

# CHILDREN AND YOUNG PEOPLE'S ADVERTISING CODE

## Purpose of the Code

Advertising to children and young people shall adhere to the laws of New Zealand and the Principles and Rules set out in this Code where applicable. All advertising must also comply with the ASA Advertising Standards Code.

This Code recognises the need to protect children pursuant to the United Nation's Convention on the Rights of the Child ("Convention"), particularly Article 3 of the Convention which states, "the best interests of the child shall be a primary consideration", and Article 17(e) which calls for "appropriate Rules for the protection of the child from information and material injurious to his or her well-being."

## Definition of Advertisement

"Advertising and Advertisement(s)" means any message, the content of which is controlled directly or indirectly by the advertiser, expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of those to whom it is addressed.

## Application of the Code

This Code applies to all advertisements that target children or young people, whether contained in children's or young people's media or otherwise. In determining whether this Code is applicable, the Complaints Board will make an evaluation based on context, medium, audience and product or service.

This Code does not apply to product packaging, bona fide news, reviews, editorial and broadcast programmes.

Care should be taken to ensure that the product and style of advertisement is appropriate for the intended audience. The way in which children and young people perceive and react to advertising is influenced by their age, experience and the context in which the message is delivered.

The likely audience (including the media that advertisements are broadcast, printed, or displayed in) is a key factor in determining code compliance.

## Interpreting the Code

In interpreting the Code, emphasis will be placed on compliance with both the principles and the spirit and intention of the Code. The Rules are examples, by no means exhaustive, of how the Principles are to be interpreted and applied. It is possible for advertising to be in breach of one or more of the Principles in the Code without being in breach of a specific Rule. The Complaints Board will have regard to all relevant matters, including the overall impression conveyed, the context and target market.

## Definitions for the purposes of this Code

"**Advertising and Advertisement(s)**" are any message, the content of which is controlled directly or indirectly by the advertiser, expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of those to whom it is addressed.

"**Children**" means all persons below the age of 14 years.

"**Young People**" means all persons who are at least 14 years but under 18 years.

"**Occasional Food and Beverage Products**" are those food and beverage products which are high in fat, salt or sugar and classified under the Food and Beverage Classification System (FBCS) as being intended for occasional consumption. If a particular product is not classified under the FBCS but is comparable or equivalent to a

product which is classified, then it shall be deemed to have the same classification. If a particular product is not classified under the FBCS and is not comparable or equivalent to a product which is classified, then it shall be deemed to be an “Occasional food and beverage product” if it has less than 3.5 stars under the Health Star Rating System.

“**Social Responsibility**” is embodied in the Principles and Rules of the Code and is integral to the consideration of the Complaints Board. Previous decisions of the Complaints Board also guide its determinations, as do generally prevailing community standards.

“**Special Duty of Care**” is a responsibility to ensure advertising is not likely to result in physical, mental or moral harm.

“**Moral Harm**” means harm caused by exposure to indecent, immoral or adult themed visuals and language.

“**Targeting**” is determined by the context of the advertisement and the relationship between the following three criteria;

1. Nature and intended purpose of the product or service being promoted is principally or generally appealing to children or young people.
2. Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is appealing to children or young people.
3. Expected average audience at the time or place the advertisement appears includes a significant proportion of children or young people.

## PRINCIPLE 1: SOCIAL RESPONSIBILITY

**Advertisements targeted at children or young people must not contain anything that is likely to result in their physical, mental or moral harm and must observe a high standard of social responsibility.**

### RULES – ALL ADVERTISING

#### Rule 1 (a) Undue Influence

Advertisements must not urge children or young people to ask their parents, guardians or caregivers to buy particular products for them.

#### Guidelines

Factors that may prompt such requests include;

- Limited number of product / service available
- Limited time for a set price
- Limited time for an additional item ‘for free’

### **Rule 1 (b) Safety**

**Advertisements must not condone, encourage or unreasonably feature behaviour that could be dangerous to copy, unless the purpose of the advertisement is to discourage such behaviour.**

#### **Guidelines**

- Children must not be encouraged to enter into unsafe situations or strange places or talk to strangers, including, for example, for the purpose of making collections or accumulating labels, wrappers or coupons.
- Children must not be shown using or in close proximity to dangerous substances or equipment without direct adult supervision. Examples include matches, petrol, gas, medicines and potentially dangerous household substances and electrical appliances and machinery.

### **Rule 1 (c) Anti-social behaviour**

**Advertisements must not condone, encourage or unreasonably feature anti-social behaviour, for example vindictiveness or bullying, unless the purpose of the advertisement is to discourage such behaviour.**

#### **Guidelines**

- This includes violence, aggression, bullying or horrific elements that may disturb children or young people.

### **Rule 1 (d) Peer Pressure**

**Advertisements must not suggest inferiority or lack of acceptance for not having the advertised product.**

#### **Guidelines**

### **Rule 1 (e) Body Image**

**Advertising must not provide an unrealistic sense of body image or promote an unhealthy lifestyle.**

#### **Guidelines**

- This includes denigration of healthy diets or lifestyles.

### **Rule 1 (f) Sexual appeal and imagery**

**Advertising must not employ sexual appeal nor include sexual imagery.**

#### **Guidelines**

- Children or young people must not be portrayed as sexual beings nor that ownership or enjoyment of a product will enhance their sexuality.
- Images and themes used in advertisements to children or young people must be age-appropriate.

**Rule 1 (g) Sales promotion schemes**

Guidelines

**Use of sales promotion schemes must be undertaken in a responsible manner.**

- Certain gambling activity is restricted by law. Advertisers should consult the relevant legislation prior to undertaking any form of promotion that may be considered to be ‘gambling’. Gambling Act 2003 and Department of Internal Affairs.
- Where permitted, responsible sales promotion schemes may include a product for purchase and / or consumption, providing the amount is age-appropriate.

**Rule 1 (h) Licensed and proprietary characters and celebrities**

Guidelines

**When licensed and proprietary characters and celebrities popular with children or young people are used in advertisements, they must be used in a responsible manner.**

- Licensed and proprietary characters and celebrities popular with children or young people may present factual statements about nutrition, physical activity, safety or education.

**RULES – FOOD AND BEVERAGE ADVERTISEMENTS**

**Rule 1 (i) Targeting children**

Guidelines

**Advertisements (including sponsorship advertisements) for occasional food or beverage products must not target children or be placed in any media where children are likely to be a significant proportion of the expected average audience.**

- Advertisers need to demonstrate that care is taken when evaluating the expected average audience composition prior to the placement of occasional food or beverage advertisements to ensure they are not targeted at children.
- Measures to determine if children are likely to be a ‘significant proportion’ of the expected average audience may include one or a combination of the following;
  - Where accurate data exists, 25% or more of the expected audience will be children.
  - Child viewing time zones.
  - Content with significant appeal to children such as programmes, artists, playlists, video, movies, and magazines.
  - Locations where children gather (e.g. schools, school grounds, pre-school centres, playgrounds, family and child clinics and paediatric services and during any children’s sporting and cultural events).

**Rule 1 (j) Targeting young people**

A special duty of care must be applied to occasional food and beverage product advertising to young people.

Guidelines

- Advertisements must not state or imply that such products are suitable for frequent or daily consumption. Where possible, healthy or better-for-you options should be promoted.

**Rule 1 (k) Portion Size**

The quantity of the food in the advertisement should not exceed portion sizes that would be appropriate for consumption on one occasion by a person or persons of the age depicted.

Guidelines

- Refer to the Ministry of Health Food and Nutrition Guidelines for Healthy Children and Young People (Aged 2-18 years).

**Rule 1 (l) Promotional offers**

Advertisements featuring a promotional offer of interest to children or young people which is linked to food and beverage products must avoid creating a sense of urgency or encouraging the purchase of an excessive quantity for irresponsible consumption.

Guidelines

- Advertising for collection-based promotions must not seem to urge children, young people or their parents to buy excessive quantities of food.
- For the avoidance of doubt, there shall be no promotional offers for occasional food and beverage products to children

## PRINCIPLE 2: TRUTHFUL PRESENTATION

Advertisements must not by implication, omission, ambiguity or exaggerated claim mislead or deceive or be likely to mislead or deceive children or young people, abuse their trust or exploit their lack of knowledge.

### RULES – ALL ADVERTISING

**Rule 2 (a) Identification**

It must be clear to children or young people that the advertising is a commercial communication rather than programme content, editorial comment or other non-commercial communication.

Guidelines

- Licensed characters and celebrities popular with children or young people (live or animated) must not obscure the distinction between commercial promotions and programme or editorial content.

### Rule 2 (b) Price

If price is referred to, the complete price must be clear, including the cost of the main item and additional items that must be purchased separately.

#### Guidelines

- Prices must be accurately presented in a way which can be clearly understood by children and must not be minimised by words such as “only” or “just”.
- Advertising must not imply the product being promoted is immediately within the reach of every family budget.
- Any disclaimers, qualifiers or asterisked or footnoted information must be conspicuously displayed and clearly explained.

### Rule 2 (c) Additions and instructions

Advertisements must clearly indicate if assembly or extra items are required to use the advertised product.

#### Guidelines

### Rule 2 (d) Privacy

Extreme care must be taken when requesting or recording the names, addresses and other personal details of children or young people to ensure their privacy rights are fully protected and the information is not used in an inappropriate manner.

#### Guidelines

- If advertising indicates that personal information about a child will be collected, or is likely to be collected, then it must include a statement that a parent or guardian’s verifiable consent is required.
- Advertisers must not require a child to disclose more personal information than is reasonably necessary to participate in an activity (e.g. play a game, enter a contest, etc.).

### Rule 2 (e) Competitions

Where reference is made to a competition, the rules must be clear and the value of prizes and the chances of winning must not be exaggerated.

#### Guidelines

## RULES – FOOD AND BEVERAGE ADVERTISEMENTS

### Rule 2 (f) Health benefits

Advertisements must not mislead as to the potential physical, social or mental health benefits from consumption of the product.

#### Guidelines

- Advertisements must not mislead as to the nutritional value of any food or beverage. This includes products high in fat claiming to be low in sugar or sugar free and products high in sugar claiming to be low fat or fat free.
- Where occasional food and beverage products are advertised to young people, they should not be portrayed in any way that suggests they are beneficial to health.

## PRINCIPLE 3: SPONSORSHIP ADVERTISING

A special duty of care must be exercised for Occasional Food and Beverage Product sponsorship advertising targeted to young people.

### RULES – FOOD AND BEVERAGE ADVERTISEMENTS

#### Rule 3 (a) Inclusion of product

Sponsorship advertisements must not show an occasional food or beverage product, or such product's packaging, or depict the consumption of an occasional food or beverage product.

#### Rule 3 (b) Inclusion of product advertisement

Sponsorship advertisements must not imitate or use any parts of product advertisements for occasional food or beverage products from any media.

#### Guidelines

- Companies or brands can sponsor teams / events / individuals and activities.
- A clear sponsorship association should be made in sponsorship advertising (e.g. proud sponsor of x).
- The focus of a sponsorship advertisement should be on the activity, the team or the sponsored individual.
- These restrictions do not apply to sponsorship advertisements for food and beverage products that are not "occasional food or beverage products".