

## **Broadcast Advertising to Children and the COVID-19 Pandemic**

This bulletin is to inform the public and advertising industry about how Ad Standards is approaching children's broadcast advertising during the COVID-19 pandemic. In particular, we want to provide industry with insight about how the Children's Advertising Clearance Committee (the "Children's Committee") approaches Clause 10 (Safety) and Clause 11 (Social Values), and offer some practical tips when developing creative during these uncertain times.

### **Background:**

The Children's Committee reviews and approves children's broadcast advertising messages in Canada. All children's commercials must be approved by the Children's Committee and carry a valid Ad Standards approval number prior to broadcast. The Children's Committee includes representatives from the industry and the public, brought together by Ad Standards to evaluate proposed advertising under *The Broadcast Code for Advertising to Children (Children's Code)*.

During the pandemic, the Children's Committee has been mindful of depictions that may contravene Clause 10 (Safety) or Clause 11 (Social Values) of the *Children's Code* in these unprecedented times. In relevant part, the *Children's Code* says:

#### 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).

#### 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.

### **What does this mean for advertisers?**

Some scenarios that would have been commonplace in children's advertising prior to (and, we hope, after) the pandemic may be seen either to depict unsafe acts or situations, or behaviour inconsistent with laws or public health guidelines. For example, the Children's Committee may find that the following situations contravene the *Children's Code*:

- Depictions of children and/or adults from different households socializing together, particularly indoors.
- Scenarios where masking and physical distancing rules or public health recommendations in force when the commercial is reviewed by the Children's Committee are not being followed.
- Situations where children could reasonably be seen as breaking the rules (e.g. sneaking out of the house, gathering in out-of-the-way locations, meeting up in school hallways during class, etc.) in order to meet with friends from different households.

# Ad Standards

## ***Is a super or disclaimer enough?***

In the context of preclearance of children's advertising, the Children's Committee has not yet seen a situation where a super or disclaimer (whether visual, audio, or both) would be sufficient to correct depictions that otherwise contravene the *Children's Code*. Remember that a child may not read, or be able to understand, the disclaimer. Where the commercial depicts unsafe or illegal activities, a super is unlikely to be an acceptable fix.

## ***I followed all safety protocols on set. Is the commercial ok?***

The Children's Committee assesses commercials based on how they are viewed by the child audience. Even if all required health and safety protocols are followed on set, it will be the actual depictions in the commercial that are relevant to that assessment.

## ***I cast the commercial with an actual family. Is that ok?***

It may be, but is not required. It is not the protocols on set, but the actual depictions in the commercial, that are relevant to the Children's Committee's assessment. So, pay attention to the script and execution, and not just the casting, when working to comply with the *Children's Code*.

## ***So, what can we do?***

Here are a few tips to consider when preparing creative for children's broadcast advertising to air during the COVID-19 pandemic.

- Where people are shown in their homes, establish in the scenario that the people shown together live in the same household, as this would mean no masks or social distancing are required under public health recommendations.
- The Children's Committee takes a broad interpretation of who could realistically be in one household. For example, the Children's Committee has approved depictions that could be interpreted as siblings by adoption, blended families, and multi-generational households. Help the Children's Committee to approve the commercial by establishing a plausible reason why the individuals shown would be cohabitating during a pandemic.
- Avoid references to or depictions of bringing friends together. This directly encourages children to contravene current public health protocols affecting the majority of the population in Canada, and, at this time, is not likely to be approved by the Children's Committee.
- Consider including adults in scenes where children are playing together. It may help to establish that the scene shows a family unit, and that children are together with parental or adult approval.
- Use fantasy and adapt location. Is it clear that the situation depicted in the ad is not realistic (while following all other requirements of the *Children's Code*)? Does the setting need to be in a home, or could it be on another planet, or clearly shown in a studio setting, etc.?

# Ad Standards

## ***This is temporary***

The Children's Committee assesses advertising in the context in which it is submitted for clearance. Due to changing pandemic conditions, the Children's Committee will no longer be able to approve some commercials deemed compliant in or before early 2020 if submitted again in 2021, but the reverse will be true when life begins to normalize. As public health recommendations ease and it becomes safer to gather across households again, we anticipate that the Children's Committee's view of what is acceptable under the *Children's Code* will similarly and gradually return to pre-pandemic status. Like all aspects of this pandemic, we share industry's wish that we could predict when that would be. To the extent possible, Ad Standards will update this bulletin to provide further guidance as the Children's Committee's approach evolves.

## ***Evaluations and other resources***

If you have questions about an upcoming commercial concept, be sure to submit the script in advance for an Evaluation. Through an Evaluation, Ad Standards analysts can assist you by sharing our insights about what the Children's Committee may or may not accept. While we hope that this guidance is helpful, please remember that the final determination about compliance with the *Children's Code* rests with the Children's Committee.

## ***Scope***

This bulletin is limited to addressing broadcast advertising to children in the context of preclearance through the Children's Committee.

## ***The Canadian Code of Advertising Standards***

Ad Standards also administers the *Canadian Code of Advertising Standards (Code)*, which addresses depictions of unsafe or illegal conduct or other behaviour contrary to standards of public decency. Ad Standards does not preclear advertising under the *Code*, but accepts and adjudicates complaints received from the public. For more information about the type of complaints Ad Standards receives, and how they have been resolved, please see our COVID-related advisories, available here:

<https://adstandards.ca/code/ad-standards-advisories/>