

Toying with children's emotions, the new game in town? The legality of advergames in the EU

Abstract

Marketing techniques such as advergames have proven to be an extremely useful marketing tool for advertisers and in particular when targeted towards children. Such techniques allow for the development of a positive product or brand association through the delivery of fun interactive content. As a result, children are no longer merely passive receivers of commercial communications. Instead, they become actively involved in the advertising process. Advergames have a potentially manipulative aspect. Children are often unable to distinguish between the commercial message and the non-commercial content. This has negative consequences when one considers the potentially persuasive nature of marketing techniques such as advergames which can further heighten this confusion.

Moreover, as modern business models are based on data, advertisers are increasingly interested in the personal information of their young customers. Increased computing capabilities mean that commercial entities are now able to profile individual consumer behaviour online and assess how it differs from rational decision-making and to leverage this for economic gain. Such profiles facilitate the targeting of personalised advertisements thereby tailoring marketing campaigns based on children's behaviour. The capacity to collect and process information in addition to the technical ability to personalise consumer services online potentially allows for the triggering of consumer frailty. This has particular importance when one considers the effects of positive emotions, caused by advergames. The purpose of this paper is to examine the legal issues associated with advergames from an EU perspective and, in particular, this advertising technique's capacity to manipulate emotions.

Keywords

Advergames; Children's rights; Data protection and privacy; Consumer protection; Advertising; Emotions

Full Article

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