

Children's Advertising

**What do
you think?**

The Draft Children's Advertising Code

What do you think?

What is this?

The children's advertising code will have rules for advertisers about the way they use advertising to sell things to children and young people.

This is a *draft* of the code. 'Draft' means that we've written the rules but we are not going to say they are finished until we ask you one more time what you think... so we can be sure we have got it right and make any changes that are needed.

We need your help to get this work done.

We have been working on making this code for a year now and during that time we have been asking people what they think and listening to their views. We have asked adults, people who make advertising, people who work in radio and television stations, people who work with children and children and young people.

Last year we asked children and young people what rules should be in the code. We had a booklet like this one and you could write into us or answer the questions on our website. We also worked with the National Children's Office and held an event in Croke Park where over

80 children and young people talked about the rules they would like to see in the code.

The draft code is at the back of this booklet and is written in very legal language. Because of the law, we have to write it like that, but this booklet explains the rules that are in it. There are different headings and the rules are put into groups under these headings. When you are reading about a rule and you want to see how it is written then go to the back part of the booklet and look for the rule under the heading of the same name.

Let us know what you think by writing to us at:

Children's Advertising Code
BCI, 2-5 Warrington Place
Dublin 2

Or email us on codes@bci.ie

Or you can answer the questions on our website on www.bci.ie

We need your answers by May 17th, 2004

When you are answering the questions it would be really helpful if you told us why you think the rules are good or bad so we can understand your viewpoint.

At the back of the booklet there is also background information about who we are and why we are making this code.



1 *This explains the rules under the heading Social Values*

We asked you if you thought there should be a rule about the way people behave in children's advertising.

Young people and children said they thought there should be a rule about this because children sometimes copy what they see on television. You said that it was important that children's advertising should show people behaving in a way most people would think is good because if people are behaving badly, children might copy that and act that way too. We agreed

with you and our rule means that people in children's advertising should behave in a way that most people would think is right. People should not be mean to other people or bully people or pick on them because of who they are or what they believe. People should not be racist and should show respect for other people, including children.



2 *This explains the rules under the heading Inexperience and Credulity*

We asked you if you thought we needed a rule to make sure that children understand what is really being advertised.

Children and young people had very strong ideas and feelings about this. You said that advertising needs to make sure that children understand what is being advertised. You said that children's advertising should show the real size of the thing being advertised, that it should tell you when batteries are needed, what age you need to be to work the toy and that sometimes special effects can fool young children. You also said that small print messages on the bottom of the screen needed to be bigger and

said out loud sometimes, for young children who can't read yet. We agreed with you and we have made a number of rules. The first rule is called Inexperience and Credulity. This means that advertisers must realise that all children are not the same and their ability to understand an ad changes as they get older. The other rules called Factual Presentation and Price of Product mean that advertisers will have to do all the things you asked.



3 *This explains the rules under the heading **Undue Pressure***

We asked you if there was a need for a rule to make sure that children's advertising doesn't put children and parents under pressure.

We asked you what you thought about 'pester power' and if advertising puts you or your parents under pressure. You told us that advertising does make children ask for things, but so do your friends and things you read in magazines. You said that you feel advertising does put parents under pressure sometimes to buy things that are very expensive. You also said that children

sometimes might think that if they have the thing being advertised they will have more friends and be more popular. We made a rule that says that advertising cannot tell children to ask their parents to buy them things from the ad.

We made another rule that says that advertising shouldn't make a child think they will be better than everyone else if they have the thing being advertised or that their family will be better than everyone else.

The third rule says that an ad should not make children think that they will have more friends if they buy the thing being advertised.

We have a rule that says that advertising shouldn't make children feel they aren't as good as other people because they don't have the thing being advertised. And the last rule in this section says that advertising shouldn't offer prizes or rewards to children for getting other children to buy the thing being advertised.

4 *This explains the rules under the heading **Parental Responsibility***

We asked you if you thought that sometimes children watch things that are on late at night that are really for adults. We also asked you whose responsibility it was to make sure this doesn't happen.

You told us that children are watching adult programmes, even ones that are on late at night. Most of you said that when it gets late at night parents should be the ones who stop children from watching programmes that are unsuitable for them. You said that during the day the television stations should be responsible and not put on programmes or children's advertising that would upset young children or be unsuitable for them. What we've decided to do is to make a rule that says that the responsibility is shared

between the television stations and the parents. The rule says that parents have the main responsibility for children but that the television stations must 'support' them by making sure they put the programmes on at the right times. There is another rule to support parents and guardians. This says that children's advertising shouldn't encourage children to fool their parents or trick them into buying them things from the ads.

What do you think of these rules?

What do you think of this rule?

5 *This explains the rules under the heading* **Special Protection for Children in Advertising**

We asked you if we needed rules about children that are in the ads. There were four things to think about.

The first was whether we needed a rule about children being made to look older or sexy in ads. You said that we did. You talked about young girls wearing make up and children growing up too fast because they are copying the children in the ads.

We have made a rule about this. The rules says that children in advertising should not be made to look sexy and ads shouldn't make children worry about how they look.


We asked you if we needed a rule about children sending information to advertisers about themselves and

their families. You told us that you thought sending information to advertisers could be a dangerous thing to do because the information could be given to the wrong people. We have made a rule that says that ads shouldn't really ask children for information but that if they do, then they must make sure that children ask their parents permissions first.

We asked you how you felt about adults pretending to be children in adverts. Many of you said that sometimes this can be insulting to children. Adults who thought about this question said they didn't think this was a problem, that sometimes ads do this to get important messages across or it is done to be funny. What we have done is made a rule that says that it can still happen

but the ad must not make children look stupid or be insulting to children.

The last question we asked was about children being used in ads to tell other people that the thing being advertised is really good. Some of you said that you didn't like this because children would believe other children faster than they would believe an adult in the ad. Others said that it was okay for children to be in ads talking about things. The rule we have made says that children can talk about something in an ad but only if it is a thing that children are interested in. So there could be a child talking about a game or a toy and how good it is, but there couldn't be a child talking about insurance or a bank, because these are not children's things.



**What do you
think of these
rules?**

6

*This explains the rules under the heading **Programme Characters***

We asked you if people and puppets and characters from children's programmes should be allowed to advertise things in children's advertising?

Many of you said that because children like the characters they might feel under pressure to get the product and that this is unfair, especially for very young children.

We have made a rule that people from children's programmes cannot be in children's advertising, unless the ad is for the programme or something to do with the programme. Even then the ad can't come on at the same time that the programme is on in case young children would get confused about which is the ad and which is the programme.

What do you think of these rules?

7

*This explains the rules under the heading **Safety***

We asked your opinion on a lot of rules about safety. The rules say that people on television should use the proper equipment and obey the proper rules if they are doing things like riding bicycles, skateboarding, rollerblading and other things. The rules say that ads should not show children talking to strangers or going into strange places on their own. All of you agreed that this was important because children might copy what they saw on the television and it's better if they copy the safe way to do things.

You also said that ads should not show people bullying or teasing other people. We have made a rule about this.

We have also made a rule that says that if children are using the internet in an ad then the ad should show that there are adults around supervising what they are looking at.

There are a lot of rules under this heading. It might help to look at them now in the back of the booklet and then us know what you think of them.

What do you think of these rules?

8

*This explains the rules under the heading **Diet and Nutrition***

A lot of people wrote to us saying they are worried about childhood obesity, that children are eating too much and not exercising enough. They believe that children's advertising is one of the reasons this is happening. Children and young people didn't say this but you did say that fast food advertising makes it look like children should eat this food regularly, you said that it should only be a treat. You also said that ads for slimming foods should not be on during children's advertising.

We have made a number of rules about children's advertising for food and drink and we are going to check how they have worked after one year. We did not ban any foods but we did make rules about how ads could talk about these foods.


We made a rule that in ads for sweets, cakes, biscuits and chocolate there has to be a small picture of a toothbrush on the screen to remind children and young people that you should brush your teeth after eating this type of food.

We made a rule that in ads for fast food, there should be a message on the screen that says this food shouldn't be eaten too often and as part of a balanced diet.

We made a rule that celebrities and sports stars and children's heroes cannot advertise food and drink to children. This was a rule that children and young people said would be good. You told us that you think

children will want the food or drink because they don't want to disappoint the celebrity they like or because they believe eating or drinking it will make them like their hero.

We also made a rule that ads for food and drink should not encourage children to eat too much.



What do you think of these rules?

9

*This explains the rules under the heading **Violence***

We asked you if violence should be allowed in children's advertising.

You told us that violence can scare very young children. You said that even when the ad is for a good message, like not smoking, these ads can be too scary for very young children. You also told us that older children understand the ads better and know when it is make believe.

We made a rule that says that children's advertising should try not to have violence in the ads or anything that could scare children. There may be times though when there are some frightening things that are part of an important message, like an ad for wearing seatbelts. Our rule says that television stations should be careful as to when they put these ads on.

What do you think of these rules?

10

*This explains the rules under the heading **Product Prohibitions and Restrictions***

We asked you if there are things that you think should be banned from being in children's advertising. You told us a number of things that you thought should be banned. Some of these things are already banned for anyone who watches televisions or hears radio. These are tobacco and cigarettes and some medicines. There are also rules already about the way that banks can be advertised.

Our rules ban four things. These are betting or gambling ads, ads for dating services, slimming products and ads for things to do with sex.

We expect that the Department of Health is going to make new laws about advertising for alcohol and these new rules will go into our code as well.

What do you think of these rules?

11 *This explains the rules under the heading* **Price of the Product**

We asked you if we needed rules about how children's advertising presents the price of what is being advertised.

You told us that children get confused sometimes because the price is in sterling, or the price is only for some of the toys in the ad or the ad makes it sound like the toy is cheap. You also said that using words like new version or improved version can put children under pressure to get the new version and made them believe that the one they have is not good anymore.

We made a number of rules about this. The rules say that ads should give children the full price in euro and include the price of any extra charges.

If there are a number of things in the ad the ad should make it clear what you get for the price on the screen.

Another rule says that ads can't use the words 'only' or 'just' or any word that makes it sound like the thing being advertised is cheap.

There is a rule that says that the price should be easy to read. If the ad is for something that very young children will be interested in, then the price should be said out loud because this age group may not have learned to read yet.

12 *This explains the rules under the heading* **Identification and Separation**

We asked you if we needed rules to make it easier to tell the difference between an ad and a programme. Most of you agreed this is important because young children can be confused sometimes between the two.

The rules say that an ad must not look or sound like a programme and during children's programmes the television station should tell children when an ad break is coming on, this message could be something on the screen or a sound that would let children know.

**What do
you think of
these rules?**

13 This explains the rules under the headings **Insertion of Advertising and Scheduling Children's Advertising**

We asked you when you thought children's advertising should be on and there were a lot of views about this. Some of you said that children's advertising should be on during certain times. Others agreed with the rule in Europe that says that if a children's programme is less than a half hour it should not be interrupted by ads.

Here are some of the rules we've made about this.

Children's programmes that are less than a half hour cannot be interrupted by advertising.

Ads that talk about Christmas or show Christmas things like Christmas trees, Santa Claus or use Christmas music

can't come on until after Halloween. This is because lots of adults wrote to us and said that Christmas ads were starting too early.

There is also a rule that says that when television stations are deciding when to put their ad on they must think about what age group is watching at that time, in case for example, they put on an unsuitable ad when very young children are watching.

What do you think of these rules?

14 This explains the rules under the heading **Scheduling Children's Advertising**

We asked you how we should decide what is a children's programme.

There are programmes that everyone knows is a children's programme, like the Den, but children watch other programmes as well, like Eastenders or Fair City. Are these children's programmes?

We told you that in other countries what they do is check how many people are watching the programme and what is the age of these people.

If they find that there are more children and young people watching a programme than adults, then they call it a children's programme. We asked you what you thought of that and you agreed that it was a good way to check.

What do you think of this?

15 *Other important issues that are not in the draft code*

New ways of advertising

There are new ways of advertising that have not started in Ireland yet, we asked you if there should be rules about these. You told us that you think there should be. People in Europe are thinking about these rules at the moment and when they have decided on these we will make rules for the children's code.

How should we let children know about the children's advertising code?

We asked you what are the best ways to let you know about the children's advertising code when it is finished. You told us to use the website, to send the code to schools, to maybe

use posters and to make an advertisement about it. We think these are great ideas!

How should we update the children's advertising code?

We have to check the code every three years and we asked you what was the best way to get children and young people involved. You told us to do some of the same things we did this time; to have a website, have a booklet and use advertising. You all said that you thought it was important that children are asked their views about this and we agree.

So what happens next?

We will think about all the things that people say to us in this consultation. Then at a meeting in June we will decide on the final rules and soon after that we will launch the BCI Children's Advertising Code. We will send you a copy of the Children's Advertising Code when it is finished.

You should send us your comments to us before May 17th 2004.

Thank you for helping us make these rules. We think it is important that you help us so that the views of children and young people are included.

BCI Draft Children's Advertising Code

Introduction

sponsorship and other forms of commercial promotion employed in any broadcasting service or sound broadcasting service, being advertised and other activities as aforesaid which relate to matters likely to be of direct or indirect interest to children.

Section 19(c) of the Broadcasting Act, 2001, provides that:

'The Commission shall, upon being directed by the Minister to do so and in accordance with the provisions of this section, prepare – a code specifying standards to be complied with, and rules and practices to be observed, in respect of advertising, teleshopping material,

It is intended that the Children's Advertising Code will replace section 14 of the Codes of standards, practice and prohibitions in advertising, sponsorship and other forms of commercial promotion in broadcasting services as drawn up by the Minister for Arts, Culture and the Gaeltacht in the exercise of his powers under Section 4(1) of the Broadcasting Act, 1995.

1 Definitions

- (a) 'Child' refers to any person under 18 years of age.

The Children's Advertising Code also recognises the principle that children of different ages require different levels of protection, in particular very young children and those over the age of 15. In the code references to pre school children refer to children of 5 years of age and under. Young children refers to children under 10 years of age.

- (b) 'Children's advertising' refers to advertising that promotes products, services or activities that are deemed to be of particular interest to children and/or is broadcast during and between children's programmes.

- (c) 'Children's programmes' are programmes that are commonly referred to as such and/or have an audience profile of which over 50% are under 18 years of age.

- (d) 'The code' refers to the BCI Children's Advertising Code and will be referred to hereinafter as the code.

2 Jurisdiction

This code will apply to broadcasters under the jurisdiction of the Republic of Ireland or those who make use of a frequency or satellite capacity or up-link based in the Republic of Ireland. In practical terms, the children's advertising code will apply to RTÉ radio and television services and TG4, television and radio services licensed under the Radio and Television Act 1988 (including TV3 and Today FM) as well as services licensed by the BCI under the Broadcasting Act 2001.

The children's advertising code will not apply to other services commonly received in this country.

1 Social Values

- 1.1 Children's advertising shall reflect a range of values that are consistent with the moral and ethical standards and diversity of contemporary Irish society. It shall respect human dignity and

not discriminate on grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller community. Nor shall it be offensive to religious or political beliefs or encourage behaviour that is damaging to the environment. It shall respect the principle of equality and avoid sex stereotyping and any exploitation or demeaning of men, women or children.

2 Inexperience and Credulity

2.1 Children's advertising shall not take advantage of the natural credulity and sense of loyalty of children. It must not by implication, omission, ambiguity or exaggerated claim mislead or deceive or be likely to mislead or deceive children, abuse their trust or exploit the lack of knowledge of children. It shall not exploit or without justifiable reason play on fear. These principles

are given practical effect under the headings Factual Presentation and Price of Product.

2.2 Factual Presentation

In particular, children's advertising shall:

- 2.2.1** Give children an indication of the actual size of the product.
- 2.2.2** Clearly indicate what parts, elements or accessories are included as part of the normal purchase of the product or service and which are only available at extra cost.
- 2.2.3** Clearly indicate when batteries are required for the operation of the product and whether these are supplied with the product.

2.2.4 Clearly indicate when a product has to be assembled and what age level is generally required to assemble and use the product.

2.2.5 Avoid the use of language, special effects or imaginative scenes that could confuse pre-school and young children¹ and have them believe that the product or service has capabilities and characteristics that it does not have in reality e.g. 'magical'.

2.2.6 In the case of toys or children's possessions², avoid making direct comparisons between existing and 'improved' versions/models of the product, even when the statements or claims are valid.

2.2.7 Ensure that 'small print' on children's advertising is clear, simple and legible and remains on screen for a sufficient length of time to enable the child to read it. In the case of children's advertising for products or services to pre school children, any on screen messages should be stated orally in order to ensure that children of this age understand the message.

2.3 Price of Product/Service

With regard to how the price of a product or service is presented in children's advertising, the following rules shall apply:

¹ Younger children refers to children under 8 years of age

² These are products that persons under 18 years of age could ordinarily be expected to possess

- 2.3.1** The price, when given, shall be in euro and be inclusive of VAT or any other extra or related charges.
- 2.3.2** The price shall be presented in a clear large font and where appropriate be voiced as part of the audio.
- 2.3.3** If the price is dependent on the purchase of another item, then this must be made clear in the advert.
- 2.3.4** If there are a number of products in the advert and the price of an item/or items is highlighted, then it must be made clear that the price refers to this item/items only.

- 2.3.5** The language used in presenting the price shall not minimise its cost, e.g. through the use of words such as 'only' or 'just'. The advert shall not imply that the price of the product is affordable to all families.
- 2.3.6** Expensive toys shall state the price in the advert. In this instance, expensive is defined as over €30 for the total price of the product or service being advertised.
- 2.3.7** Children's advertising that refers to 'free gifts' must include all qualifying conditions, e.g. any time limit, how many products need to be bought, how many wrappers need to be collected, etc.

3 Undue Pressure

- 3.1** Children's advertising shall not directly encourage or exhort children to ask adults to buy them the products or services being advertised.
- 3.2** Children's advertising should not imply that possession or use of the product or service will make the child or his or her family superior, either physically, socially or psychologically. It should not imply that the child or his or her family will be inferior or open to ridicule or contempt if they do not possess the particular product or service.
- 3.3** Children's advertising must be particularly careful to avoid the implication that possession of a product or service will contribute to or detract from the child's popularity or acquisition of friends.

- 3.4** Children's advertising should not make the child feel inferior, disloyal or doubtful about their self-image.
- 3.5** Children's advertising must not offer prizes or rewards to children for attracting new purchasers for the product or service.

4 Special Protection for Children in Advertising

In general, children may appear in children's advertising if their appearance is as a natural element in the depicted environment or necessary to explain or demonstrate the use of the product or service. The following restrictions will apply:

4.1 Children Endorsing Products

Children shall only be used in children's advertising to comment on or endorse products that they could reasonably be expected to use and would usually be interested in themselves.

4.2 Sexualisation of Children

Children's advertising shall not portray a child in a sexually provocative manner or provoke anxiety in children over their bodily appearance.

4.3 Privacy and Provision of Information

Children's advertising shall, where possible, avoid the practice of asking children to send private information or details regarding themselves, their family or friends. When this practice is used, children's advertising shall state that children must seek adult approval before sending the information and children's advertising must ensure that children seek the permission of their parents/guardians.

Where information has been given, extreme care must be taken to ensure that all personal details are fully protected and used in a socially responsible manner and in accordance with relevant legislation.

4.4 Adults Pretending to be Children

The use of adults pretending to be children in children's advertising must not be offensive to the dignity of children.

5 General Safety

5.1 Activity

5.1.1 Children's advertising shall not encourage children to enter into unsafe situations or strange places or to talk to strangers.

5.1.2 Children's advertising shall not show children in morally or physically dangerous situations or behaving dangerously in the home or outside, except when the sole purpose of the advert is to promote safety.

5.1.3 Children's advertising shall show children using safety equipment and respecting all applicable safety rules when engaged in activities that require such and with adult supervision where appropriate, for example as passengers in vehicles, as pedestrians, cyclists, when rollerblading, skateboarding, swimming, watersports or horseriding.

5.1.4 Children's advertising should not show children using or close to dangerous substances for example - matches, gas appliances, petrol, certain household substances or in possession of or administering medicines unless under direct adult supervision.

- 5.1.6** An open fire shall always have a fireguard clearly visible when a child is included in the scene.
- 5.1.7** Children's advertising shall not show children in close proximity to dangerous equipment without direct adult supervision.
- 5.1.8** Children's advertising shall not show children using the Internet without adult supervision.
- 5.1.9** Children shall not be shown unattended in street scenes unless they are old enough to take responsibility for their own safety.

5.2 Behaviour

- 5.2.1** Children's advertising shall not encourage children to engage in, or be portrayed engaging in, anti-social behaviour, in particular bullying, taunting or teasing of other children.
- 5.2.2** Children's advertising should not disparage education or condone aggression or greed as admirable qualities.

6 Violence

- 6.1** Children's advertising should not generally, as a principle, include violence or include scenes that will cause distress to children. In instances where the inclusion of violent scenes may be necessary as part of a public service message or in order to demonstrate the product, advertisers must have regard to the likely age group of the children watching and must schedule responsibly so as to ensure that such advertising does not cause distress, in particular to young children.

7 Diet and Nutrition

- 7.1** Children's advertising shall not portray or refer to celebrities, sports stars or children's heroes, to promote food or drink products, unless the advert is part of a public health or education campaign.
- 7.2** Children's advertising shall not encourage an unhealthy lifestyle or unhealthy eating and drinking habits such as excessive or compulsive eating.
- 7.3** Children's advertising representing mealtime should clearly and adequately depict the role of the product within the framework of a balanced diet.
- 7.4** All children's advertising for products or services coming within the recognised character of, or specifically concerned with confectionery, must show a toothbrush symbol on the screen. For example, cakes, biscuits, sweets and chocolate.

7.5 Children's advertising must not contain any misleading or incorrect information about the nutritional value of the product.

7.6 All children's advertising for fast food products, outlets and/or brands must display an acoustic or visual message stating that this type of food should be eaten in moderation and as part of a balanced diet. Fast food is defined as food coming under the recognised character of, fast food and/or inexpensive cooked food that is prepared and served quickly.

7.7 Children's advertising must not make unjustified comparisons between foods or imply that particular foods are a substitute or replacement for fruit and/or vegetables.

8 Parental Responsibility

8.1 Parents and guardians have primary responsibility for children but advertisers should support the parent/guardian/child relationship by scheduling responsibly and by not undermining the authority, responsibility or judgement of parents or guardians in the content of the advertisement. This includes the use of plot lines that encourage children to deceive or manipulate adults into purchasing or providing the product or service advertised. Children's advertising shall not suggest that a parent or adult who purchases or provides a product or service for the child is better, more intelligent or more generous than one who does not.

9. Programme Characters

9.1 Characters and personalities from children's programmes that are broadcast on indigenous services shall not be used to endorse or advertise products or services in children's advertising. This provision does not apply to children's advertising for products, events or services, directly associated with the programme in which the characters and personalities normally appear.

In the case of children's advertising for products, events or services directly associated with the children's programme, then these adverts must not be broadcast for two hours prior to the beginning and end of the programme in question.

10 Product Prohibitions and Restrictions

10.1 *The Codes of standards, practice and prohibitions in advertising, sponsorship and other forms of commercial promotion in broadcasting services* sets out prohibitions and restrictions on a range of products and services. These include medications, alcohol, tobacco and financial and legal products. These restrictions also apply to children's advertising.

In addition to the restrictions and prohibitions listed in that document, the following products, services, treatments or establishments shall not be advertised in children's advertising:

- 10.2** Betting and Gaming services or products (except the National Lottery as permitted by the National Lottery Act 1986)
- 10.3** Slimming products, services, treatments or establishments, (slimming being defined as weight reduction, limitation or control)
- 10.4** Introduction and dating services
- 10.5** Services of a sexual nature

11 Identification and Separation

- 11.1** Children's advertising must be clearly distinguishable from programming content with respect to image, text and sound. It must not include excerpts from children's programmes that might blur the distinction between advertising and programme content.
- 11.2** Children's advertising shall be clearly separated from programming content. Broadcasters are required to provide a visual or acoustic cue to the child during and around children's programming to alert the child when a commercial break is beginning and ending. Such a cue shall not be sponsored or itself contain advertising material.

12 Insertion of Advertising

- 12.1** A children's programme of less than 30 minutes scheduled duration, may not be interrupted by advertising.
- 12.2** Christmas themed children's advertising may not be broadcast prior to November 1st each year. Christmas themed advertising refers to advertising that contains references, either visual or acoustic, to Christmas.

13 Scheduling Children's Advertising

- 13.1** A children's programme is defined with reference to the profile of those watching or listening to that programme. Therefore, a children's programme is one commonly referred to as such and/or a programme where over 50% of those watching the programme are under 18 years of age. The code recognises the principle of parental responsibility. In general terms, programmes

broadcast after 10pm are not regarded as children's programmes. This means that in the event that a programme is clearly scheduled for adults e.g. post 10pm and where viewers are warned that it contains adult content, if audience profiling shows that over 50% of the audience are under 18, this programmes will not be classified as a children's programme as in this instance the primary responsibility for what the child is watching is seen to lie with the parents/guardians.

- 13.2** Broadcasters will use audience profiling to determine what is a children's programme. In the case of long running programmes, broadcasters will take an average of the audience figures over a reasonable period of time in determining whether the programme is a children's programme.

13.3 In the case of once off programming or short series, it may not be always possible to predict what will be the audience profile of those watching the programme. In these instances, broadcasters should refer to the indicative scheduling guidelines outlined below. These are indicative times during which particular age groups most usually watch television. In scheduling children's advertising and making an assessment as to the appropriateness of the advertisement, broadcasters are requested to assess this in light of the likely age group watching at that time.

13.4 Regular programmes that ordinarily are not classified as children's programmes may in exceptional circumstances attract an audience of which over 50% of those watching are children. Broadcasters are required to be mindful of the

likelihood of this happening in view of upcoming storylines or programmes and schedule children's advertising accordingly.

13.5 Indicative Scheduling Guidelines

These guidelines are intended to provide an indicative framework for both advertisers and parents/guardians.

In scheduling children's advertising, broadcasters shall consider the appropriateness of the advert or the likely distress that an advert may cause to a child, in particular to pre-school children.

Scheduling of children's advertising shall take cognisance of the appropriateness of the advert, not in and of itself, but its appropriateness at the time the advert is broadcast, considering

the likely audience profile at that time. The primary means of determining the correct scheduling of children's advertising will be based on audience profiling.

Where this is not possible, broadcasters shall refer to the following indicative guidelines.

If broadcasters consider that particular children's advertising is inappropriate for pre-school children, then it should not be broadcast during and between children's programmes that target that age group.

If broadcasters consider that particular children's advertising is inappropriate or likely to cause distress for children from 5 -10 years of age then it should be broadcast post 9pm. This would avoid viewing by the majority of those in this age group.

If broadcasters consider that children's advertising contains material, of a sexual or violent nature not suitable for children under 15, then a post 11pm restriction must be considered.

14 Assessment

14.1 Each example of children's advertising or advert will be assessed on its own merit. This means that each advert will be assessed based on its content but also the context in which it appears. That means the time it is broadcast, the type of programme that is on when it is broadcast and the likely profile of the audience that is watching when it is broadcast.



Some background information for you...

Why are we doing this?

The BCI is doing this because a law made by the Government called the Broadcasting Act 2001 asks us to make these rules.

Why do we need rules?

There are already rules for the way advertising sells things to adults. Many people feel that there should be some rules about the way advertising sells things to children and young people. They think that advertising can have a bad influence on children sometimes, especially young children.

So there is a need for rules to make sure that children are protected from any bad influence.

Rules can be a good thing. They can guide advertisers when they are making their ads. That way, advertisers will know what they are allowed to do.

Why are we asking you?

To help us make the rules we want to ask all the people involved what they think. We are asking the radio and television stations, the people who make the ads, parents, people who work with children and members of the public what they think. But this is a code for children's advertising so we think it is important that we also ask children to give us their views.



Broadcasting Commission of Ireland
Coimisiún Craolacháin na hÉireann



Who are we?

The Broadcasting Commission of Ireland or the BCI does a number of jobs.

The BCI is in charge of giving licences to radio and television stations in Ireland, other than RTE. Radio and television stations must have a licence before they can start broadcasting legally.

We make rules about programmes and advertising and we check that the radio and television stations that we give licences to obey these rules.

The BCI works with stations to provide training for the people who work in radio and television.

We also do research so that we have the facts and information that help us make rules and policy.

The BCI also gives information and answers questions from the public about its work.



Some useful information

This advertising code will make rules for the Irish television and radio stations, so RTÉ 1, Network 2, TG4 and TV3. It will not make rules for the other channels like Sky or UTV or BBC.

We realised that making the rules would not be easy, so we decided to break the job into three bits or stages.

In the first stage we needed to make sure that everyone understood the words 'child' and 'children's advertising'.

We asked the general public what they thought. When we got their answers we made some decisions.

What is a child?

The BCI decided that a child or young person is any person under 18 years of age.

What is children's advertising?

The BCI decided that it would define children's advertising in two ways. The first way is advertising that is targeting children. This means advertising that is trying to sell things to children.

The second way is advertising that comes on during a children's programme. So this means that an advertisement for a toy or for sweets is children's advertising. But so is an advertisement for a washing powder if that advertisement comes on during a children's programme.



**Thank you for helping
us make these rules.
We think it is important
that you help us so that
the views of children and
young people are included.**