



CODE FOR ADVERTISING & MARKETING COMMUNICATIONS TO CHILDREN

This Code has been adopted by the Australian Association of National Advertisers (AANA) as part of advertising and marketing self regulation. The object of this Code is to ensure that advertisers and marketers develop and maintain a high sense of social responsibility in advertising and marketing to children in Australia.

This Code is accompanied by a Practice Note which has been developed by the AANA. The Practice Notes provide guidance to advertisers, complainants and the Advertising Standards Board in relation to this Code.

1. DEFINITIONS

In this Code, unless the context otherwise requires:

Advertising or Marketing Communications means:

a. any material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer,

- over which the advertiser or marketer has a reasonable degree of control, and
 - that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct,
- b. but does not include
- labels or packaging for products
 - corporate reports including corporate public affairs messages in press releases and other media statements, annual reports, statements on matters of public policy and the like
 - in the case of broadcast media, any material which promotes a program or programs to be broadcast on that same channel or station.

Advertising or Marketing Communications to Children means Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product. The Board shall have regard to the Practice Note to this Code in determining whether Advertising or Marketing Communications are to children under this definition.

Alcohol Products means products which have some association with alcohol including alcoholic beverages, food products that contain alcohol or other products that are associated in some way with alcohol including in the sense of being branded in that way.

Board means the board appointed by the Advertising Standards Bureau from time to time, the members of which are representative of the community, to administer a public complaints system in relation to Advertising or Marketing Communications.

Children means persons 14 years old or younger and **Child** means a person 14 years old or younger.

Medium means any medium whatsoever including without limitation cinema, internet, outdoor media, print, radio, television, telecommunications, or other direct-to-consumer media including new and emerging technologies.

Premium means anything offered either free, at a reduced price, or with an additional cost and which is conditional upon the purchase of an advertised product.

Prevailing Community Standards means the community standards determined by the Board as those prevailing at the relevant time in relation to Advertising or Marketing Communications to Children. Prevailing Community Standards apply to Section 2 below. The determination by the Board shall have regard to Practice Notes published by AANA and any research conducted by the Advertising Standards Bureau.

Product means goods, services and/or facilities which are targeted toward and have principal appeal to Children.

2. CODE OF PRACTICE

2.1 PREVAILING COMMUNITY STANDARDS

Advertising or Marketing Communications to Children must not contravene Prevailing Community Standards.

2.2 FACTUAL PRESENTATION

Advertising or Marketing Communications to Children:

- (a) must not mislead or deceive Children;
- (b) must not be ambiguous; and
- (c) must accurately represent, in a manner that is clearly understood by Children:
 - (i) the advertised Product;
 - (ii) any features (including the size and performance of the product) which are described or depicted or demonstrated in the Advertising or Marketing Communication;
 - (iii) the need for and the price of any accessory parts; and

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- (iv) that the Advertising or Marketing Communication is in fact a commercial communication rather than program content, editorial comment or other non commercial communication.

(d) Price

- (i) Prices, if mentioned in Advertising or Marketing Communications to Children, 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”;
- (ii) Advertising or Marketing Communications to Children must not imply that the Product being promoted is immediately within the reach of every family budget.

2.3 PLACEMENT

Advertising or Marketing Communications to Children must not be placed in Media where editorial comment or program content, in close proximity to that communication, or directly accessible by Children as a result of the communication, is unsuitable for Children according to Prevailing Community Standards.

2.4 SEXUALISATION

Advertising or Marketing Communications to Children:

- (a) must not employ sexual appeal;
- (b) must not include sexual imagery in contravention of Prevailing Community Standards; and
- (c) must not state or imply that Children are sexual beings and that ownership or enjoyment of a Product will enhance their sexuality.

2.5 SAFETY

Advertising or Marketing Communications to Children:

- (a) must not portray images or events which depict unsafe uses of a Product or unsafe situations which may encourage Children to engage in dangerous activities or create an unrealistic impression in the minds of Children or their parents or carers about safety; and
- (b) must not advertise Products which have been officially declared unsafe or dangerous by an authorised Australian government authority.

2.6 SOCIAL VALUES

Advertising or Marketing Communications to Children:

- (a) must not portray images or events in a way that is unduly frightening or distressing to Children; and
- (b) must not demean any person or group on the basis of ethnicity, nationality, race, gender, age, sexual preference, religion or mental or physical disability.

2.7 PARENTAL AUTHORITY

Advertising or Marketing Communications to Children:

- (a) must not undermine the authority, responsibility or judgment of parents or carers;
- (b) must not contain an appeal to Children to urge their parents, carers or another person to buy a Product for them;
- (c) must not state or imply that a Product makes Children who own or enjoy it superior to their peers; and
- (d) must not state or imply that persons who buy the Product are more generous than those who do not.

2.8 QUALIFYING STATEMENTS

Any disclaimers, qualifiers or asterisked or footnoted information used in Advertising or Marketing Communications to Children must be conspicuously displayed and clearly explained to Children.

2.9 COMPETITIONS

An Advertising or Marketing Communication to Children which includes a competition must:

- (a) contain a summary of the basic rules for the competition;
- (b) clearly include the closing date for entries; and
- (c) make any statements about the chance of winning clear, fair and accurate.

2.10 POPULAR PERSONALITIES

Advertising or Marketing Communications to Children must not use popular personalities or celebrities (live or animated) to endorse, recommend, promote or advertise or market Products or Premiums in a manner that obscures the distinction between commercial promotions and program or editorial content.

2.11 PREMIUMS

Advertising or Marketing Communications to Children, which include or refer to or involve an offer of a Premium:

- (a) must not create a false or misleading impression in the minds of Children about the content of the Product;
- (b) must be presented conspicuously;
- (c) must not create a false or misleading impression in the minds of Children that the product being advertised or marketed is the Premium rather than the Product;
- (d) must not refer to the premium in more than an incidental manner to the advertised product;
- (e) must make the terms of the offer clear as well as any conditions or limitations; and
- (f) must not use Premiums in a way that promotes irresponsible use or excessive consumption of the Product.

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2.12 ALCOHOL

Advertising or Marketing Communications to Children must not be for, or relate in any way to, Alcohol Products or draw any association with companies that supply Alcohol Products.

2.13 PRIVACY

If an Advertising or Marketing Communications indicates that personal information in relation to a Child will be collected, or, if as a result of an Advertising and Marketing Communication, personal information of a Child will or is likely to be collected, then the Advertising or Marketing Communication must include a statement that the Child must obtain a parent or guardian's express consent prior to engaging in any activity that will result in the collection or disclosure of such personal information.

Personal information is information that identifies the child or could identify the child.

2.14 FOOD AND BEVERAGES

- (a) Advertising or Marketing Communications to Children for food or beverages must neither encourage nor promote an inactive lifestyle or unhealthy eating or drinking habits;
- (b) Advertising or Marketing Communications to Children must comply with the AANA Food & Beverages Advertising & Marketing Communications Code.

2.15 AANA CODE OF ETHICS

Advertising or Marketing Communications to Children must comply with the AANA Code of Ethics.

This section does not form part of the Code for Advertising & Marketing Communications to Children and is provided here for information only.

COMPLAINTS UNDER THE AANA SELF REGULATORY SYSTEM

Complaints about the content of an advertisement or marketing communication can be made under this Code and the other AANA Codes to the Advertising Standards Bureau¹.

You can make a complaint by:

- Lodging a complaint online at:
<http://www.adstandards.com.au/process/theprocesssteps/makingacomplaint>
- Writing a letter (and sending via post or fax) to:
The Advertising Standards Bureau
Level 2
97 Northbourne Avenue
TURNER ACT 2612
Fax: (02) 6262 9833

Once the Advertising Standards Bureau has received your complaint, it then assesses the complaint to determine whether it is eligible for consideration by the Advertising Standards Board. The Board is the body established to consider complaints. If accepted the advertiser/marketer is notified and a response is requested. The complaint is then considered by the Board and the advertiser and complainant are advised of the determination. A case report is then published.

The original complainant or advertiser/marketer can also ask for a review of the determination.

¹ If your complaint is about a program (not an advertisement) on television or radio, please contact the relevant industry body.