



CODE OF ADVERTISING AND MARKETING COMMUNICATIONS TO CHILDREN

PRACTICE NOTE

This Practice Note is provided as a guide to interpretation to assist advertisers, their agencies and the community. The interpretations in this Practice Note are based on the AANA's intent in relation to the Code and relevant determinations of the Advertising Standards Board.

This Practice Note must be applied by the Advertising Standards Board in making its determinations. In the event of any ambiguity the provisions of the Code prevail. The Practice Note may be amended by the AANA from time to time.

'DIRECTED PRIMARILY TO CHILDREN'

Advertisements or marketing communications which are "*directed primarily at children*" are subject to this Code. Whether an advertisement or marketing communication is "*directed primarily to children*" is an objective test based on the factors described below.

It is a combination of visual techniques, product and age of characters and actors which will bring marketing communication within the ambit of the Code. The use of any one factor or technique in the absence of others may not necessarily render the marketing communication "*directed primarily to children*". The assessment requires a weighing up of the factors described below and may be informed by evidence of a child psychologist, provided by the complainant or the advertiser.

The application of the definition of "*directed primarily to children*" recognises that particular types of advertising and marketing communications engage and resonate with children in such a way as to bring about a response, reaction and action. The relevant age of the child for these purposes is 14 years old or younger. It is only these advertisements and marketing communications which are subject to the additional restrictions and protections in this Code. It is not the intent of the AANA for this Code to apply to advertising or marketing communication which is directed at adults or older children, or advertising or marketing communication that may be seen by children, but is not directed primarily to them.

The following factors are to provide guidance to the Board in considering whether marketing communication is "*directed primarily to children*".

(1) Primarily

Marketing communication which is aimed in the first instance

at children is subject to the Code. Marketing communication which is directed to parents, adults or grocery buyers is not subject to the restrictions in this Code.

(2) Nature of the product or service

Marketing communication for products which are targeted toward and have principal appeal to children may be included. Products which are enjoyed more generally by adults or families are not included.

Some marketing communications are for products which are of principal appeal to children, however, if the messaging and creative is not also directed primarily to children, the marketing communications do not fall under the Code. Examples are marketing communications for toys or child entertainment which can be enjoyed by children but which are directed to adults or parents to purchase the toy or entertainment.

(3) Theme of the marketing communication

Marketing communications are directed primarily to children if they use children's themes and characters.

Marketing communication which appeals to an adult using imagery reminiscent of childhood may be directed to adults and not to children.

(4) Child's perspective

Stories told through children's eyes and which may include reactions and expressions of the child characters are usually directed primarily to children.

Marketing communications which tell stories from an adult perspective and include images of an adult's reaction or expressions are unlikely to be directed primarily at children, even if children feature in the advertisement or storyline.

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Examples are:

- Marketing communication which features family settings and parents or adults more prominently than the children.
- Marketing communications using images which are shown from the parent’s perspective, i.e. over the shoulder of the parents or adults.

directs a call to action to children using language and visual techniques which are understood by children are most likely directed primarily to children.

If there is a clear call to action to adults, the advertisement or marketing communication may not be directed primarily to children.

(5) The “storyline”

Marketing communication which uses storylines that have a simple uncomplicated plot structure, such as “good against evil”, may be directed primarily to children.

If the advertisement or marketing communication contains complex plot structures or rapid transition between elements of the story, it is unlikely to be directed primarily to children. Marketing communication which includes a layer of complexity and which moves through abstract scenarios are like to be too complex for most children to comprehend and are unlikely to be directed primarily to children.

(6) Visuals

Visuals which appeal to a child’s imagination and sense of play and wonderment may bring a marketing communication within the Code.

Animation is an example of a visual technique that may appeal to children in this way.

However, animation as a visual technique is often used in marketing communication targeting an adult audience and is not necessarily indicative of a marketing communication directed primarily to children. The animated characters used and how they are used, along with the other themes, visuals and music are relevant factors.

(7) Language

Marketing communication which uses language which is appropriate and able to be comprehended by children 14 years old and younger is likely to be directed primarily to children.

Marketing communication which uses language which is adult like, using adult concepts and vernacular is unlikely to capture a child’s attention or engage a child.

(8) Age of actors and characters

Marketing communication which uses actors or characters 14 years old or younger may be directed primarily to children, particularly if they are using a product or service which is targeted toward and of principle appeal to children.

Marketing communication which features children but does not otherwise use themes, visuals or language which is targeted at children may not be directed primarily to children.

(9) Call to action

Marketing communication which speaks to children and