

DEUTSCHER WERBERAT

GERMAN ADVERTISING STANDARDS COUNCIL CODE OF CONDUCT ON ADVERTISING WITH AND FOR CHILDREN AND ADOLESCENTS IN TELEVISION, RADIO AND TELEMEDIA (Rules on Advertising to Children)

(March 2017)

Preamble

Advertising is a firm fixture in the everyday lives of children and adolescents. When compared with adults, they must be afforded special protection to safeguard their personal development. Enabling children and adolescents to develop a responsible attitude to advertising does not, however, mean isolating this particular age group from all advertising content. Rather, a pro-active, non-biased attitude to advertising is desired as a fundamental component of today's media culture and market economy.

Promotion of advertising literacy among children and adolescents is thus a prerequisite for the acquisition of this vital everyday skill. It is necessary, therefore, for such literacy to be promoted in a targeted way in schools and in homes, and by means of state-run and industry-led initiatives, such as the EU media literacy initiative Media Smart.

In addition, learning to deal with advertising must take place in a way which focuses on the special protection needs of children and adolescents. The German Advertising Standards Council Code of Conduct on Advertising With and For Children and Adolescents in Television, Radio and Telemedia thus serve as the central guidelines for the advertising industry.

Advertising is an indispensable component of free, fair and lawful competition. To guarantee this particular function of advertising, a tightly-woven safety net of state-regulated and self-regulated industry rules stipulates that advertising must be readily recognisable as such and should not mislead or unduly influence its recipients. Advertising for children and adolescents is thus subject to special provisions which take account of their inexperience.

In addition to the German Advertising Standards Council "Code on Advertising to Children", by complying with the German Advertising Federation's Catalogue of Criteria, companies in the advertising industry have made it clear that in the design and placement of advertising content on websites directed at children, advertising must be readily recognisable (identified) as advertising which meets the needs of the respective age group. Special provisions to protect minors are also contained in other German Advertising Standards Council rules (such as its Codes of Conduct on Commercial Communication for Foods and Beverages, Alcoholic Beverages and Gambling). And in accordance with the



self-regulation provision contained in the German Data Protection Council Rules on Online Advertising regarding use-based online advertising, these companies have also agreed to refrain from creating children-related target groups.

The existing tight set of rules does not, however, imply that all forms of advertising in content which could also be seen or heard by children should not address children directly, be automatically designed to be suitable for children and also labelled as such. The corrective influence of parents in making purchase decisions relating to children, especially for small children, may be taken into account and assumed by advertisers when planning and designing their advertising measures.

The organisations belonging to the German Advertising Federation (ZAW) want to counter behaviour which goes against the principles of fair competition or obstructs the effectiveness of performance-based competition by fostering competitive behaviour which complies with these principles. They have thus drawn up the following Code of Conduct on Advertising With and For Children and Adolescents in Television, Radio and Telemedia. Monitoring of compliance with these rules as well as management and evaluation of associated complaints is the responsibility of the German Advertising Standards Council (Deutscher Werberat).

For the purposes of these Code of Conduct:

- Children are individuals who have not yet reached the age of 12.
- Adolescents are individuals who are at least 12 years old but have not yet reached the age of 18.

For advertising with and for children which specifically targets children in television, radio and telemedia, the following principles are to be observed in the design and implementation of advertising measures:

1. Advertising should contain no statements by children about the special advantages and features of the product that do not conform to the natural utterances of the child.
2. Children shall not be shown in dangerous situations unless there is a legitimate reason for doing so.
3. Advertising should not present penal offences or other misconduct by which persons may be endangered or allow same to be published as worthy of imitation or approval.
4. Advertising should not depict children as sexual objects.

5. Advertising should not use realistic scenes (such as accidents or family arguments) which could cause children concern or make them afraid unless they result in a positive outcome.
6. Children shall not be directly exhorted to buy a product. Nor should they be incited to use a product or service, where that incitement is similar to a direct exhortation to purchase.
7. Advertising should contain no direct requests by and/or to children to induce their parents or others to buy a product or service.
8. Advertising should not exploit the special confidence children place in parents, teachers and other persons of trust.

For advertising in television, radio and telemedia which specially targets adolescents, the following rules apply:

9. Adolescents shall not be shown in dangerous situations unless there is a legitimate reason for doing so.
10. Advertising should not present penal offences or other misconduct by which persons may be endangered or allow same to be published as worthy of imitation or approval.
11. Adolescents shall not be directly incited to buy a product or service by exploiting their inexperience or credulity.
12. Adolescents shall not be directly exhorted to persuade their parents or others to purchase the goods or services being advertised.
13. Advertising should not exploit the special confidence adolescents place in parents, teachers and other persons of trust.