

Factsheet: Digital Advertising & Children

Q. How is digital advertising regulated?

A. Digital advertising is governed by a combination of legislation and self-regulation. There are over 100 pieces of legislation affecting advertising, such as the Tobacco Advertising & Promotion Act 2002 (prohibits tobacco advertising) and the Data Protection Act 1998 (legal basis for handling personal information). In addition to this, all non-broadcast advertising (i.e. print media, outdoor, cinema, and digital) is governed by the Committee of Advertising Practice (CAP) Code, an industry agreed set of rules which are enforced independently by the Advertising Standards Authority (ASA) www.asa.org.uk. The CAP Code includes general rules that state advertising must be responsible and must not mislead or offend, and specific rules that cover advertising to children and ads for specific sectors like alcohol, gambling, motoring, health and financial products. For further information see: www.cap.org.uk/Advertising-Codes/Non-Broadcast.aspx.

Q. Is the CAP Code specific about marketing to children?

A. Yes. The CAP Code has stringent rules for marketing communications addressed or targeted to a child under the age of 16 years, including marketing communications on an advertiser's own website or under their control within social media. For example, any marketing communication must not contain anything that is likely to result in their physical, mental or moral harm or exploit their credulity, loyalty, vulnerability or lack of experience. The Code prevents marketing communications from condoning or encouraging poor nutritional habits or an unhealthy lifestyle in children. It goes even further by implementing strict rules for advertising directed at pre-school or primary school children. These rules do not apply for fresh fruit or fresh vegetables, but food or drink advertisements for this age group should not include promotional offers and should not include licensed characters or celebrities popular with children.

Q. How are children protected from seeing advertising of age-restricted products, such as alcohol?

A. In both online and offline media, the CAP Code states that age-restricted products can only be marketed in an environment where at least 75% of the audience is aged over the minimum age requirement. To serve advertising, or to market on a particular site a brand should be satisfied that the site they are to serve to has a target audience at or above the 75% threshold.

[The Portman Group](#), a social responsibility group for alcohol producers, offers clear [guidance on alcohol marketing online](#). The Portman Group's definition is in line with the CAP code definition. Therefore 'online' covers, among other things, brand websites, material placed free-of-charge on third party websites (e.g. social networking sites, video sharing sites) and user-generated content on sites controlled by the drinks producer. The Portman Group recommends the use of Age Affirmation Pages (AAPs) for brands' own sites. These pages will ask the consumer to give their date of birth, and the country they reside in. Based on this information they will either be prohibited on entry based on their ineligibility to interact with a brand, or will be allowed to continue to the site. AAPs are sometimes used by drinks manufacturers on third party sites, before allowing a consumer to engage further with a brand.

Q. What controls are in place in social media to stop children seeing and interacting with age-restricted brands/ advertising content?

A. Different social media platforms will have their own minimum age requirements for individuals signing up to their platform. UK and EU law does not set a minimum age. However many services set a minimum age of 13 years, in line with the [US Children's Online Privacy Protection Act \(COPPA\)](#). In addition, responsible platforms restrict what brand content and advertises

children and young people can see. Restrictions are based on their registered age. [CAP code rules on marketing to children](#) – including thresholds on ads for age-restricted products – apply to adverts in social media where they are shown to a UK audience.

Q. How is the collection and use of children’s personal data protected online?

- A. UK Data Protection Law is regulated by the Information Commissioners Office (ICO). The ICO’s code on online data recommends that a marketer should obtain parental consent for young children (12 years and under) for the collection of personal data – data such as a name, address or email address. The code can be found at: https://ico.org.uk/media/for-organisations/documents/1591/personal_information_online_cop.pdf

For the purposes of behavioural advertising where the age of person is not known, EU-wide industry agreed principles state that data companies must not create ‘interest segments’ that specifically target a child under the age of 13 years of age. For more information, and to manage behavioural advertising, see: www.youronlinechoices.com/uk.

Q. Are these rules around advertising and children likely to change?

- A. The issue of marketing to children is a particularly sensitive one which has received interest from successive governments in the UK. In June 2010, the UK Government commissioned a report into the perceived ‘commercialisation and sexualisation of childhood’. The report was led by Reg Bailey, Chief Executive of the charity The Mother’s Union. The report [Letting Children be Children](#) was published in 2011 and examined different sectors.

With regards to advertising, the report recommended:

- banning the recruitment of children under 16 as brand ambassadors and in peer-to-peer marketing;
- improving parents’ awareness of advertising and marketing techniques aimed at children; and
- harmonising the age of a child at 16 years old

Q. What has the advertising industry done to meet the recommendations of the report?

- A. The advertising industry made significant efforts to meet the recommendations of the Bailey report. In 2011, in response to concerns about ‘stealth marketing’ the advertising industry produced a pledge which stated: *“Young people under the age of 16 should not be employed and directly or indirectly paid or paid-in-kind to actively promote brands, products, goods, services, causes or ideas to their peers, associates or friends.”*

A new one-stop-shop portal was created by different regulators. Known as [Parent Port](#), the portal gives advice to parents about different media regulators and explains their rights to redress.

The IAB supports [Media Smart](#), a cross-industry program aimed at improving media literacy among 7 to 16 year-olds that provides a range of resources for teachers, young people and parents. In February 2014 the IAB launched an educational video for Children as part of [Safer Internet Day](#). The video *“What does the Ad Say”* was produced by the IAB for Media Smart and was welcomed by Reg Bailey, as well as organisations including Mumsnet, Netmums, The Parents Zone and Childnet.

The Media Smart website was re-launched in summer 2015 with new [resources](#) for secondary school teachers, including lessons covering advertising in social media, and in October 2015 a new [Parent Guide to Advertising and Social Media](#) was published.