA and BCAP regard people of 15 and under as children.*
- (2) The rules in this Section can and should be applied flexibly, taking into account the vulnerabilities and capabilities of both the target age groups and other age groups which might see the advertising.*
- (3) Emulation, Fears and Misunderstandings is an ITC-commissioned independent review of research into the potential for television advertising to distress or harm children and into children's ability to understand the commercial objectives of advertising at different developmental stages.*

7.1 MISLEADING ADVERTISING AND CHILDREN

7.1.1 Children's inexperience

Advertising must not take advantage of children's inexperience or their natural credulity and sense of loyalty

Notes:

- (1) The rules in this Section should be read in conjunction with those in Section 5 (Misleading Advertising).*
- (2) Children often buy products whose advertising reflects their appeal to a wider audience (for example, snacks or computer games). For the purposes of this Code, the term 'product of interest to children' describes this wider category of products or services. 'Children's product' means a product of more or less exclusive interest to children.*

7.1.2 Unrealistic expectations

Advertisements for products of interest to children must take account of the level of experience of those in the relevant age groups so as to avoid arousing unrealistic expectations

Notes:

- (1) This rule is not relevant if the advertising is only broadcast when those children are unlikely to be watching. (For example, a commercial for a video game broadcast during a late-night film.)*
 - (2) Children's ability to distinguish between straightforward product demonstrations and imaginative scenes varies with age and the two elements should normally be clearly distinguishable to the relevant age groups. ('Imaginative scenes' include, for example, fantasy sequences and shots of the real-life counterparts of toys such as dolls or model trains.)*
 - (3) Children under four typically have little ability to distinguish between imaginative scenes and reality. Those over about 12 generally have adult skills in this area.*
 - (4) Verbal or visual ambiguity which could mislead children must be avoided.*
- Slogans and comments*

which adults will recognise as exaggeration or irony may be taken more literally by children. Care is therefore needed.

(5) Backgrounds, sets and special effects must not give the impression that a product includes more, or does more, than is the case.

(6) Quick cuts, unusual camera angles etc may confuse very young children.

(7) Where accessories to a children's product cost a significant amount, there should normally be no suggestion that they are essential for the enjoyment of the basic product.

(8) The chances of winning a prize, and the value of it, must not be exaggerated, bearing in mind the age and sophistication of the relevant age groups. Licensees should examine the rules of competitions etc to ensure they are reflected fairly in advertising.

7.1.3 Product characteristics

If advertisements for products of interest to children show or refer to characteristics which might influence a child's choice, those characteristics must be easy for children of the appropriate age to judge

Notes:

(1) This rule is not relevant if the advertising is only broadcast when such children are unlikely to be watching.

(2) If a child might reasonably expect particular parts or accessories to be included with a product but they are supplied separately, this must be made clear. If essential parts (such as batteries) are not included, this should also be explained.

(3) Demonstrations of toys etc should normally reflect accurately what a child would experience when using them. In particular, if a toy is shown moving, it should be clear whether it can move independently or must be hand operated. Where construction or kit toys are being demonstrated, it is acceptable to show the toys apparently assembling themselves without human help. However, if there is ambiguity about what the product can really do, it may also be necessary to show how the product is really put together.

(4) Where the size of toys etc may be a relevant factor, the actual size must be made easy to judge. This is often done by comparison with a familiar object of unambiguous size. The comparison must not be distorted by, for example, perspective.

(5) The speed of toy cars etc must not be exaggerated by, for example, the use of close-ups.

(6) The rule also applies to free promotional items and premium items. Where proofs of purchase are necessary, advertising should normally explain the number and type required.

7.1.4 Expensive toys

Except in the case of television services carrying advertising directed exclusively at non-UK audiences, advertisements for expensive toys, games and comparable children's products must include an indication of their price

Notes:

(1) For this purpose, a product will not be regarded as 'expensive' if it, plus any essential accessories, are reasonably widely available at a retail price below a figure specified by ASA and BCAP. (At September 2002, this was £25 but is subject to change.)

(2) Where a range of products is featured in an advertisement, only the most expensive item need be priced.

(3) Where it is impossible to show a precise cost, because retail prices are likely to vary, an approximation is acceptable so long as it is presented as simply indicative. For example, 'Around £x' or 'Costs between £y and £z'.

7.1.5 Prices

Where advertising for a children's product contains a price, the cost must not be minimised by the use of words such as 'only' or 'just'

7.2 PRESSURE TO PURCHASE

7.2.1 Direct exhortation

Advertisements must not directly advise or ask children to buy or to ask their parents or others to make enquiries or purchases

7.2.2 Unfair pressure

Advertisements must not imply that children will be inferior to others, disloyal or will have let someone down, if they or their family do not use a particular product or service

7.2.3 Children as presenters

Children in advertisements must not comment on product or service characteristics in which children their age would not usually be interested

7.2.4 Direct response

Advertisements which offer to sell products or services by mail, telephone, email, internet or other interactive electronic media must not be aimed at children

7.3 HARM AND DISTRESS

7.3.1 Mental harm

Advertisements must not contain material which could lead to social, moral or psychological harm to children

Note:

Negative or anti-social attitudes reflected in commercials may endorse similar attitudes amongst children. For example, advertisements should not:

(a) present criminal activities in a way which is likely to condone comparable behaviour in real life. (Scenarios which are clearly comedy or drama do not generally cause problems.)

(b) disparage education, high personal standards or caring qualities

(c) appear to condone boorish, greedy or anti-social behaviour

(d) present aggression as admirable or suggest it is an acceptable means of resolving problems or getting one's own way in real life.

7.3.2 Physical harm

Advertisements must not contain material which could lead to physical harm to children

Notes:

This guidance indicates particular areas of risk but is not exhaustive.

(1) *Harmful emulation: Children sometimes copy dangerous or anti-social behaviour shown in advertisements. Experience and research have indicated that the following can be contributory factors:*

a) *the behaviour is easy to copy (ie without special preparations)*

b) *the scenario seems realistic rather than fantasy; live action rather than cartoon*

c) *the behaviour and the hero are 'cool'*

d) *the product or advertising appeals to the relevant age groups.*

Even if no children appear in an advertisement, it may be possible for examples set by adults to encourage or condone dangerous or anti-social behaviour by children.

Experience has also shown that even advertisements with no obvious youth appeal can trigger emulation if the action itself is particularly intriguing. Care should be taken that dangerous behaviour will not be seen as a challenge or dare.

Licensees should balance the risk of the behaviour (or similar actions) actually being copied by children against how serious the consequences could be if there was emulation. Clearly, the less serious the potential consequences, the more leeway is available. For further information see [Copycat Kids?](#) an ITC-commissioned report on research into emulation risks.

(2) *Safety: Advertisements must not encourage or condone potentially dangerous behaviour and should not discourage children from following established safety guidelines. The advice of relevant safety organisations should be sought where there is doubt.*

Particular care should be taken with:

a) *road safety for children as pedestrians, cyclists or passengers*

b) *domestic situations (where most accidents happen)*

c) *medicines and chemicals, or items which could be mistaken for them*

d) *dangerous machinery, fire, matches etc. (Because children may be particularly attracted to what other children are seen doing in commercials, they should not normally be shown using products which are not intended for them and which can be dangerous.)*

e) *playing in or near water, or digging 'caves' in sand dunes etc. (Children have died when caves have collapsed.)*

(3) *Clubs: Licensees should normally obtain satisfactory evidence that children's clubs promoted in advertising are responsibly supervised.*

7.3.3 Bullying

Advertisements must not encourage or condone bullying

Notes:

(1) Except in appropriate charity or public service advertising, advertisements should not normally show scenes of bullying, taunting or teasing, or of children being ostracised or criticised behind their backs.

(2) Care is needed with stereotypes of children to avoid the risk of bullying. Children who are 'different' physically or in behaviour, ability or background must not be presented as unpopular or unsuccessful. Nor should they normally be presented as non-users of a product or service or unworthy of it. However, even if an advertisement portrays only adults being stereotyped, an ill-judged stereotype could still be harmful to children (for example, by encouraging bullying).

7.3.4 Vulnerability

Advertisements must neither encourage children to go off alone or with strangers nor show them doing so

7.3.5 Sexuality

Advertisements must not portray children in a sexually provocative manner

Note:

Scenes in which children are not fully clothed require careful consideration.

7.3.6 Distress

Advertisements likely to cause distress to children must not be shown in children's programmes, or in programmes likely to be seen by significant numbers of younger children

Notes:

(1) Distress may be caused, particularly to younger children, by frightening material, extreme appeals to the emotions etc. However, there can be cases where a very few children, because of their individual circumstances or experiences, may be upset by material which would not affect the vast majority of children. In those cases, the ASA and BCAP would not be justified in taking action. Experience has shown that children up to four years can be upset if their feelings of security are undermined by, for example, the use of 'morphing' (computer effects) to distort real human faces grotesquely. Young children often sit close to the screen and this can magnify the impact of disturbing material.

Some children up to about ten years old may also be distressed by, for example, aggression or inter-personal violence which seems 'real'.

(2) Advertisements likely to distress children will require timing restrictions whether or not the campaign is intended for a young audience. (See 7.3.7)

7.3.7 Use of scheduling restrictions

Appropriate timing restrictions must be applied to advertisements which might harm or distress children of particular ages or which are otherwise unsuitable for them

Notes:

(1) Please also see the BCAP Rules on the Scheduling of Advertising.

(2) The following advice reflects decisions and guidance derived from past cases including those previously published in Ofcom Advertising Complaints Reports.

The ASA and BCAP distinguish between two kinds of advertising problem in this area:

- *Inappropriate advertising* – advertising which is regarded as relatively harmless but would be considered inappropriate by many parents in either children’s programmes or family viewing time
- *Harmful advertising* – advertising (rarely encountered) which could be a direct harmful influence on children or teenagers, or could be seriously distressing to younger children.

Inappropriate advertising

The ASA and BCAP believe that parents should feel confident that they can allow even the youngest children to watch, unaccompanied, programmes made specifically for children. Excluding advertising from breaks in or around these programmes, or from children’s channels, is often called an ‘Ex Kids’ restriction. It is a suitable restriction for advertising which is inappropriate for children up to about eight years old (as long as it is not likely to be harmful or distressing to them). Even mildly sexual or aggressive content must be excluded.

If advertising is inappropriate for children over eight, Ex Kids may not be sufficient.

The following may be useful in considering which timing restrictions are appropriate:

- *Inappropriate for children under eight: Consider Ex Kids*
- *Inappropriate for children over eight: Consider further restriction*

Harmful Advertising

When an advertisement has been tested against the rules in 7.3 and a judgement has been made that it could be a harmful influence or could cause distress to particular age groups, a more stringent restriction is required than for advertising which is simply ‘inappropriate’. A restriction which will minimise the chances of those in the relevant age groups seeing the advertising is needed. (Even conscientious parents cannot, in practice, control their children’s viewing of advertising because, unlike programmes which are scheduled, advertisements appear unpredictably.) Once the difficult judgement has been made that there is a significant risk of harm or distress, the choice of an appropriate restriction can be based on children’s and teenagers’ viewing patterns.

In these fairly uncommon cases, the following guidance may be helpful in minimising the chance of the identified age group seeing the advertising:

- *Ex Kids restriction* Will avoid most children up to 4 years old
- *Post 9pm restriction* Will avoid most 5-8 year olds
- *Later restriction (eg post 11pm)* Will avoid most 9-12 year olds

Where a realistic risk of harm to those over 12 years old is perceived, consideration will need to be given to whether the advertising should be shown at all.

Making judgements

In judging the suitability of a timing restriction, the ASA and BCAP will take account of the seriousness of any potential consequences, the realistic likelihood of a problem arising, and the age of the children likely to be affected.

The ASA and BCAP acknowledge that it is not easy to predict the reactions of children of particular ages and recognise that cases must be judged on their individual merits.

Note: Specific Scheduling Restrictions

See the BCAP Rules on the Scheduling of Television Advertisements for mandatory scheduling restrictions which relate to young viewers and which apply to all advertising in the following categories:

- (a) alcoholic drinks and liqueur chocolates*
- (b) condoms*
- (c) lotteries, pools or bingo*
- (d) matches*
- (e) medicines, vitamins or other dietary supplements and including:*
 - 1. advertising in any category in which children are shown having any of these products administered to them*
 - 2. advertising for products which cannot easily be distinguished from a medicine or where the advertising itself could cause such confusion*
- (f) merchandise based on children's programmes*
- (g) personalities or other characters (including puppets etc) who appear regularly in a current or recent children's programme on any UK television channel. Restrictions apply where such characters present or endorse products or services of particular interest to children. (The restrictions do not apply to public service advertisements or to characters specially created for advertisements)*
- (h) religion, faith or systems of belief*
- (i) sanitary protection etc*
- (j) slimming products, treatments or clinics*
- (k) 15- and 18-rated films and videos.*