

Commercial communication & children: the regulatory framework



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The protection of minors against certain forms of commercial communication (CC) has long been considered an important objective of general interest. Both at the international, EU and national level extensive and detailed requirements exist, laid down into **legislation**, on the one hand, and **alternative regulatory instruments** (i.e. self- and co-regulation), on the other hand. The AdLit project has mapped this framework in two extensive research reports. This poster aims to provide a brief summary of **important regulatory principles and obligations** for different types of advertising formats.

All Advertising Formats

- Unfair commercial practices, incl. misleading or aggressive commercial communications, are prohibited (Book VI of the Code of Economic Law)
- Should be clearly distinguishable as such, whatever their form and whatever the medium used
Need to be decent, honest and truthful (ICC Code on Advertising Practices)

Traditional Formats (television & on-demand)

Identification: Audiovisual commercial communications shall be readily recognisable as such

Separation: Television advertising shall be kept quite distinct from other parts of the programme by optical and/or acoustic and/or spatial means

(AVMS Dir. & Flemish Media Decree)

New Formats (eg. advergames, banners, virtual worlds, social media and app advertising, ...)

Identification & Information Principle:

- the commercial
 - the advertisers
 - promotional offers, competitions or games
- must be clearly identifiable

(e-Commerce Dir. & Book XII of the Code of Economic Law)

Personalised Advertising (online behavioural advertising - OBA)

Fair, lawful and transparent processing of personal data
Data collection for **specified** and **legitimate** purposes, in a manner that is **adequate**, **relevant** and **limited** to what is necessary

(General Data Protection Regulation - GDPR; applicable from 25 May '18)

CC aimed at children?

Direct exhortations to children to buy advertised products or persuade their parents are prohibited (Book VI of the Code of Economic Law)

Advertisers must specifically take into account children's inexperience, credulity and social values and must avoid harm

Digital marketing communications directed at children in a particular age group should be appropriate and suitable for such children

(ICC Code on Advertising Practices)

CC aimed at children?

Parental consent to process personal data of children under 16 years (but age may be lowered to 13)

(GDPR)

Segments specifically designed to target children 12 years and younger for OBA should not be created

(ICC Code on Advertising Practices)

Where To File A Complaint?

A complaint can be filed online with the Belgian Jury for Ethical Practices in Advertising (JEP).

For more information on how to file a complaint, visit their website: <http://www.jep.be/>



The comprehensive research reports can be downloaded from the AdLit website: <http://www.adlit.be>.

