

# Advertising and Children

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# Contents

<i>List of Tables</i>	iii
<i>List of Appendices</i>	iv
Introduction	1
Advertising and Children	
Introducing the subject matter and a brief survey of current research	3
Introduction	3
Focus of present research	4
Television viewing patterns	4
Distinguishing advertising from programme content	7
Influence of advertising on child's life	8
The power of advertising as compared to other influences	10
Reliability of research	11
Concluding remarks	14
The Importance of Clear Definition	15
'Child'	15
'Advertising'	17
'Children's advertising'	17
'Sponsorship'	18
Concluding remarks	18
Regulatory Framework	19
Identifying the influences	19
Europe	19
International	20
Irish statutory provisions	20
Industry self-regulation	21
Concluding remarks	23

To Ban or Not to Ban?	24
Introduction	24
Those who choose to ban	24
The alternative view of advertising and children	26
Concluding remarks	28
Overview of Irish Research	29
Introduction	29
DGEAC (2000), <i>Study on the Impact of Advertising and Teleshopping on Minors – Ireland</i>	29
Advertising Education Forum (2000), <i>Parental Perceptions of Influences in their children’s lives</i>	30
Institute of Advertising Practitioners in Ireland (1999), <i>Youth Scape – Youth Attitudes and Opinions</i>	30
Concluding remarks	31
Concluding remarks	32
<i>Appendices</i>	34
<i>Select Bibliography</i>	44

# Tables

Table 3.1	‘Child’	16
Table 5.1	Sample of Bans in Effect	25

# Appendices

I	Television Ownership in Ireland	34
II	Extracts from <i>Television Without Frontiers</i> (1997)	35
III	Extracts from <i>Television Without Frontiers</i> (1989)	37
IV	Extracts from the United Nations <i>Convention on the Rights of the Child</i>	40
V	Extracts from the Broadcasting Act, 2001	42

# 1 Introduction

*Advertising and Children* is specifically designed to supplement work currently being prepared by the Broadcasting Division of the Broadcasting Commission of Ireland (BCI) on the Code for advertising and children. By purpose and design, therefore, the balance in this working paper is tilted firmly towards information provision and thus, away from information dissemination. In this way, it sets the scene, introduces the subject matter, identifies the key players and current rules while highlighting the problems contained therein.

Introducing the reader to the scene, *Section 2* illustrates the sheer breadth of the subject that is ‘Advertising and Children’. Surveying central themes, it identifies many principal findings and arguments characterising this area of research. Themes traced through include the perceived effect of advertising on children; viewing patterns and the consequences of the recent upsurge in television ownership; the perceived effect of advertising on households when channelled through children; principal arguments vis-à-vis why it is believed that children should be protected from commercial messages.

In this section, not only is the wealth of research considered but the different backgrounds of researchers working in this area is also revealed. Attention is drawn to the fact that little common ground exists between many of the results proposed. When these factors are taken into account, one sees that for every finding there is evidence available by which to contradict it. As will be seen, this compounds the complex nature of this topic rather than simplifying it.

Moving on, *Section 3* draws attention to the language used in the area of ‘Advertising and Children’. In particular, the central terms of ‘child’, ‘advertising’, ‘children’s advertising’, and ‘sponsorship’ are considered. Throughout, the importance of clarity in defining such key terms is emphasised.

Consideration of the evolution of the ‘regulatory framework’ in Ireland forms the basis of *Section 4*. Main influences are identified with a brief synopsis of each provided.

*Section 5* broadens out the arena. Here the spectrum of opinions regarding advertising and children is identified. More specifically, the reader is introduced to the notion of using bans to restrict this area of commercial activity and the arguments that accompany such actions. At the other end of the scale, arguments in favour of advertising to children are considered. Throughout this section, the material is presented in a style designed to allow the reader to consider the varying arguments.

Accepting the validity of those arguments, however, is left very much at the discretion of the reader and it is suggested is open to further debate.

A brief overview of Irish research is provided in *Section 6*. Here the results of a search for materials which are culturally specific to Ireland are provided. *Section 7* brings this paper to a close by providing a brief summary of all information reviewed.

## 2 Advertising and Children

Introducing the subject matter and a brief survey of current research

### **Introduction**

The topic of 'Advertising and Children' is a College debater's dream. Every angle, argument and theory has been studied, written about and 'proved' – in depth. Work on this area has emerged from a wide variety of sources; a sample can be illustrated as follows:

- Sociologists;
- Psychologists;
- Behavioural scientists;
- Economists;
- Market research;
- Lawyers;
- Advertisers;
- Advertising representative organisations;
- Children's organisations;
- Consumers' organisations;
- Parent's organisations;
- National governments;
- European Union;
- United Nations.

Viewed collectively, one sees that it is possible to prove anything to anyone about any point emanating from this area of activity.

### *Where to now?*

The purpose of this section is to provide information rather than in-depth analysis of the subject matter. The approach taken is to introduce some of the principal areas of research and to outline the varying arguments contained therein. More specifically, the section that follows is divided into two main parts. The first part deals with emphases in current research while the second deals with the reliability of the research produced.

The overall aim is to inform rather than to influence. The reader is therefore introduced to the central viewpoints but must draw his/her own conclusions as to their validity.

## 2.1. Focus of present research

According to Gunilla Jarlbro, there are four recurring themes in the literature available on 'Advertising and Children'. These can be summarised as follows:

1. Children's ability to recognise advertising, i.e. at what age children can distinguish advertising from other programme content;
2. Children's grasp of the intent behind advertising, i.e. at what age children develop such powers of perception;
3. The influence advertising exerts on children's and their family's patterns of consumption, i.e., "pester power" and its perceived potential; and
4. How advertising relates to other influences, such as family and friends.<sup>1</sup>

While these form the basis of the following sections, a fifth category has been added as it refers to 'context'. This is *Television viewing patterns*. Consequently, the format that follows can be outlined as

- 2.2. Television viewing patterns;
- 2.3. Distinguishing advertising from programme content;
- 2.4. Influence of advertising on child's life;
- 2.5. The power of advertising as compared to other influences.

In general, this new outline coincides with Jarlbro's original list with the noted exception of 2.2. The second and third themes outlined are dealt with together in 2.4. 'Influence of advertising on child's life.'

## 2.2. Television viewing patterns

For children between the ages of 6 and 13, argues Reinhold Bergler, 'the main sources of advertising are television (94.6%), radio (28.4%) and hoardings (12.9%).'<sup>2</sup> Flowing on from this, one sees that television is regarded as the most powerful means through which to transmit commercial messages aimed at children: 'It is a near universal medium and children watch a great deal of it.'<sup>3</sup> But how many hours of *actual* contact do children have with television?

On average, it is believed that children watch between 2 and 4 hours of television per day with this increasing in the Winter time.<sup>4</sup> Translating hours watched into contact with advertising, The Children's Society estimates that British children, for example,

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<sup>1</sup> Jarlbro: 2000, p.72.

<sup>2</sup> Bergler: 1999, p.4.

<sup>3</sup> Consumer International: 1999, p.13.

<sup>4</sup> In general, I have taken information from the United Kingdom as I believe that this would be the most relevant to the Irish context. Comparable data for Ireland has yet to be developed.

watch on average 18,000 commercials per annum which is more than children in any other EU country<sup>5</sup>.

Constant exposure at this level means that the potential to influence is considered to be great. This view is shared by parents and advertisers alike albeit for conflicting reasons. While most parents would view such exposure as negative, for advertisers it might be construed as positive. The recent upsurge in the number of hours of television watched has been mirrored by developments in the advertising industry. One sees therefore a corresponding growth in the amount of production and sophistication of advertisements specifically aimed at children. Monies spent on children's advertising have grown in line with these developments and this is indicative of the importance now attached to advertising of this ilk. Indeed

Spending by advertisers [in the United Kingdom] on toys and games has risen six-fold to £150 million. Spending on chocolate and crisps advertisements directed at children has risen to £50 million per annum.<sup>6</sup>

Viewing such figures, one thing is clear – advertising to children works. In a general business context, advertising to children is considered to be very lucrative. The fact that McCann Erickson and Saatchi and Saatchi have introduced children's divisions to work in this area illustrates the importance now attached to this commercial activity.

### *2.2.1. Television ownership*

The number of television sets is high in the UK and this is often matched by children having access to televisions in their bedrooms.<sup>7</sup> Most recently, the Independent Television Commission discovered that on average, each household had three televisions and it was common for even very young children to have one in the bedroom:

This was the case in two-thirds (67%) of households where the eldest child was aged from 10-14, and in more than four in ten (42%) households where the eldest was aged from 5-9.<sup>8</sup>

Having a television in the bedroom heightens children's exposure to advertising while significantly reducing the level of parental supervision. Why this imbalance occurs can be explained by the following extract:

Bedrooms were private areas where supervision was more difficult. Parents reported a great deal of pressure from their children to have televisions here, using the excuse that 'everyone else has one'; despite misgivings, a majority of parents had given in. Only a minority were 'standing firm',

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<sup>5</sup> The Children's Society, UK: 2002, p.1. Similar points are made in: "Advertising to children – UK the worst in Europe", *Food Magazine*, January/March 1997; and, G. Monbiot (1999), 'Children's Advertising', December. Comparable data on the experience of other jurisdictions has not been located.

<sup>6</sup> The Children's Society, p.1.

<sup>7</sup> Comparable figures for Ireland are provided in Appendix I.

<sup>8</sup> Independent Television Commission (2002), *Striking a balance: the control of children's media consumption*, p.8.

although even here the researchers sensed it was only a matter of time.<sup>9</sup>

The amount of television watched has been a source of concern for parents. With such exposure, parents have formed a view that it must be having an effect albeit few being able to offer specific examples when questioned. General areas in which they believed children were being influenced are outlined here while consideration of each follows on later. Parents

identified three main ways in which television advertising seemed to influence children: pester power; direct copying of behaviour seen in advertisements; and a subliminal or very gradual effect on attitudes through communication of often anti-social ideas or cultural norms.<sup>10</sup>

### 2.2.2. *Viewing patterns of young children and the perceived impact of repetition*

Viewing habits of young children are believed to be different when compared to those of older children, teenagers and also to adults. Children of this ilk do not always watch age-appropriate material. In this sense, two principal points can be highlighted. Primarily, it has been found that children often watch programmes older than their age group when they have older siblings. This means that not only are they exposed to advertisements intended for older children, their rate of development is believed to be occurring at a higher pace than the rate of development observed for only children.<sup>11</sup> And secondly, it has been suggested that children up to age 12 behave differently in front of the television when compared to older viewers.<sup>12</sup> To substantiate this latter point, it has been said that

...a national study carried out in Norway of 8-14-year-olds, revealed that children, unlike adults, will not change channels or go and do something else when the advertisements come on. This is true regardless of how often the children have already seen the advertisement.<sup>13</sup>

The repetitive nature of advertising can thus increase the impact made. Watching advertisements again and again is said to be part of the appeal for younger children;<sup>14</sup> a point that the makers of *Tellytubbies* emphasised in devising their programme format. And herein lies the point of impact: 'There is reason to believe that the more often one is exposed to a message, the greater the effect of this message on the individual'.<sup>15</sup>

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<sup>9</sup> Independent Television Commission (2002), *Striking a balance: the control of children's media consumption*, p.8.

<sup>10</sup> Hanley: 2001, p.33.

<sup>11</sup> Hansen: 1997, p.2.

<sup>12</sup> Jarlbro: 2001, p.11.

<sup>13</sup> Jarlbro: 2001, p.11.

<sup>14</sup> Jarlbro: 2001, p.11.

<sup>15</sup> Jarlbro: 2001, p.11.

### 2.3. Distinguishing advertising from programme content

The majority of Codes state that advertisements must be clearly distinguishable from other programme content; for example, in Italy it is not permitted to interrupt a cartoon film with cartoon based advertisements. Although there would be agreement that doing so is laudable, what difference this makes to child viewers thereafter is the source of much debate.

Some research would suggest that even if children can distinguish advertising from programme content, this should not be taken as an indication that a child has the ability to understand the aim of advertising. Children develop this ability to understand the intent over a space of time – when it is actually achieved is again a point of contention. For Jeffrey Goldstein, there is no magical age at which each child achieves such realisation.<sup>16</sup> This may indeed be true. It does not stop people, however, from speculating as an overview of some of these conclusions now demonstrates. One viewpoint suggests that

children as young as two could differentiate between advertising and programmed content. However, [it is believed] that it is not until late childhood – from 8 to 12 years – that children completely understand the aim of advertising.<sup>17</sup>

Information from the Finnish Consumer Ombudsman would substantiate this point:

Several international studies indicate that marketing aimed at children under 12 must be guided by stricter rules than other marketing. It is only after this age that children learn to recognise traditional advertising and to realise its sales promoting nature.<sup>18</sup>

Axel Edling, the former Swedish Consumer Ombudsman, would agree with most of the above albeit pitching the age of recognition slightly lower. Edling would suggest that children in the 8 to 10 year bracket would have developed a fundamental understanding of the purpose of advertising but argues that it is not until the child is older than 12 years of age that a complete understanding is achieved.<sup>19</sup> How exactly these classifications have been made and measured remains a mystery, however.

Specifying age in this fashion might be construed as pointless. As individuals, children develop at their own pace and their abilities/personalities are shaped and reshaped by events and a whole complex network of interpersonal relationships.<sup>20</sup> On this point, it has been suggested that

the age at which children learn to understand the aim of advertising is linked on the one hand to the parents' attitudes and level of education, and on the other to the ability of school teaching to explain and discuss advertising with children and young people.<sup>21</sup>

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<sup>16</sup> Goldstein: 1998, p.3.

<sup>17</sup> Jarlbro: 2001, p.11.

<sup>18</sup> The Consumer Ombudsman's Guidelines (1997), *Children and Marketing*, p.1.

<sup>19</sup> Edling: 1999, p.3.

<sup>20</sup> The subject of interpersonal relationships is discussed later in this section.

<sup>21</sup> Jarlbro: 2001, p.15.

The role parents play is paramount. Consequently, it is believed that ‘the effects of the media are minimized when parents talk with them and encourage them to talk with them about subjects.’<sup>22</sup>

Cultural differences are also believed to be an important consideration. American children, for example, ‘seem to be particularly late developers as it was not uncommon for teenagers to confuse advertising with other TV content...’<sup>23</sup> What is important to note is that although precise ages cannot be fixed, there is agreement that the ability to understand the intent of advertising develops at a later stage than the ability to distinguish advertising from programme content. A full understanding of advertising, Bergler suggests, exists when children

- can differentiate between advertising and other types of information;
- the intentions of advertising are understood;
- advertising issues are interpreted as objective and psychological problem-solving competence: experiencing brand images.<sup>24</sup>

Based on this criteria, Bergler concludes that 57.1% of 6 year olds already understand the intention behind advertising.

Some people believe therefore that advertising can influence children because they do not comprehend the commercial message underpinning the visual presentation. Goldstein argues, however, that this may not be a negative after all. If a child does not understand, it follows on that advertising can have little or no impact. More specifically, he points out that

...there is simply no evidence linking the degree of children’s understanding of advertising with the effects advertising has on them. Indeed children who do not understand advertising may be less influenced by it than youngsters who know that it is intended to make them want something.<sup>25</sup>

#### **2.4. Influence of advertising on child’s life**

Advertising influences the life and patterns of a child’s life. One manifestation of its influence is believed to be ‘pester power’.

At it’s simplest, ‘pester power’ can be defined as repetitive asking/requests for a specific item and/or service. Research suggests that it can emerge naturally, as a result of societal influence and/or can be the after effect of a specific advertisement or advertisement campaign. The link between ‘advertising’ and ‘pester power’ is the consideration here. It has been said that

Until the age of 2...years, parents completely determine what will satisfy their child’s needs. Children begin to make selections of products such as toys and food at a very early age. Parents interpret their children as ‘pestering’ particularly at young ages, when children’s speech is less articulate.

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<sup>22</sup> Goldstein: 1998, p.6.

<sup>23</sup> Jarlbro: 2001, p.5.

<sup>24</sup> Bergler: 1999, p.4.

<sup>25</sup> Goldstein: 1998, p.3.

Repetitive asking until it is given is often children's only way of expressing their desires.<sup>26</sup>

The connection between 'television advertisements' and 'pester power' is very clear in the minds of some parents. When a request for a product just advertised is made, the connection between 'advertising' and 'request' is cemented in the minds of parents. Whether the interest in a given product persists past this time has not been measured. Nor has the actual extent and strength of 'pester power' as it emanates from advertising been proven to any conclusive degree. And if it could be measured, is it the affect or *perceptions* of the affect that would be forthcoming? That is, is it advertising that influences children or is it the parents' *belief* that advertising influences children that is being measured? On this point, Jarlbro has said that

...we find that none of the studies included in the survey actually measures the effects of television advertising, long- or short- term. Instead they focus on parent's – chiefly mother's – attitudes toward television advertising that targets their children.<sup>27</sup>

An interesting point can be included here. Parents may wish to put the onus on advertisers and thus, move the focus away from themselves. Parents' inability to say "No" – for whatever reason – must also be addressed. Blaming advertisements is comparatively easy as 'What parent would admit freely to an interviewer that he or she has no influence over his or her child's life.'<sup>28</sup>

How influential television, and thus television advertising directed at children, is tied to parents and the role they carve out in their children's lives. Some do not monitor their child/children's viewing closely. Despite the best of intentions, parents' allowing a television in their child/children's bedrooms reduce their power to monitor viewing considerably. Pushing this one step further, advertisers cannot be held solely responsible for the impact advertising has on children if the role the parents play in supervising this situation is passive.<sup>29</sup> On this point, Hanley has stated that

...teachers believed that television (rightly or wrongly) was one of today's parenting tools, used as a babysitter, entertainer or custodian as well as an educator through documentaries.<sup>30</sup>

It is believed that consistent and frequent 'purchase requests by children cause frustration in parents, and children may ask for products their families cannot afford.'<sup>31</sup> The actual power that children have over what is bought in an individual house is debateable. Since the level of money directly available to them is limited, this

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<sup>26</sup> Advertising Education Forum (n.dat), p.1.

<sup>27</sup> Jarlbro: 2000, p.75.

<sup>28</sup> Jarlbro: 2001, p.23.

<sup>29</sup> At present, there is a gap in research produced in this area. The role parents play in creating a context in which their children can be influenced has not been addressed to any significant degree albeit being hinted at on a few occasions. If parents allow children to watch television unsupervised, they create a situation which can empower the potential of advertising to influence their children. When a request results from such on-going exposure, can blame be posited solely on the advertiser? How such a gap in information available might be filled requires further debate and appropriate consultation.

<sup>30</sup> Hanley: 2001, p.19.

<sup>31</sup> Gonzalez Del Valle: 1999, p.83.

reduces their purchasing power considerably. They can pester, they can nag but in the end it is the parent that makes – should make – the ultimate decision to buy. The role of parents and the dynamics of the child/parent relationship in each instance come into play here vis-à-vis the relative strength and persistence of ‘pester power’.

Some people argue that the strength of ‘pester power’ has therefore been exaggerated. In this sense, it has been said that

Children in Western Europe are exposed to thousands of television commercials per year. But no child asks for thousands of products. Children, like adults, are highly selective in what they attend to on television and even more finicky – choosing products.<sup>32</sup>

Some would argue that advertisements have a significant impact on what foods are purchased in individual homes. This too is debatable as a child might request something but it is the adult who pays. Consequently, one finds such information as:

A study of 24 families and 59 mothers in Great Britain found that advertising had only a marginal effect on the children’s and family’s eating habits.<sup>33</sup>

Information of this ilk leads some people to conclude that ‘...the influence of children on adult purchasing is definitely overestimated. Purchasing decisions are the result of discussions and conversations as well as arguments between parent and child.’<sup>34</sup> If a request for an item of food is met and that morsel turns out to be ‘yucky’, chances are the child will not repeat the request. No advertising campaign, however cleverly framed, can overcome such an obstacle.

## **2.5. The power of advertising as compared to other influences**

Television advertising is believed to have a profound affect on children. This is one of the primary reasons why some believe that since children are so impressionable, these commercial messages should be banned or at the very least, heavily restricted. Proponents of advertising to children would argue, however, that advertising is merely one influence among many that children come into contact with and which shapes their attitudes. Among these other influences are listed:

- parents;
- sisters and brothers (older);
- friends/girlfriends/boyfriends;
- the school – recreation centres;
- information technology (computer games – video);
- television commercials directed to adults;
- television in general;
- catalogues, trade papers and direct mailings;

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<sup>32</sup> Goldstein: 1998, p.3.

<sup>33</sup> Jarlbro: 2000, p.75.

<sup>34</sup> Bergler: 1999, p.6.

- shop exhibitions and shop activities.<sup>35</sup>

Additions to this list would be:

- older relations – e.g. aunts, uncles, grandparents;
- teachers;
- child minders.

Pam Hanley states that the key influences on children ‘came from those with whom they are in direct contact...’<sup>36</sup> Indeed, when asked, young people ranked family and peers as main influences in their lives over and above the amount of television they viewed and thus, advertisements they were exposed to.<sup>37</sup> The influence of peers and the need to be popular far outweighed the impact of advertising in the minds of the young. In addition, some 45% of young people ‘thought that they personally had been influenced by TV but they did not necessarily see this influence as bad. Over half [of those surveyed] said the influence had been both good and bad.’<sup>38</sup>

When the range of potential influences is viewed, the following question arises: Is it the advertising that influences the child or is it the child *talking* about the advertisement/product/service with other people that amounts to the primary influence? In this respect, it has been said that

Interpersonal communication is considerably more effective than mass communication when it comes to influencing people’s attitudes, notions and behaviour...when studying the effects of the media it is difficult to isolate various types of influencing factors from one another, or to chart how interpersonal communication and mass communication interact with one another.<sup>39</sup>

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The five main themes of research identified have been traced through. In so doing, material focusing on television viewing patterns and the perceived consequences of television advertising on children was reviewed.

## 2.6. Reliability of research

Nothing can, nor should, be accepted without question in the arena that is ‘Advertising and Children’. Due to the subjective nature of the topic, no research can provide empirical evidence of cause and effect. On this point, Jarlbro has said that

The findings are contradictory: studies commissioned by proponents of television advertising to children find that parents are favourable to such advertising; similarly studies by opponents find that most parents are critical. The scientific

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<sup>35</sup> Hansen: 1997, p.9.

<sup>36</sup> Hanley: 2001, p. 4 (b).

<sup>37</sup> Broadcasting Standards Commission, UK: 1998, p.4.

<sup>38</sup> Broadcasting Standards Commission, UK: 1998, p.4.

<sup>39</sup> Jarlbro: 2001, p.21.

value of most of these studies is questionable inasmuch as the methodology is ill-suited to provide answers to the question posed.<sup>40</sup>

While research has emerged from so many areas, so many disciplines, covering so many angles, supporting so many arguments, there has been a corresponding growth in research designed to ask why such results and accompanying research methods should not be accepted without question. This part looks briefly at key arguments put forward to explain why this is believed to be so. Taken separately, each seems plausible. Viewed collectively, however, the unpredictability of research methods and results becomes more obvious.

### *2.6.1. Emotive*

The subject of 'Advertising and Children' is a highly emotive subject. This is understandable as it has at its core the desire to protect children. Compounding this is the multi-faceted nature of the area. It involves not merely protection of children but also the notion of commercial communication and how to control advertisers so that they hit their predetermined target in a fair *and* consistent fashion. Intertwined with these tracks is the role that parents play in their children's lives and in this particular instance, vis-à-vis their television viewing and 'facilitating' their exposure to advertising.

### *2.6.2. Interpersonal versus mass communication*

Throughout research reviewed on this subject is the recurring question concerning which has the most influence – interpersonal or mass communication? It refers to attempts to determine whether an advertisement or discussion about an advertisement has the most impact on a child's life. There are no readily available answers.

The influences that come into play in this respect form a pattern of complex, emotional interaction. It is difficult to measure such by quantitative, let alone qualitative, methods.

### *2.6.3. Approaches and research methods*

Much of the criticism concerning research in this area centres on approaches taken and research methods used. It is obvious that this might happen, given the number of different categories of researcher carrying out work in this area. Different methods can yield different results when studying the same subject matter. In addition, while each academic discipline, for example, would use different research methods, there has been a tendency in researching this topic not to specify methods used. This has dual consequences: it makes it difficult to understand how certain results were arrived at/achieved; and it makes subsequent comparisons with other pieces of research difficult.

As mentioned previously, the subjective nature of the area makes quantitative and qualitative studies difficult to carry out. Even when quantitative methods have been attempted, the methods of measurement have often been too rigid as Goldstein illustrates

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<sup>40</sup> Jarlbro: 2000, p.75.

...‘researchers’ tests of understanding are so stringent that even reasonable adults would fail them. One test requires children to cite discrepancies between advertising claims and product reality.<sup>41</sup>

Consequently, Goldstein argues that ‘...the scholarly research on children and advertising is not nearly as clear or reliable or relevant as is often supposed.’<sup>42</sup> The questioned reliability of research in this area is linked to the final concern.

#### 2.6.4. *Financing the research*

Who pays for the research may also affect the results achieved, especially if there is a financial or political element to be defended. Impartiality and independence of work produced is therefore called into question. More specifically,

Surveying the research on children and television, we find that many different actors having economic and political stakes in the issue are active in the policy debate. Proponents as well as opponents of television advertising aimed at children have initiated and financed studies, the results of which often serve their respective interests.<sup>43</sup>

Relevant parties financing research have included representative bodies for the advertising industry and for toy manufacturers.<sup>44</sup> The link between sponsor and results therefore should not be overlooked. It can often be held accountable for why studies of similar subject matter yield diametrically opposite points of view. Who pays the proverbial piper sometimes calls the tune...

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After reviewing various pieces of research, research methods and attempting to determine why so many conflicting results have emerged. Jarlbro concludes by outlining her aspirations for the future. Principally, she would state that if research on television advertising to children was controlled to a lesser degree by interested parties, a clearer, more in-depth understanding of children and this medium might be achieved. More importantly, she states that in the future

Research should ask the following questions more extensively than has been the case up to now: What kind of problems/research questions are studied best using which types of method? What kind of insights and understanding will be gained by analysing different types of empirical data? How can different methods which we have at our disposal complement one another?<sup>45</sup>

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<sup>41</sup> Goldstein: 1998, p.3.

<sup>42</sup> Goldstein: 1998, p.1.

<sup>43</sup> Jarlbro: 2000, p.76.

<sup>44</sup> Examples here would be the World Federation of Advertisers (WFA) and the Toys Industries of Europe (TIE).

<sup>45</sup> Jarlbro: 2001. p.26.

### **Concluding remarks**

The purpose of *Section 2* was to introduce the reader to the subject of ‘Advertising and Children’ while highlighting the complexities contained therein. In doing so, the section was divided into two main parts. Primarily, emphasis was given to identifying the main themes running through current research. The second part outlined reasons why such findings cannot be accepted without question.

Viewing information presented on the five main themes of research, one sees that there is agreement regarding the fact that advertising influences children. Attempts to discover how and to what extent children are influenced, however, leads one into a maze of claims and counter-claims.

Some view advertising as a principal influence in the lives of children while others consider it to be only one among many that shapes and re-shapes the individual child as he/she develops. The increasing number of television sets in homes, the upsurge in access to a burgeoning number of international channels, increasing hours of television watched and viewing in unsupervised conditions indicates that the situation is becoming less and less contained. The relationship of child to advertising is therefore in constant flux.

Research produced on ‘Advertising and Children’ is thought-provoking, enriching, educational, engaging, and at times, infuriating. Results presented are not always reliable, however. Hence the reader’s attention was drawn to the principal reasons why this is so. Here one saw that different researchers use different research methods and consequently, generate different findings. Where formal research methods were used, they were not always identified. In turn, this undermined the basis of the results proposed. Furthermore, it made accepting the validity of certain conclusions reached increasingly difficult. Who pays for the research and the results they aim to achieve is also a factor that had to be acknowledged.

Viewed collectively, one sees that the information reviewed herein provides two key insights. Research on ‘Advertising and Children’ may be considered unreliable due to the inherent subjectivity of the topic. And secondly, caution must be applied vis-à-vis the validity of the conclusions made if the finance comes from a partisan, not independent, source.

# 3 The Importance of Clear Definition

## Introduction

Key terms are not self-explanatory in this area of ‘Advertising and Children.’ As an area prone to subjectivity, and sentimentality, defining terms of reference will be a central part of the Commission’s work. In particular, further debate and appropriate consultation should occur vis-à-vis the pivotal terms of (1) ‘*child*’; (2) ‘*advertising*’; (3) ‘*children’s advertising*’; and (4) ‘*sponsorship*’.

One might ask – is it really necessary to define key terms or is this merely a case of semantics? Defining central themes is indeed a worthwhile venture. Moreover, such clarification is linked to the potential effectiveness of the Code produced. Identifying the central character – i.e. the ‘child’ – fixes who is the primary focus of this work, who is affected by the contents of the Code and in this particular instance, who exactly is to be protected and from what. Referring to ‘advertising’, ‘children’s advertising’ and ‘sponsorship’, clear definition identifies not only the activity but the Commission’s *understanding* of that activity. Taken collectively, one sees that clear definition affects both the application *and* interpretation of the Code created.

\* \* \* \* \*

What follows is a brief overview of information gathered in this respect. Consideration of such highlights not only existing work but also stresses this need for clear and accurate definitions.

### 3.1. ‘Child’

“Who qualifies to be called ‘child’?” has been a recurring question throughout this enquiry. No starting age has been found. More perplexing, however, is the absence of consensus regarding the upper age limit of such classification. Demarcation between childhood and adulthood therefore is not set.

Compounding this situation further, one finds that uniformity of approach does not exist. Some countries – for example, Australia – identify a person under a specified age as ‘child’, others – for example, the Netherlands – make a distinction between ‘child’ and ‘minor’/‘youth’.

These points are represented in Table 3.1. This table highlights available information while underlining the need for further debate on this subject.

**Table 3.1.**  
**'Child'**

France	<i>Child</i> - 14 years and under
Germany	<i>Child</i> – 14 years and under
Greece	<i>Child</i> – 14 years and under
Hungary	<i>Child</i> – 14 years and under
Iceland	<i>Minor</i> – 18 years and under
International Chamber of Commerce (ICC) Code	<i>Child</i> – 14 years and under
Ireland <sup>46</sup>	<i>Child</i> – 18 years and under
Ireland (RTE, 2002)	<i>Child</i> – 15 years and under Young person – 16 or 17
Italy	<i>Child</i> – 14 years
Netherlands	<i>Child</i> – 12 years and under “ <i>Minor</i> ” / “ <i>Youths</i> ” – 18 years and under
New Zealand	<i>Child</i> – 14 years and under
Norway	<i>Child</i> – 18 years and under
Slovakia	<i>Child</i> – 18 years and under
Spain	<i>Child</i> – 12 years and under
Sweden	<i>Child</i> – 14 years or under
United Kingdom (ITC, 1998 and 2002)	<i>Child</i> -15 years and under
United Kingdom (Radio Authority)	<i>Child</i> -15 years and under
Television Without Frontiers (TWF) Directive	No age distinction given
United Nations, <i>Convention on the Rights of the Child</i> (1989)	<i>Child</i> – 18 years and under

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<sup>46</sup> *Age of Majority Act, 1985.*

It should be noted that the need to debate is not particular to Ireland. Recently, Poland went through a similar process as its existing understanding of the terms ‘child’, ‘minor’ and ‘youngster’ were deemed inappropriate to its modernising society. Here it was said that

Like in many countries, Poland had no definition of the age of children. It was just the opposite with youngsters who, according to not changed [sic] socialist period regulation, were defined as those under the age of 35. So, for the sake of the whole advertising market we had to change the area of definitions.<sup>47</sup>

### **3.2. ‘Advertising’**

Many definitions of advertising abound. The ones that follow, however, incorporate all the main points while indicating the different dimensions of this term and also, of this activity. ‘Advertising’ shall mean

Any form of promotion of product, service, cause or idea for payment or any other form of remuneration. “Advertisement” or “advertising” shall also mean any announcement on television whose purpose is to promote the broadcaster’s own activity.<sup>48</sup>

The solicitation of services is also defined as advertising.<sup>49</sup>

Most recently, the Independent Television Commission in Britain has broadened the original focus by suggesting that

For the purposes of the Code, the terms ‘advertisement’ and ‘advertising’ mean any publicity (by licensees themselves or advertisers) in breaks during or between programmes. This is irrespective of whether payment is made. The rules also apply to ‘teleshopping’ channels, windows and spots.<sup>50</sup>

### **3.3. ‘Children’s advertising’**

Defining ‘children’s advertising’ is more specific in focus. Not only does it refer to content, it also includes the *timing* of such commercial communications as the following definition illustrates:

‘Children’s advertising’ – refers to any paid commercial message that is carried in or immediately adjacent to a children’s program. Children’s advertising also includes any

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<sup>47</sup> European Group on Television Advertising, Brussels (2001), Special Report: *4<sup>th</sup> EGTA Thematic Day on “The Future of Children Advertising”*, p.9.

<sup>48</sup> Ministry of Cultural Affairs, Norway (1992), *Act no. 127 of 4 December 1992 relating to Broadcasting* – amended 2000, p.1.

<sup>49</sup> The Dutch Advertising Code (May 2000), p.4.

<sup>50</sup> Independent Television Commission (2002), *The ITC Advertising Standards Code*, pp 9-10.

commercial message that is determined by the broadcaster as being directed to children and is carried in or immediately adjacent to any other program.<sup>51</sup>

### **3.4. ‘Sponsorship’**

‘Sponsorship’ differs from advertising in a number of ways. Principally, it is believed that while advertising in the broadcast media is generally presented in a ‘commercial break’, ‘sponsorship credits stand apart from commercial breaks and the minutage allowed for them.’<sup>52</sup> The following extracts highlight these differences while outlining the primary function of this activity. Sponsorship has been defined

as referring to any item of publicity, other than an advertisement, broadcast in return for payment or any other valuable consideration to a licensee.<sup>53</sup>

More specifically, it has been said that

Sponsorship is the support by an independent third party of a non-commercial activity for a commercial purpose. It is not advertising, sales promotion, or product placement. Sponsorship helps the sponsored activity to exist – it can indeed be the key to its existence. The sponsor is therefore seen to create benefits additional to those that he solely derives.<sup>54</sup>

### **Concluding remarks**

Clarity in definition can strengthen the overall effectiveness of the Code produced – especially in areas where little common ground currently exists. It is therefore advised that any new Code devised would include clear terms of reference but more importantly, would identify succinctly the age profile of ‘child’ and/or ‘minor’.

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<sup>51</sup> Advertising Standards Canada (2001), *Broadcast Code for Advertising to Children*, p.2.

<sup>52</sup> Radio Telefis Eireann (2002), *Programme-Makers’ Guidelines*, p.84.

<sup>53</sup> Radio Authority (March 1997), *Advertising and Sponsorship*, n.pag.

<sup>54</sup> World Federation of Advertisers (2002), Position Paper on *Non-TV Sponsorship*, 26 March.

# 4 Regulatory Framework

## Identifying the influences

Regulations affecting advertising directed at children in Ireland emerged from four separate albeit not mutually exclusive tracks. One finds therefore that such advertising has been moulded by European Union Directives, international conventions and developments, Irish statutory provisions and by the advertising industry through the mode of self-regulation.

What follows is a brief synopsis of each of these primary influences. In addition, organisations responsible for the implementation of set regulations are identified as appropriate.

### 4.1. Europe

The present impetus to draw up a specific Code for advertising to children stems directly from post 1997 developments. The revision of *Television without Frontiers* (Directive 97/36/EC) necessitated action on the part of Member States, obliging them to transpose specified requirements into national law.<sup>55</sup> Article 16 is particularly relevant in this instance as it deals with advertising to children.<sup>56</sup>

While reference was made to children and advertising in Article 16 of the original *Television without Frontiers* (89/552/EEC), it was not until the Broadcasting Act, 2001 that the Irish government specified that a separate Code should be drawn up.<sup>57</sup> Codes of standards had previously been drawn up but dealt with concerns and regulation of this commercial activity generally.<sup>58</sup>

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<sup>55</sup> Revision of *Television without Frontiers* was made to implement certain provisions relating to new definitions of advertising and the application of restrictions applying to advertising and teleshopping. It was also necessary to determine whether the country of origin or the country of reception had jurisdiction over the advertisements broadcast.

<sup>56</sup> See Appendix II for extracts from Article 16 of *Television without Frontiers* (97/36/EC).

<sup>57</sup> See Appendix III for extracts from *Television without Frontiers* (89/552/EEC).

<sup>58</sup> Department of Arts, Culture and the Gaeltacht (1995), *Codes of standards, practice prohibitions in advertising, sponsorship and other forms of commercial promotion in broadcasting services*, May; and Department of Arts, Heritage, Gaeltacht and the Islands (1999), *Codes of standards, practice and prohibitions in advertising, sponsorship and other forms of commercial promotion in broadcasting services*, October.

## 4.2. International

International conventions and developments have had an effect. Articles 3, 13 and 17 of the United Nations Convention on the Rights of the Child (1989) refer to children in the media.<sup>59</sup> Collectively, these Articles highlight dual considerations of the child's right to access information and the child's right to be protected. In these respects, it is stated that 'the best interests of the child shall be a primary consideration' (Article 3).

Developments on another international front have also had an impact. More specifically, the International Chamber of Commerce's *International Code of Advertising Practice* (1997) underpins many of the self-regulatory codes devised for EU Member States.<sup>60</sup> Comparisons with Codes devised by national governments reveal striking similarities too.

## 4.3. Irish statutory provisions

In Ireland, information concerning Codes and in particular, those affecting children, appears in Section 19 of the Broadcasting Act, 2001.<sup>61</sup> In particular, this section states that the Broadcasting Commission of Ireland is to draw up a Code

19 (1) (c) specifying standards to be complied with, and rules and practices to be observed, in respect of advertising, teleshopping material, sponsorship and other forms of commercial promotion employed in any broadcasting service or sound broadcasting service, being advertising and other activities as aforesaid which relate to matters likely to be of direct or indirect interest to children.

References to advertising are not new in Irish statutes. The Broadcasting Authority Act, 1960 (as amended) and the Radio and Television Act, 1988 both contain sections dealing with 'advertisements'.<sup>62</sup>

Other pieces of Irish statute law have influenced advertising to children. The following is a sample of Acts which apply in this respect:

- Misuse of Drugs Act, 1977;
- Consumer Information Act, 1978;
- Intoxicating Liquor Act, 1988;
- Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Regulations, 1991;
- The Medical Preparations (Advertising) Regulations, 1993;<sup>63</sup>
- Child Trafficking and Pornography Act, 1998.

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<sup>59</sup> See Appendix IV for extracts from the UN Convention on the Rights of the Child: Articles 3, 13 and 17.

<sup>60</sup> In the 'Introduction' to the 1997 edition (p.1) it is stated that the ICC Code, 'which was first issued in 1937, and revised in 1949, 1955, 1966, 1973 and 1987, is an expression of the business community's recognition of its social responsibilities in respect of commercial communications.'

<sup>61</sup> See Appendix V for extracts from Section 19 of Broadcasting Act, 2001.

<sup>62</sup> Broadcasting Authority Act, 1960 (as amended) Section 20; and Radio and Television Act, 1988, Section 10.

<sup>63</sup> The Medical Preparations (Advertising) Regulations, 1993 gives effect to EC Council Directive 92/28 on advertising of medicinal products for human use.

Points from all these Acts should now be included in the new Code for advertising to children.<sup>64</sup>

At present, contentious advertisements are referred to the Broadcasting Complaints Commission (BCC) and/or the Broadcasting Commission of Ireland (BCI). This is where the principal statutory control lies vis-à-vis deciding which advertisements are in compliance with the Code

#### **4.4. Industry self-regulation**

Other controls come from within the industry itself seen principally through the method of self-regulation. In general, it is believed that self-regulation in advertising has three basic objectives:

- To protect consumers against false or misleading advertising and against advertising that intrudes on their privacy through its unwanted presence or offensive content;
- To protect legitimate advertisers against false or misleading advertising by competitors;
- To protect the public acceptance of advertising, so that it can continue as an effective institution in the market place.<sup>65</sup>

It is important to note that good advertising benefits the industry as well as the consumer. More specifically, Jeffrey Goldstein has said that

Freedom to advertise carries with it certain responsibilities. If consumers are misled by advertising, they will not buy again; if offended they are unlikely to buy in the first place.<sup>66</sup>

Self-regulation in the Irish context rests with the Advertising Standards Authority for Ireland (ASAI), an organisation set up by the advertising industry in 1981.<sup>67</sup> A driving force in Irish advertising, many of the main players remain members of this organisation. The ASAI also maintains international connections; most notable in this instance is its membership of the European Advertising Standards Alliance (EASA).<sup>68</sup>

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<sup>64</sup> Comparative analyses and content analyses of a number of Codes has been carried out. The resultant summary of Code contents provides detailed information regarding how each of these can be incorporated within a new Code. This information will be present to the Board at a later date as appropriate.

<sup>65</sup> World Federation of Advertisers (15 December 1999), p.1.

<sup>66</sup> Goldstein: 2001, p.1.

<sup>67</sup> ASAI (2001, p.7) describes itself as ‘the independent self-regulatory body set up and financed by the advertising industry and committed to promoting the highest standards of advertising and sales promotion in the public interest.’

<sup>68</sup> ASAI (2001, p.19) states that ‘ASAI is a founder member of the European Advertising Standards Alliance (EASA) which brings together national advertising self-regulation organisations and organisations representing the advertising industry in Europe, whose common aim is to promote high ethical standards in commercial communications by means of effective self-regulation...The objectives of the Alliance are to be, on behalf of the advertising industry, the single authoritative voice on advertising self-regulatory issues, and to promote the principles of efficient self-regulation of advertising, while being mindful of national differences of culture, legality and of commercial practice.’

In its own words, ASAI has described advertising self-regulation as

the strict adherence by the advertising industry to standards drawn up by and on behalf of all advertising interests. It involves the enforcement of those standards through the commitment and cooperation of advertisers, agencies and media.

The main crux of the ASAI's work is to devise, issue and enforce Codes of advertising standards and for sales promotion practice for its members. Areas of commonality when these two ASAI codes are compared are that all advertisements and promotions

- Should be 'legal, decent, honest and truthful'
- Should be prepared with a sense of responsibility to consumers and to society
- Should respect the principles of fair competition generally accepted in business.

The international connection must be noted here as the evolution of both the ASAI's Codes are directly linked to the ICC Codes for the same areas. Consequently, these principles are consistent with those found in the Codes of other EASA members as well as many Codes produced by national Governments.

Complaints about advertisements can be made to the ASAI's Complaints Committee, a body which is comprised of 'persons involved in advertising and persons independent of advertising including members nominated by the Director of Consumer Affairs.'<sup>69</sup> Access to this Committee is open. Consequently, complaints may be lodged by a member of the public, an ASAI member, a Government Department, etc. The role and powers of this Complaints Committee has been summarised as follows:

The Committee may initiate corrective action where necessary and may issue appropriate directives. Where such corrective action or directive is not complied with the Complaints Committee may submit a report in the matter to the Board for consideration of disciplinary action. The composition of the Complaints Committee and the participation of nominees of the Director of Consumer Affairs and other independent members ensures the objectivity of the complaint investigation procedure and provides assurance that the system is operated with special regard for the interest of consumers.<sup>70</sup>

Due to the origins of the ASAI, and similar organisations abroad, it is believed that the onus to comply with the Codes rests with the advertising agencies and their client companies. It should be noted, that complying with the requirements of the Codes is not always a guarantee that an individual advertisement is acceptable to all media outlets.

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<sup>69</sup> DGEAC (2000), *Study on the Impact of Advertising and Teleshopping on Minors* – Ireland, p.47.

<sup>70</sup> DGEAC (2000), *Study on the Impact of Advertising and Teleshopping on Minors* – Ireland, p.47.

Some people argue that self-regulation is not as effective as one might think. Nor is it true that advertisers can be trusted to have the best interests of minors in mind because they have to meet such requirements. It has been said, that if this was indeed so, why then would advertisers continue to target small children?

Supporters of self-regulation would argue, however, that it has proved a satisfactory method to date. Codes underpinning self-regulation are reviewed regularly 'to ensure that they are an appropriate response to local, cultural and consumer concerns and that best practice is promoted'.<sup>71</sup> This constant mode of revision, it is believed, makes the Codes more flexible and thus, more adaptable than legal statutes could be. More specifically, it has been suggested that this system of control

Complements legislative controls on advertising and sales promotions and provides an alternative, low-cost and easily accessible means of resolving disputes. It encourages acceptance of standards of practice which in a number of areas go beyond what is required by law. It provides a flexible and sensitive means of dealing with matters of taste and decency that are difficult to judge in law but which can fundamentally affect consumer confidence in advertising.<sup>72</sup>

The powers of the ASAI are contained by legal statute. Where an advertisement falls outside its jurisdiction, it will direct the offending advertisement to the relevant legal authorities for consideration and appropriate judgement.

### **Concluding remarks**

To date, regulations affecting advertising in Ireland as it pertains to children have emerged from national, European and international law and practice. Where advertisements are contentious, referral to the BCC and/or BCI and self-regulation by the advertising industry through the ASAI remain the principal methods of control.

Legal statutes and codes for self-regulation are not the only means available nor used in controlling which commercial messages reach children. In countries, such as Denmark, a Consumer Ombudsman is responsible for vetting such advertisements. Other countries, however, maintain that child audiences are too innocent and thus, too naïve to be the legitimate targets of advertising agencies and their client companies. Consequently, while some countries choose to regulate, others go further by introducing bans of varying degrees of severity. It is to this topic that attention now turns.

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<sup>71</sup> World Federation of Advertisers, Position Paper on Advertising to Children – *WFA Freedom of Information for Children Programme* (FIC), 5 September, p.1.

<sup>72</sup> DGEAC (2000), *Study on the Impact of Advertising and Teleshopping on Minors* – Ireland, p.48.

# 5 To Ban or Not to Ban?

## **Introduction**

Defining what should be the nature of the relationship of advertiser to child generates a whole spectrum of opinions. This section looks briefly at the two ends of that range – at examples of countries enforcing bans of varying degrees of severity but also at the other end, at arguments promoting the positive aspects of advertising to children. No comment is offered. It is up to the reader to determine the validity and thus, acceptability, of these viewpoints.

### **5.1. Those who choose to ban**

Sweden is possibly the best known example of a country which bans advertising to children. Introduced by the Radio and Television Act, 1991, this ban predates Sweden's accession into the European Union. Although priding itself on being a democratic society, where access to information is heralded as an essential right, successive Swedish governments have sought to protect minors from advertisements where at all possible. The guiding line is that children's ability to distinguish commercial advertisements from mainstream programmes is in an underdeveloped state. More specifically,

Swedish regulators support the prohibition of advertising to children under twelve years of age. The main reason put forward by regulators is that it is not morally acceptable to use television, a powerful advertising medium, as a means for targeting children. In the Social Democratic political tradition, regulators defend their belief that advertising on television is used to “cheat” young children who are not able to understand exactly what is happening.<sup>73</sup>

Sweden may have the most far reaching ban when compared to other countries but it is not alone. Other countries attempting to protect children from being a target audience for advertisers are identified in Table 5.1. Information presented in this table illustrates the various degrees of restriction currently in force. These limitations centre on three main areas:

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<sup>73</sup> Gonzalez Del Valle: 1999, p.60.

**Table 5.1**  
**Sample of Bans in Effect**

Austria	No advertising during children's programmes.
Belgium	No advertising is permitted 5 minutes before or after programmes for children under 12. Advertisements for confectionary must carry a symbol of a toothbrush and paste (Flemish region).
Denmark	No advertising breaks during programmes (for all broadcasting).
Greece	No advertising of toys between 7 am and 10 pm. A total ban on the advertising of war toys.
Italy	Cartoon films are not to be interrupted by advertisements.
Luxembourg	No advertisements are allowed to appear adjacent to children's programmes.
Norway	'Advertisements may not be broadcast in connection with children's programmes nor may advertisements specially target children.' <sup>74</sup>
Sweden	No advertising to children under 12. No adverts broadcast during or immediately before or after children's programmes. <sup>75</sup>

<sup>74</sup> Ministry of Cultural Affairs, Norway (1992), *Act no. 127 of 4 December 1992 relating to Broadcasting* – amended 2000, p.4.

<sup>75</sup> Radio and Television Act, 1991; Chapter 7, section 4.

- a. Distinguishing commercial messages from programmes;
- b. The appropriate time to broadcast; and
- c. Acceptable proximity to children's programming.

#### *5.1.1. Relevance of bans in today's world?*

It has been argued that such restrictions are becoming increasingly obsolete; that their preservation is inconsistent with the situations that presently exist. Increasing developments and refinements in telecommunications means that maintaining such restrictions might not only be difficult, it might prove pointless. Referring specifically to Sweden, it has been said that

The effectiveness of the ban is undermined by the presence of satellite television advertising. The successful completion of an "advertising-free zone", if such is the regulatory aim for television, will remain difficult within the framework of the Single European Market and the country of origin principle.<sup>76</sup>

In general, with the increasing number of television stations transmitting into a country from outside its own jurisdiction, the imposition of a ban on home based advertisers might be construed as unfair. Currently, advertisements transmitted are subject to the laws of the country in which they originate and not those of the country in which they are received.<sup>77</sup> This tilts the balance towards international, and away from national, advertisers. More significantly perhaps is the fact that banning advertisements for children no longer shields them from seeing such on foreign television.

On the subject of the viability/suitability of using bans to restrict activity in this area, a recent forum of the European Group on Television Advertising (EGTA) concluded that

Self-regulation and education were both put forth as positive measures that should be adopted by every country. All parties with a vested interest had a voice – academia, official institutions, advertising agencies and television stations.<sup>78</sup>

## **5.2. The alternative view of advertising and children**

For every claim, there is always a counter claim. Consequently, in this area, there are proponents of advertising directed at children. A brief outline of the principal arguments proposed now follows.

#### *5.2.1. Money generated*

One point that has been made in favour of advertising of this kind is that it generates funding for children's television programming. It has been said, for example, that

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<sup>76</sup> Gonzalez Del Valle: 1999, p.60.

<sup>77</sup> This is the 'Country of Origin' principle.

<sup>78</sup> European Group on Television Advertising, Brussels (2001), Special Report: *4<sup>th</sup> EGTA Thematic Day on "The Future of Children Advertising"*, 15 March, p.2.

Advertising finances much of children's TV [sic]. With less money, channels would buy cheaper, lower quality products.<sup>79</sup>

This point has been echoed by EGTA. Here it was said that

Children will not be the only losers of a total ban on television advertising – broadcasters will also suffer. But their problem would be of a different sort, namely the bottom line. Economically, it is not feasible for broadcasters to operate without advertising funding.<sup>80</sup>

Suggesting that production values and expenditure will drop as a result of decreases in, or the absence of, income from advertising for children does not explain succinctly how much is contributed in real terms.<sup>81</sup> Jeffrey Goldstein estimates, however, that more than 90% of the revenue from television advertising directed at children is reinvested in children's programmes.<sup>82</sup> Referring to the United Kingdom, the UK Advertising Association

Estimated that a ban on television advertising to children would remove around ECU two billion per annum from European broadcasters' revenue. This would lead to poorer quality programming and the programming would not be sustained because of the removal of this revenue base.<sup>83</sup>

### 5.2.2. *Educational development*

It has been said that children's exposure to advertising from a young age is part of their educational development. Here it is argued that

Advertising is a part of a child's normal environment. It plays a part in the child's development process by equipping children with the necessary knowledge and skills to act as responsible consumers in later life.<sup>84</sup>

### 5.2.3. *Equal access to information*

In its Position Paper on Advertising to Children, the World Federation of Advertisers has produced a view that allowing access to advertising is on par with affording children equal rights to access information. More specifically, it has said that

The members of the FIC Programme believe that children are as entitled as adults to receive information about products that are of interest to them...Children have a right to information about children's products.<sup>85</sup>

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<sup>79</sup> World Federation of Advertisers (5 September 2001), p.2.

<sup>80</sup> European Group on Television Advertising, Brussels (2001), Special Report: 4<sup>th</sup> EGTA Thematic Day on "The Future of Children Advertising", 15 March, p.2.

<sup>81</sup> No comparable data from Ireland has been located.

<sup>82</sup> Goldstein: 1998, p.3.

<sup>83</sup> Gonzalez Del Valle: 1999, p.8. At the time of that publication, £1 Sterling was equal to 1.5 ECU.

<sup>84</sup> World Federation of Advertisers (5 September 2001), p.1.

<sup>85</sup> World Federation of Advertisers (5 September 2001), p.1.

#### *5.2.4. Restricting access to advertising can damage a child*

If one accepts that exposing children to commercial messages is part of their educational development, it can then be said that banning them could in turn have a negative effect on children's overall development. Such restrictions may have implications. Two examples are that an absence of advertising could mean that children would be ill-equipped to deal with it when they come of age. And secondly, it could mean that their ability to develop an understanding of the intent behind commercial communication is compromised.

#### *5.2.5. Restrictions*

Restricting advertising to children or enforcing an all out ban on television advertising to children does not isolate them from commercial messages, however. Instead it shields them from advertisements concerning items and/or services they might be interested in but it does not mean that children will see no advertising at all. Apart from being exposed to advertising through other media – for example, press media and hoardings – they will also be exposed to adult advertising.<sup>86</sup>

### **Concluding remarks**

A broad range of opinions has been presented herein. The guiding line throughout this section is that children do not live in isolation but in a commercial world. How one deals with this is, and must continue to be, a matter for debate and further consultation.

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<sup>86</sup> World Federation of Advertisers (5 September 2001), p.2.

# 6 Overview of Irish Research

## Introduction

A survey of Irish research on ‘Advertising and Children’ was carried out. The objective was to determine the amount of work currently available that was specific to Ireland, reflecting both its people and societal idiosyncrasies.

The investigation took place on three distinct levels: (a) academic research; (b) the advertising industry; and (c) organisations representing the advertising industry. Little emerged from this search. No information was forthcoming from academic environs. A trawl of information on record at the research units of large advertising agencies yielded similar disappointment. The underlying belief seems to be that many of the international studies are believed applicable to the Irish context. With increasing numbers of international television and radio services available to Irish audiences, the findings of such research is becoming increasingly relevant.

The trawl of representative organisations was more successful albeit only slightly so. Three studies were found but the relevance of international work comes into play here. Two of the studies formed part of larger international investigations. Consequently, only one study was located that deals specifically with Ireland and was commissioned from within this State.<sup>87</sup> A brief critique of these studies now follows.

### 6.1. DGEAC (2000), *Study on the Impact of Advertising and Teleshopping on Minors – Ireland*<sup>88</sup>

This study was carried out in 18 Member States of the EU and European Economic Area using the same headings and terms of reference.<sup>89</sup> More specifically,

The aim of the study was to identify and describe the national provisions on advertising provided in legislation, regulation and self-regulatory codes, which are applied to advertising in each State for the protection of minors. In addition, the national system for the handling of complaints was described fully, covering administrative, legal and self-regulatory measures.

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<sup>87</sup> Institute of Advertising Practitioners in Ireland (1999), *Youth Scope – Youth Attitudes and Opinions*.

<sup>88</sup> [www.europa.eu.int/comm/avpolicy/stat/studpdf/minadv\\_ir.pdf](http://www.europa.eu.int/comm/avpolicy/stat/studpdf/minadv_ir.pdf)

<sup>89</sup> Work carried out on Ireland was coordinated by McCann Fitzgerald solicitors.

This a well laid out report, summarising all the main laws and regulations affecting advertising to children in the Irish context. It also refers to how such regulations are policed and enforced. It does not treat media as an undefined monolith but under each law, breaks the term down to outline how each of the separate mediums was affected, i.e. if affected at all.

## **6.2. Advertising Education Forum (2000), *Parental Perceptions of Influences in their children's lives*<sup>90</sup>**

This study is quantitative. It was carried out using data collected from 20 European countries – including Ireland.<sup>91</sup> Its primary aim was to consider what parents thought were the primary influences in their child's development? The approach taken was quite analytic, however, for such a sensitive, and subjective, topic. Clumping the countries together in this manner revealed much about the common ground and consequently, very little about individually. For example,

There is a great deal of similarity across Europe in parents' perceptions of the top 5, or the most important, influences on children's lives. Unprompted parents say that these top influences include parents, school, friends, other family and TV programming.

The conclusions revealed that in the majority of countries surveyed, TV advertising was considered a middle to low ranking influence – some countries ranked it at about 7 out of 18 influences in children's lives. Consequently, this study shows that some 86% of respondents did not cite TV advertising as a top 5 influence. Ireland was among the countries that exhibited a low level of concern about the affect of advertisements on children's lives (under 10%). As it was a short study, the relevance to Ireland, to Irish society, to Irish children generally and to this particular piece of work on advertising to children is therefore limited.

## **6.3. Institute of Advertising Practitioners in Ireland (1999), *Youth Scope – Youth Attitudes and Opinions*<sup>92</sup>**

This study was designed to look into the teenage market in Ireland, focusing on Irish teenagers between the ages of 12 and 18. Its stated aim was 'to provide a quantitative analysis of the behaviour patterns and belief systems of Irish teenagers today.' And this it does quite efficiently and informatively. Its focus, questions and results, however, bear little relevance to the topic of advertising to children. Most of the questions asked and the results given focus on where teenagers go, how much they spend, what they spend money on and facets of their home life. The final two sections of this study focus on 'Media' and on 'Advertising' – neither of which approaches the subject in a way that could be relevant to advertising to children. The 'Media' section focuses on usage (which is quantitative) rather than influences of (which is highly qualitative).<sup>93</sup> In turn, the section on 'Advertising' is again not directly relevant as it

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<sup>90</sup> [www.aeforum.org](http://www.aeforum.org)

<sup>91</sup> Austria; Belgium; Czechoslovakia; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Ireland; Italy; Luxembourg; Netherlands; Poland; Portugal; Romania; Spain; Sweden; UK.

<sup>92</sup> Received by post from IAPI.

<sup>93</sup> p. 63.

focuses on attitudes to advertising rather than the effects of this activity – again quantitative versus qualitative.<sup>94</sup> In summing up this section, it does note that part of the sample expressed concern ‘about the deviousness of advertising’.<sup>95</sup>

### **Concluding remarks**

Results to date may be disappointing but the search is on-going. It should be noted, however, that much of the work produced on advertising and children is general rather than culturally specific. Consequently, one could see the absence of Irish work in this area not as a hindrance as there is a wealth of material currently available that deals with this phenomenon and with the perceived effects of advertising on children.<sup>96</sup>

Conclusions reached here refer to research on advertising and children in a general context. This was a stock taking mission, to see what exists, the nature of the findings proposed and the methods of analysis engaged. The relevance to, and need for, research as part of the process in formulating the actual Code is the next stage of investigation. It will be considered and presented separately.

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<sup>94</sup> p. 76.

<sup>95</sup> p. 79.

<sup>96</sup> A sample of this research was reviewed in Section 2 and formed the basis of the conclusions reached in that instance.

## 7 Concluding Remarks

This study has been organised thematically, ranging from an overview of current research on ‘Advertising and Children’ to an outline of the regulatory framework as it exists in Ireland. The guiding line through the information reviewed is the general agreement that advertisers should be monitored in their contact with children. Deciding whether such contact should be limited, strictly regulated or imposing an all out ban on advertising to such an impressionable group has been a recurring puzzle throughout.

At the outset, *Section 2* introduced the reader to the main facets of the phenomenon that is ‘Advertising and Children.’ Here the reader was provided with information vis-à-vis the principal arguments about the perceived effects of this commercial activity and the reasons put forward to “justify” restrictions and/or more severely, various degrees of prohibition. Attention was also drawn to the precarious nature of the research being produced and the need to question conclusions reached was emphasised.

Clarity in the language used was the focus point of the third section. The central terms of ‘child’, ‘advertising’, ‘children’s advertising’ and ‘sponsorship’ were considered.

Following on, attention turned to the regulatory framework as it exists in Ireland. Main influences were identified and each was considered thereafter. Key players and organisations were identified and considered as appropriate. In short, it was seen that where advertisements are contentious, referral to the Broadcasting Complaints Commission and/or the Broadcasting Commission of Ireland and self-regulation by the Advertising Standards Authority of Ireland (ASAI) are currently the principal methods of control.

*Section 5* outlined the spectrum of opinions on the activity of advertising to children. Attention was drawn to the two extremes of this range. Information reviewed at one end considered the notion of enforcing restrictions on this area of commercial activity. Providing a sample of the bans currently in place, it outlined reasons why maintaining such limitations may not be feasible/possible in years to come.

At the other end of the scale, arguments supporting children’s advertising were provided. A whole host of reasons were sieved through to substantiate the claim that advertising to children is not harmful but moreover, forms part of their development as they move towards adulthood. Perceived consequences of a drop in revenue gleaned from this activity were also outlined.

The final section provided an *Overview of Irish Research*. It was seen that although the search was extensive, the pickings were slim. The three reports located were summarised therein. It was stressed that the objective of this search was to provide a stock take of existing information and that the topic of commissioning research as part of the process for formulating the new Code was a separate concern.

\* \* \* \* \*

The information provided has illustrated that the area of ‘Advertising and ‘Children’ is multi-layered and consequently, very complex. For every claim, there is a counter claim. For every reason to restrict this activity, there is a reason to promote it. Clarity in approach, purpose and focus is therefore needed to steer effectively through this maze that is ‘Advertising and Children.’

# Appendix I

**Table**  
**Television ownership in Ireland<sup>97</sup>**

<b>Ownership</b>	<b>1987</b>	<b>1994-5</b>	<b>1999-2000</b>
1 set	61.2%	88.2%	96.2%
2 or more sets	14.0%	28.4%	49.0%

<sup>97</sup> Central Statistics Office, Ireland (2000), *1999/2000 Household Budget Survey*.

# Appendix II

## Extracts from:

**DIRECTIVE 97/36/EC OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL OF 19 JUNE 1997  
AMENDING COUNCIL DIRECTIVE 89/552/EEC ON THE COORDINATION  
OF CERTAIN PROVISIONS LAID DOWN BY LAW,  
REGULATION OR ADMINISTRATIVE ACTION IN MEMBER STATES  
CONCERNING THE PURSUIT OF TELEVISION BROADCASTING  
ACTIVITIES**

Re: Children and Advertising

**p.5**

The European Parliament and the Council of the European Union shall

**p.6**

- ‘(6) Whereas the Commission has submitted a Green Paper on the Protection of Minors and Human Dignity in audiovisual and information services and has undertaken to submit a Green Paper focusing on developing the cultural aspects of these new services;’

**p.14**

**General provisions – Chapter II, Article II**

- ‘Member States shall ensure that all television broadcasts transmitted by broadcasters under its jurisdiction comply with the rules of the system of law applicable to broadcasts intended for the public in that Member State.’

**p.19**

- Article 11 – deals with advertising – e.g. that teleshopping and advertising are to be kept separate
- No subliminal messages

**p.20**

- ‘No. 5 ‘Advertising and teleshopping shall not be inserted in any broadcast of a religious service. News and current affairs programmes documentaries, religious programmes and children’s programmes, when their scheduled duration is less than 30 minutes, shall not be interrupted by advertising or by teleshopping.’

## **ARTICLE 12**

‘Television advertising and teleshopping shall not:

- a) prejudice respect for human dignity;
- b) include any discrimination on grounds of race, sex or nationality;
- c) be offensive to religious or political beliefs;

- d) encourage behaviour prejudicial to health or to safety;
- e) encourage behaviour prejudicial to the protection of the environment.'

**p.21**

**ARTICLE 15**

Re – advertising and teleshopping for alcoholic beverages

- '(a) it may not be aimed specifically at minors or, in particular, depicts minors consuming these beverages.'

**ARTICLE 16**

Television advertising shall not cause moral or physical detriment to minors, and shall therefore comply with the following criteria for their protection:

- a) it shall not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity;
- b) it shall not directly encourage minors to persuade their parents or others to purchase the goods or services being advertised;
- c) it shall not exploit the special trust minors place in parents, teachers or other persons;

**p.22**

- d) it shall not unreasonably show minors in dangerous situations.'
- '2. 'Teleshopping shall comply with the requirements referred to in paragraph 1 and, in addition, shall not exhort minors to contract for the sale or rental of goods and services.'

**P.23**

**CHAPTER V**

**Protection of minors and public order**

**ARTICLE 22**

- '1. Member states shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.'

**pp 23-4**

- '2. The measures provided for in paragraph 1 shall also extend to other programmes which are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure (p.24) that minors in the area of transmission will not normally hear or see such broadcasts.'

# Appendix III

## Extracts from:

### **COUNCIL DIRECTIVE 89/552/EEC OF 3 OCTOBER 1989 ON THE COORDINATION OF CERTAIN PROVISIONS LAID DOWN BY LAW, REGULATION OR ADMINISTRATIVE ACTION IN MEMBER STATES CONCERNING THE PURSUIT OF TELEVISION BROADCASTING ACTIVITIES**

Re: Television advertising and sponsorship

#### **ARTICLE 10**

1. Television advertising shall be readily recognizable as such and kept quite separate from other parts of the programme service by optical and/or acoustic means.
2. Isolated advertising spots shall remain the exception.
3. Advertising shall not use subliminal techniques.
4. Surreptitious advertising shall be prohibited.

#### **ARTICLE 11**

1. Advertisements shall be inserted between programmes. Provided the conditions contained in paragraphs 2 to 5 of this Article are fulfilled, advertisements may also be inserted during programmes in such a way that the integrity and value of the programme, taking into account natural breaks in and the duration and nature of the programme, and the rights of the rights holders are not prejudiced.
2. In programmes consisting of autonomous parts, or in sports programmes and similarly structured events and performances comprising intervals, advertisements shall only be inserted between the parts or in the intervals.
3. The transmission of audiovisual works such as feature films and films made for television (excluding series, serials, light entertainment programmes and documentaries), provided their programmed duration is more than 45 minutes, may be interrupted once for each complete period of 45 minutes. A further interruption is allowed if their programmed duration is at least 20 minutes longer than two or more complete periods of 45 minutes.
4. Where programmes, other than those covered by paragraph 2, are interrupted by advertisements, a period of at least 20 minutes should elapse between each successive advertising break within the programme.
5. Advertisements shall not be inserted in any broadcast of a religious service. News and current affairs programmes, documentaries, religious programmes, and children's programmes, when their programmed duration is less than 30 minutes shall not be interrupted by advertisements. If their programmed duration is of 30 minutes or longer, the provisions of the previous paragraphs shall apply.

## **ARTICLE 12**

Television advertising shall not:

- a) Prejudice respect for human dignity;
- b) Include any discrimination on grounds of race, sex or nationality;
- c) Be offensive to religious or political beliefs;
- d) Encourage behaviour prejudicial to health or to safety;
- e) Encourage behaviour prejudicial to the protection of the environment.

## **ARTICLE 13**

All forms of television advertising for cigarettes and other tobacco products shall be prohibited.

## **ARTICLE 14**

Television advertising for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the broadcaster falls shall be prohibited.

## **ARTICLE 15**

Television advertising for alcoholic beverages shall comply with the following criteria:

- a) It may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;
- b) It shall not link the consumption of alcohol to enhanced physical performance or to driving;
- c) It shall not create the impression that the consumption of alcohol contributes towards social or sexual success;
- d) It shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;
- e) It shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light; it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.

## **ARTICLE 16**

Television advertising shall not cause moral or physical detriment to minors, and shall therefore comply with the following criteria for their protection:

- a) It shall not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity;
- b) It shall not directly encourage minors to persuade their parents or others to purchase the foods or services being advertised;
- c) It shall not exploit the special trust minors place in parents, teachers or other persons;
- d) It shall not unreasonably show minors in dangerous situations.

## **ARTICLE 17**

1. Sponsored television programmes shall meet the following requirements:

- (a) the content and scheduling of sponsored programmes may in no circumstances be influenced by the sponsor in such a way as to affect the responsibility and editorial independence of the broadcaster in respect of programmes;

- (b) they must be clearly identified as such by the name and/or logo of the sponsor at the beginning and/or end of the programmes;
  - (c) they must not encourage the purchase or rental of the products or services of the sponsor or a third party, in particular by making special promotional references to those products or services.
2. Television programmes may not be sponsored by natural or legal persons whose principal activity is the manufacture or sale of products, or the provision of services, the advertising of which is prohibited by Article 13 or 14.
  3. News and current affairs programmes may not be sponsored.

# Appendix IV

## UNITED NATIONS *Convention on the Rights of the Child*

Adopted and opened for signature, ratification and accession by  
General Assembly resolution 44/25 of  
20 November 1989

Entry into force: 2 September 1990

### Articles relevant to Children and the Media:

#### *Article 3:*

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

#### *Article 13:*

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - a) For respect of the rights or reputations of others; or
  - b) For the protection of national security or of public order (ordre public), or of public health morals.

#### *Article 17:*

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or

her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;<sup>98</sup>
- b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- c) Encourage the production and dissemination of children's books;
- d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.<sup>99</sup>

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<sup>98</sup> Article 29 refers to educating the child and the spirit of such education that allows he/she to reach his/her full potential.

<sup>99</sup> Article 18 refers to the role that parent/s or legal guardians have in the upbringing and development of a child.

# Appendix V

## Extracts from:

### **BROADCASTING ACT, 2001**

#### **PART III**

#### **Standards in Broadcasting**

Refers to Codes and rules with respect to programme material

- 19 (1) states that the Commission:
  - 19 (1) (a) says that ‘a code specifying standards to be complied with, and practices to be observed, in respect of the taste and decency of programme material, the subject of a broadcasting service or sound broadcasting service, and, in particular, in respect of the portrayal of violence and sexual conduct in such material, and
  - (b) a code specifying standards to be complied with, and rules and practices to be observed, in respect of advertising, teleshopping material, sponsorship and other forms of commercial promotion employed in any broadcasting service or sound broadcasting service...
  - (c) a code specifying standards to be complied with, and rules and practices to be observed, in respect of advertising, teleshopping material, sponsorship and other forms of commercial promotion employed in any broadcasting service or sound broadcasting service, being advertising and other activities as aforesaid which relate to matters likely to be of direct or indirect interest to children.
- 19 (3) that the Commission shall make rules with regard to the transmission of advertisements and teleshopping material on a broadcasting service or sound broadcasting service ‘being a service which consists of a compilation of programme material supplied pursuant to a contract entered into under this Act or the Act of 1988’, and
- also re the maximum period that shall be allowed in any given hour for the transmission of advertisements and teleshopping material on such a broadcasting service or sound broadcasting service
- Commission can make such rules with respect to different classes of broadcasting service or sound broadcasting service
- That before any code can take effect, the Commission must allow a draft copy to be available for inspection by anyone who makes such a request
- (7) states that ‘In preparing a code under *paragraph (c) of subsection (1)* the Commission shall, taking into account any relevant instrument made or relevant guidelines issued by any body in which are vested functions in relation to the welfare of children, have regard to –

- a. any research which it considers appropriate...conducted with respect to the effect of activities referred to in that paragraph on children, and
  - b. the merits or otherwise and the feasibility of such a code containing a prohibition on a specified class or classes of such activity in so far as those activities relate to children in general or children under a particular age.
- That the Commission should produce a relevant code within one year of receiving the directive
- That the Commission shall make rules requiring each broadcaster to promote understanding and enjoyment by deaf/ hard of hearing and by the blind/partially sighted of programmes transmitted on any broadcasting service provided by him/her.
- (14) states that ‘The Commission shall prepare a code specifying standards to be complied with, and rules and practices to be observed, in respect of the provision of a broadcasting service which has, as one of its principal objectives, the promotion of the interests of any organisation.
- States that ‘teleshopping material’ means material which, when transmitted, will constitute a direct offer to the public for the sale or supply to them of goods or other property (whether real or personal) or services
- 20 (1) states that ‘The Commission may co-operate with or give assistance to one or more persons (whether residing or having their principal place of business in the State or elsewhere) in the preparation by that person or those persons of codes or standards with respect to the transmission of information by any electronic means (other than by means of broadcasting), including by means of the Internet
- that in this section ‘codes or standards’ does not include codes or standards with respect to any technical aspect of the transmission of information by the means referred to in *subsection (1)*.

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