



Children's Advertising Code

PRACTICE NOTE | DECEMBER 2023

Objectives



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 **Ad Standards Community Panel**.

This **Practice Note** must be applied by the Ad Standards Community Panel 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.

'Advertising to Children'



All three criteria will be considered by the **Community Panel** in determining whether or not advertising targets **Children**. The weighting given by the **Community Panel** to each of the three criteria will be determined on a case by case basis.

In the event of a complaint being considered by the **Community Panel**, the advertiser should be in a position to provide details in terms of the nature and intended purpose of the product, the presentation of the advertisement content and the expected average audience at the time or place the advertisement appears.

In relation to the third criteria, 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 data exists, 25% or more of the predicted audience will be **Children**.
In relation to outdoor advertising, if across a campaign the data shows a predicted audience with less than 25% **Children**, and there is a **Children's** event or concert that is incidental to the ad placement, the audience of that incidental **Children's** concert or event will not be captured.

- C&P programs.
- Programs, artists, playlists, video, movies, magazines or other content with significant appeal to **Children** (e.g. featuring personalities or characters popular with **Children**).
- Compliance with the **Outdoor Media Association Placement Policy** and **Health & Wellbeing Policy** which regulate the placement of advertising at primary and secondary schools which are locations where **Children** regularly and predictably gather.

Where accurate program audience data is not available, the **Community Panel** may have regard to other factors listed above such as the program content, the time or the location where the advertisement is being shown (in line with the above provision).

2.1



Advertising to Children must not contravene prevailing community standards, including by promoting products or services unsuitable or hazardous to children or encouraging unsafe practices. **Advertising to Children** that encourages bullying or promotes unhealthy ideal body image may also breach this rule.

2.2



Advertising to Children must accurately represent, in a manner that is clearly understood by **Children**:

- the advertised product or service,
- any features (including the size and performance of the product) which are described, depicted or demonstrated in the Advertising,
- the price,
- the need for and the price of any accessory parts, and
- that the **Advertising** is in fact a commercial communication rather than program content, editorial comment or other non-commercial communication.

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

Prices must not be minimised by words such as “only” or “just”.

Where **Advertising to Children** includes a competition, the rules must be clear and both the value of prizes and the chances of winning must not be exaggerated.

Nothing in section 2.2 is intended to prevent or restrict the simple presentation of intellectual property or trademark statements.

2.3



Advertising to Children portraying sexualised clothing or poses would breach this rule. Advertising of underwear or swimwear products for children will not necessarily breach this section, however care should be taken when posing children in underwear or swimwear to ensure that the models' poses are natural and not sexualised.

2.4



Depictions of Halloween toys or images of Halloween characters would not of themselves breach this rule.

Leeway will be given to advertisements containing a community service message, for example on road safety, anti-bullying or other legitimate health or safety messages for children.

2.5



Explicit calls to action to urge children to ask parents or carers to buy a product or service would breach this rule.

Advertising to Children must not imply that the product or service being promoted is immediately within the reach of every family budget.

2.6



Advertising for collection-based premiums must not seem to urge children or their parents to buy excessive quantities of food.

For the avoidance of doubt, there shall be no **Advertising to Children** of occasional food and beverage products. Only food or beverages which meet the **FSANZ Nutrient Profile Score Criterion** may be advertised to children.

2.7



Popular personalities include influencers and kidfluencers popular with children. Such Advertising must be clearly recognisable to children as advertising.

In relation to influencer or kidfluencer advertising to children, disclosure should be:

- within or directly next to the marketing communication;
- of significant size and colour to stand out; and
- readily apparent before (if possible) or immediately at the point of engagement.

About the AANA

AANA is the Voice for Brands. Founded 90 years ago, **AANA** exists to inspire and promote responsible, innovative and respected marketing through a commitment to sustainable industry collaboration. As the peak industry body, our members represent some of Australia's biggest advertisers and the world's best known brands across all major sectors who contribute to an estimated advertising spend of more than \$15 billion a year including FMCG, automotive, banking, finance and insurance, travel, health and beauty, media and communications. On behalf of our members, the **AANA's** mandate is to maintain and evolve the advertising codes which underpin the system of self-regulation in Australia, safeguard the rights of its members to commercial free speech and protect consumers by ensuring marketing communication is conducted responsibly, while giving them the networks and pathways to career learning.

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