

Advertising Standards Canada

THE BROADCAST CODE FOR ADVERTISING TO CHILDREN

The Broadcast Code for Advertising to Children (Children's Code) is designed to complement the general principles for ethical advertising outlined in the Canadian Code of Advertising Standards, which applies to all advertising. The purpose of the Children's Code is to guide advertisers and agencies in preparing commercial messages that adequately recognize the special characteristics of the children's audience.

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Ad Standards™

The Broadcast Code for Advertising to Children (Children's Code) is designed to complement the general principles for ethical advertising outlined in the *Canadian Code of Advertising Standards*, which applies to all advertising. Both codes are published and administered by Advertising Standards Canada (ASC). These codes are supplementary to all federal and provincial laws and regulations governing advertising, including those regulations and procedures established by the Canadian Radio-television and Telecommunications Commission (CRTC), Industry Canada, and Health Canada.

The purpose of the *Children's Code* is to guide advertisers and agencies in preparing commercial messages that adequately recognize the special characteristics of the children's audience. Children, especially the very young, live in a world that is part imaginary, part real and sometimes do not distinguish clearly between the two. Children's advertising should respect and not abuse the power of the child's imagination.

Discretion and sensitivity will be exercised by the Children's Clearance Committee when reviewing children's advertising, particularly with reference to equitable portrayal and violence consistent with

the principles of industry broadcast self regulatory codes such as those endorsed by ASC, the Canadian Association of Broadcasters (CAB), and the Canadian Broadcasting Corporation (CBC).

The foregoing does not imply a call for the elimination of fantasy in children's advertising. Many childhood possessions become particularly meaningful as they are incorporated into the child's fantasy world, and it is natural and appropriate to communicate with this audience in their own terms. But such presentations should not stimulate unreasonable expectations of product or premium performance.

Imitation and exploration have always been part of the child's learning process and the broadcast media now form part of that experience. It is recognized, of course, that it remains the primary responsibility of parents "to instruct a child in the way that he/she should go." The *Children's Code* and the *Interpretation Guidelines* that are issued from time to time are designed to help advertisers avoid making that task more difficult.

Canadian broadcasters have agreed to adhere to the *Children's Code* as a condition of CRTC licensure.

1. DEFINITIONS

(a) Children’s Advertising – “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 commercial message that is determined by the broadcaster as being directed to children and is carried in or immediately adjacent to any other program.

(b) Children – “Children” refers to persons under 12 years of age.

(c) A Child Directed Message – “A child directed message” refers to a commercial message on behalf of a product or service for which children are the only users or form a substantial part of the market as users, and the message (i.e. language, selling points, visuals) is presented in a manner that is directed primarily to children.

(d) Children’s Program – A “children’s program” refers to a program that is directed to the under-12 audience, as defined by the broadcaster.

(e) Commercial Message – A “commercial message” has the same meaning as that defined in the Television Broadcasting Regulations, 1987.

(f) Premium – A “premium” is anything offered with or without additional cost, and is conditional upon the purchase of the advertiser’s regular product or service.

(g) The Code – This Code shall be known as “*The Broadcast Code for Advertising to Children*” and shall hereinafter be referred to as “the *Children’s Code*.”

2. JURISDICTION

All Children’s advertising must conform to the *Children’s Code*, be precleared in accordance with the procedures set out from time to time by ASC and have the requisite ASC clearance number.

3. FACTUAL PRESENTATION

(a) No children’s advertising may employ any device or technique that attempts to transmit messages below the threshold of normal awareness.

(b) Written, sound, photographic and other visual presentations must not exaggerate service, product or premium characteristics, such as performance, speed, size, colour, durability, etc.

(c) The relative size of the product must be clearly established.

(d) When children’s advertising shows results from a drawing, construction, craft or modelling toy or kit, the results should be reasonably attainable by an average child.

(e) The words “new,” “introducing,” “introduces” or similar words may be used in the same context in any children’s advertising for a period of up to one year only.

4. PRODUCT PROHIBITIONS

(a) Products not intended for use by children advertised either directly or through promotions that are primarily child-oriented.

(b) Drugs, proprietary medicines and vitamins in any pharmaceutical form, with the exception of children’s fluoride toothpastes.

5. AVOIDING UNDUE PRESSURE

(a) Children’s advertising must not directly urge children to purchase or urge them to ask their parents to make inquiries or purchases.

(b) Direct response techniques that invite the audience to purchase products or services by mail or telephone are prohibited in children’s advertising.

(c) In children’s advertising which promotes premiums or contests, the product must receive at least equal emphasis. Promotion of the premium or contest must not exceed one-half of the commercial time. In promoting contests which have an age restriction that excludes children, this must be made clear orally or visually.

6. SCHEDULING

(a) The same commercial message or more than one commercial message promoting the same product cannot be aired more than once in a half-hour children’s program. In children’s programs of longer duration, the same commercial message or more than one commercial message promoting the same product must not appear more than once in any half-hour period.

(b) No station or network may carry more than four minutes of commercial messages in any one half-hour of children’s programming or more than an average of eight minutes per hour in children’s programs of longer duration.

(c) In children’s programs, only paid commercial messages are included in the four minutes per half-hour limitation. Promotions and public service announcements may occupy the time difference between the *Code* limit and the CRTC regulation limit. Broadcasters will, however, consider the appropriateness of the content of public service announcements before scheduling in children’s programs.

(d) For the purposes of this section, the time devoted to the broadcasting of a children’s program includes any

time devoted to a commercial message that is inserted within the program and/or immediately adjacent to the end of the program and also includes any time devoted to a child-directed commercial message inserted between the end of the program and the beginning of the following program.

7. PROMOTION BY PROGRAM CHARACTERS, ADVERTISER-GENERATED CHARACTERS, AND PERSONAL ENDORSEMENTS

(a) Puppets, persons and characters (including cartoon characters) well-known to children and/or featured on children's programs must not be used to endorse or personally promote products, premiums or services. The mere presence of such well-known puppets, persons or characters in a commercial message does not necessarily constitute endorsement or personal promotion. (For example, film clips or animation are acceptable as a mood or theme-setting short introduction to commercial messages before presenting the subject of the commercial message itself.) These puppets, persons and characters may not handle, consume, mention or endorse in any other way the product being advertised.

(b) This prohibition does not apply to puppets, persons and characters created by an advertiser which may be used by advertisers to sell the products they were designed to sell as well as other products produced by the same advertiser or by other advertisers licensed to use these characters for promotional purposes.

(c) Professional actors, actresses or announcers who are not identified with characters in programs appealing to children may be used as spokespersons in advertising directed to children.

(d) Puppets, persons and characters well-known to children may present factual and relevant generic statements about nutrition, safety, education, etc. in children's advertising.

8. PRICE AND PURCHASE TERMS

(a) Price and purchase terms, when used, must be clear and complete. When parts or accessories that a child might reasonably suppose to be part of the normal purchase are available only at extra cost, this must be made clear in audio and video.

(b) The cost must not be minimized as by the use of "only," "just," "bargain price," "lowest price(s)," etc.

(c) The statement in audio, "it has to be put together" or a similar phrase in language easily understood by children must be included when it might normally be assumed that the article would be delivered assembled.

(d) When more than one toy is featured in a commercial message it must be made clear in audio and video, which toys are sold separately (this includes accessories).

9. COMPARISON CLAIMS

(a) Commercial messages shall not make comparisons with a competitor's product or service when the effect is to diminish the value of other products or services.

(b) In the case of toys or children's possessions, comparisons should not be made with the previous year's model, even when the statements or claims are valid.

10. SAFETY

(a) Commercial messages, except specific safety messages, must not portray adults or children in clearly unsafe acts or situations (e.g. the use of flame or fire is not permitted in children's advertising).

(b) Commercial messages must not show products being used in an unsafe or dangerous manner. (e.g. tossing a food item into the air and attempting to catch it in the mouth, etc.)

11. SOCIAL VALUES

(a) Children's advertising must not encourage or portray a range of values that are inconsistent with the moral, ethical or legal standards of contemporary Canadian society.

(b) Children's advertising must not imply that possession or use of a product makes the owner superior or that without it the child will be open to ridicule or contempt. This prohibition does not apply to true statements regarding educational or health benefits.

Interpretation Guidelines for Clause 11

- (i) Child-directed messages for food products in broadcast advertising that are inconsistent with the pertinent provisions of the *Food and Drugs Act* and *Regulations*, or the Canadian Food Inspection Agency's *Guide to Food Labelling and Advertising* shall be deemed to violate Clause 11 (Social Values) of the *Children's Code*. This Interpretation Guideline is intended, among other purposes, to ensure that advertisements representing mealtime clearly and adequately depict the role of the product within the framework of a balanced diet, and snack foods are clearly presented as such, not as substitutes for meals. *
- (ii) Every "child-directed message" for a product or service should encourage responsible use of the advertised product or service with a view toward the healthy development of the child.**
- (iii) Advertising of food products should not discourage or disparage healthy lifestyle choices or the consumption of fruits or vegetables,

or other foods recommended for increased consumption in *Canada's Food Guide*, and Health Canada's nutrition policies and recommendations applicable to children under 12.**

- (iv) The amount of food product featured in a "child-directed message" should not be excessive or more than would be reasonable to acquire, use or, where applicable, consume, by a person in the situation depicted.**
- (v) If an advertisement depicts food being consumed by a person in the advertisement, or suggests that the food will be consumed, the quantity of food shown should not exceed the labelled serving size on the Nutrition Facts Panel (where no such serving size is applicable, the quantity of food shown should not exceed a single serving size that would be appropriate for consumption by a person of the age depicted).**

* April 2004

** September 2007

Note: These Guidelines do not form part of the *Children's Code*. They are intended to provide guidance regarding the interpretation and application of Clause 11 to food product advertising.

12. SUBSTANTIATION REQUIRED

Where measurable claims are made regarding specific products - performance, safety, speed, durability, etc., the advertiser must be prepared on request to provide the Children's Advertising Section with evidence supporting such claims, and/or a sample of the product.

13. ASSESSMENT

Each commercial message shall be judged on its individual merit.

14. CODE ADMINISTRATION

(Procedure in effect across Canada, with the exception of Quebec, whose authority to prohibit broadcast advertising to children has been affirmed. Clearance numbers are not required for commercial messages broadcast in Quebec. Therefore, the following procedure applies to the rest of Canada only.)

(a) Enforcement & Jurisdiction – The enforcement body for the *Children's Code* will be the Children's Advertising Section of ASC/Children's Clearance Committee.

The Children's Advertising Section shall have nine members: the chairperson; three public representatives, and one member each nominated respectively by the CRTC, private broadcasters, the CBC, advertiser and advertising agency associations.

In order to ensure balanced representation, any member who is unable to participate may be represented by an approved alternate. A quorum shall consist of four members, at least one of whom shall be a public representative.

ASC has jurisdiction only over commercial messages broadcast by Canadian stations or on behalf of Canadian advertisers.

(b) Clearance and Consultation – No broadcaster shall broadcast any children's advertising that has not received the prior approval of the Children's Advertising Section. The prior approval is not mandatory for children's advertising that is carried in one market only but individual broadcasters are responsible for ensuring that such commercial messages do conform to the *Children's Code*.

Because of the time and expense involved in creating television advertising, it is recommended that where any reasonable doubt exists about possible contravention of the *Children's Code*, advertisers or their advertising agencies should submit ideas in storyboard or script form.

(c) Enforcement procedure – If the broadcaster/Children's Advertising Section of ASC determines that any children's advertising is in breach of the *Children's Code*, a broadcaster shall not run the offending commercial message and the advertiser and/or its agency and ASC shall be so notified.

(d) Compliance Time – The Children's Advertising Section may, at its discretion, allow time for compliance for commercial messages produced prior to the announcement of this edition of the *Children's Code*.

These Guidelines and Procedures do not form part of the *Children's Code*. However, they are generally intended to assist broadcasters, advertisers, advertising agencies and media placement services, particularly the creative, media and traffic departments, in adhering to the provisions as well as the spirit and intent of the *Children's Code*. Every effort should be made to ensure that persons involved in these functions are thoroughly familiar with the *Children's Code* and these Guidelines and Procedures.

More detailed commercial message clearance procedures have been established by ASC and are subject to change from time to time. Information concerning these procedures can be found on ASC's website.

Broadcasters, advertisers and agencies often enquire about the interpretation of certain clauses of the *Children's Code*. In this regard, ASC, in cooperation with broadcasters, advertisers and the Children's Clearance Committee, has instituted an ongoing process to establish accepted *Children's Code* clause interpretations that are intended to serve as a guide for industry. Information concerning these interpretations can be found in *The Children's Broadcast Advertising Clearance Guide*, available on ASC's website.

1. PROGRAM CLASSIFICATION

Audience analysis and other studies of children's interests and viewing habits show a major, definite shift in viewing patterns at the age of 12. Using this age-level definition has the further advantage in that the *Children's Code* will conform to the audience breakout used by BBM Nielsen Media Research Inc.

The program and production departments of the station or network staff know the primary audience they are trying to reach with each show. From a viewer's point of view, of course, the most obvious criteria are the type and nature of the program, its suitability for the child audience, and the time of scheduling. Viewer enquiries about program classification may be directed to the individual station or the network.

As with any commercial message, the ultimate responsibility for acceptance or rejection of a child-directed commercial message remains with the individual broadcasting station. A station may for its own reasons decide to reject a commercial message which carries an ASC authorization number. The CBC does not accept commercial messages of any kind in or

adjacent to programs designated by the CBC as directed to children under 12 years of age.

Advertising directed to children is acceptable on a limited basis (maximum two minutes per clock half hour/four minutes per clock hour) in and adjacent to programs designated by the CBC as having an overall family/adult audience appeal.

Where doubt exists, the station, the advertiser or the advertising agency involved, may refer the commercial message to the Children's Advertising Section for a decision as to whether it conforms to the *Children's Code*.

2. PRE-SCHOOLERS

Children of pre-school age often are unable to distinguish between program content and advertisements. Therefore, any commercial message scheduled for viewing during the school-day morning hours should be directed to the family, parent or an adult, rather than to children and should have the requisite ASC clearance number if appearing in or adjacent to a child-directed program.

3. PROGRAM PROMOTIONS AND PUBLIC SERVICE ANNOUNCEMENTS

Although the *Children's Code* does not apply to unpaid public service announcements or to program promotions, stations are urged to conform to the spirit of the *Children's Code* when scheduling such announcements and promotions. For example, promotion trailers and public service announcements shown during children's programs or family viewing time, should not include sensational scenes unsuitable for child viewing.

4. LOCAL ADVERTISING

Local advertising refers to those commercial messages that appear in one market only. Although pre-clearance is not mandatory for commercial messages that are purely local, stations are responsible for ensuring that local advertising directed to children or that appears in children's programs conforms to the provisions of the *Children's Code*.

5. ADVERTISERS AND ADVERTISING AGENCIES

(a) ASC will review scripts and storyboards on a consultative basis but an approval number will be assigned only after the Children's Clearance Committee has reviewed a finished commercial.

(b) When tag lines to be used by a local announcer are sent out with a commercial message the tag line should also be submitted.

(c) Sometimes the exigencies of broadcast timing and production call for “on the floor changes” in a script. It is therefore important that all those involved in production be familiar with the *Children’s Code* so that any such changes do not conflict with specific clauses or the spirit of the *Children’s Code*.

(d) The Children’s Clearance Committee generally meets every other week to review finished commercials except from September through November, when meetings are held weekly.

6. SCHEDULING

The Children’s Advertising Section has raised a concern with respect to the scheduling of children’s advertising featuring known characters and their related products in or adjacent to programs in which the same characters appear.

It has been agreed that broadcasters and advertisers should, to the best of their ability, continue to implement the established industry practice and refrain from the scheduling of children’s advertising in such a manner. It is understood that there may be occasions where this kind of scheduling cannot be avoided.

Telecaster Services of TVB has agreed to make provisions reflecting the established policy a part of its guidelines.

7. CLEARANCE PROCEDURES - ADVERTISING STANDARDS CANADA

All children’s advertising, except that which is purely local, must receive authorization from the Children’s Clearance Committee prior to broadcast.

All authorized commercial messages must carry an ASC number (e.g. ASC-012345) which should appear on the traffic instructions. Private broadcasters will not accept children’s advertising that does not carry such a number. Telecaster Services of TVB member stations and networks will identify children’s advertising via the Telecaster one number (which embraces all other numbers) which gives the expiry date and a K to signify the commercial message has been cleared by the Children’s Clearance Committee. The Telecaster one number could look like this sample A20223cd4-1089K.

All approved commercial messages shall carry the initials ASC, plus a six-digit number which will be valid

for one year from date of issue. IT MUST BE RENEWED AT THE END OF THE ONE YEAR PERIOD, if it is to air subsequent to the expiry date.

Advertisers (agencies) are to re-apply for a new number at the expiry of each commercial message and stations will not accept commercial messages with an expired number.

Submission procedures can be found on ASC’s Website (www.adstandards.com), or requested from ASC.

Children’s Advertising Section
ASC Clearance Services
Advertising Standards Canada
175 Bloor Street East
South Tower, Suite 1801
Toronto, Ontario M4W 3R8

ASC CLEARANCE SERVICES AND RATES

A complete description of ASC Children’s Clearance Services and Rates can be found on ASC’s Website (www.adstandards.com), or requested from ASC.

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ADVERTISING STANDARDS CANADA

175 Bloor Street East
South Tower, Suite 1801
Toronto, Ontario M4W 3R8
Telephone: 416 961-6311
Fax: 416 961-7904

2015 Peel Street
Suite 915
Montreal, Quebec H3A 1T8
Telephone: 514 931-8060
Fax: 514 931-2797

E-mail: info@adstandards.com Web: www.adstandards.com

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