

INTERNATIONAL AND EUROPEAN REGULATION AND SELF-REGULATION

For DGEAC- Study on the impact of advertising and tele-shopping on minors

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INTERNATIONAL AND EUROPEAN REGULATION AND SELF-REGULATION IN RELATION TO ADVERTISING DIRECTED AT CHILDREN

I. European level

a. General principles applicable on advertising

(i) Council Directive 84/450/EEC of 10.9.1984 concerning misleading advertising and (modified by the directive 97/55/CE on comparative advertising)

The purpose of the Directive is to protect consumers, persons carrying on a trade or business practice or exercise a craft or profession and the interests of the public in general against misleading advertising and the consequences thereof.

The Directive contains a series of definitions, amongst which a definition of “advertising”:

“advertising means the making of a representation in any form in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations”.

“Misleading advertising” means any advertising which in any way, including its presentation, deceives or is likely to deceive the persons to whom it is addressed or whom it reaches and which, by reason of its deceptive nature is likely to affect their economic behaviour...”

The Directive indicates which elements should be taken into account in determining whether advertising is misleading (amongst others : the price, characteristics of the goods/services, nature of the advertiser...) Member States have to provide adequate and effective means to control and sanction misleading advertising. The Directive expressly refers to self-regulatory bodies: “this Directive does not exclude the voluntary control of misleading advertising by self-regulatory bodies”.

The Directive does not provide any specific rules regarding minors and is applicable to “persons” who are defined as “any natural or legal person”.

The Directive allows Member States to adopt provisions with a view to ensuring more extensive protection for consumers.

This Directive had to be implemented in every Member State by 1 October 1986 at the latest.

Directive 97/55/EC of 6 October 1997 modified the Directive on misleading advertising to insert rules on comparative advertising.

The Directive aims to harmonize the rules on comparative advertising (forbidden in some Member States) since disparities can impede the free circulation of commercial communication.

The Directive defines comparative advertising as “all advertising that contains an explicit or implicit identification of a competitor or goods or services offered by a competitor”. It clearly defines the conditions for authorized comparative advertising.

Member States have to implement the rules on comparative advertising as defined in the Directive. There is no possibility for provisions ensuring a more extensive protection of consumers, as provided for misleading advertising.

The Directive should be implemented in every Member State at this moment (at the latest 30 months from publication on 23.10.1997).

(ii) Directive 97/7/EC of 20 May 1997 on the protection of consumers in respect of distance contracts

The object of the Directive is to approximate the laws, regulations and administrative provisions of the Member States concerning distance contracts between consumers and suppliers.

The Directive is applicable for any means of distance communication.

It provides that prior to the conclusion of any distance contract the consumer needs to receive a minimum of information (identity supplier, price, delivery costs, arrangements for payment, right of withdrawal, ...)

The Directive does not contain any specific rules on minors but mentions that “this information has to be provided in a clear and comprehensible manner with due regard to the principles governing the protection of those who are unable to give their consent, such as minors”.

It is evident that the rules of the Directive on distance selling are not of direct importance for minors since national law generally provides that minors are incapable of contracting.

Moreover the obligatory information has to be confirmed in writing and the consumer has a period of at least seven working days in which to withdraw from the contract without penalty and without giving any reason.

In case of fraudulent use of a credit card, the Directive states that the Member States have to insure that appropriate measures exist to allow a consumer to request cancellation of a payment and to be recredited with the sums paid or have them returned.

It is important to note also that the consumer cannot waive the rights that were conferred on him.

(iii) Directive 95/46 EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

In the internal market personal data should be able to flow freely from one Member State to another, which may be prevented because of the difference in levels of protection of the rights and freedoms of individuals. In order to remove these obstacles the level of protection of individuals should be equivalent in every Member State.

The Directive therefore aims to harmonize the protection of individuals where their personal data are automatically processed or contained in a filing system.

The Directive provides that personal data have to be processed fairly and lawfully, be collected for legitimate purposes and that the processing is only authorized when the data subject has unambiguously given his consent. It is also expressly stated that the processing of some specific (delicate) data is forbidden.

In case of collection of data some conditions have to be met: obligatory information to be given to the data subject, the data subject has a right of access, the data subject has the right to object to the processing of personal data, obligation of notification to the supervisory authority,...

The Directive does not contain any provisions concerning the protection of minors. Consumer associations fear that through the internet children are asked

to communicate personal data of themselves and their family and that specific protection should be provided to prevent these unfair practices.

The ICC issued a Code on the Internet which provides rules to protect children in its art.6 (see further under ICC).

b. Specific rules for broadcasting advertising

(i) Directive 89/552/EEC TVWF

The Directive was adopted to ensure the free circulation of television broadcasting within the Community. The laws of the Member States in this field contained disparities likely to impede the free movement of broadcasts and to distort competition. The purpose of the Directive is to abolish those restrictions and to coordinate the applicable national laws by providing minimum rules needed to guarantee freedom of transmission in broadcasting.

The Directive contains the following specific rules in relation to advertising and children :

Art. 11.5. on the insertion of advertising in children's programs:

"....children's programs, when their scheduled duration is less than 30 minutes, shall not be interrupted by advertising or by teleshopping. If their scheduled duration is 30 minutes or longer, the provisions of the previous paragraphs shall apply."*

Art.15.a. on advertising for alcohol :

" Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:*

(a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;...."

Art.16: general principles concerning advertising aimed at children :

" 1. Television advertising shall not cause moral or physical detriment to minors, and shall therefore comply with the following criteria for their protection :

(a) it shall not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity;

(b) it shall not directly encourage minors to persuade their parents or others to purchase the goods and services being advertised;

(c) it shall not exploit the special trust minors place in parents, teachers or other persons;

(d) it shall not unreasonably show minors in dangerous situations.

** 2. Teleshopping shall comply with the requirements referred to in paragraph 1 and, in addition, shall not exhort minors to contract for the sale or rental of goods and services ”*

(ii) [*Directive 97/36/EC TVWF :

Art.11.5. was extended to tele-shopping

Art.15 was extended to tele-shopping

Art.16 : a paragraph on tele-shopping was inserted.]

The third report of the Commission (period 1997-2000) on the application of the Directive TVWF shows that 12 Member States have notified their national implementation measures. For Italy and Luxembourg the implementation is not completed and the Commission therefore began proceedings before the European Court of Justice.

e. Specific rules for certain products

(i) Directive 98/43/EC of 6 July 1998 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products (annulled by decision of the European Court of Justice).

The Directive aims to eliminate differences between Member States' laws on advertising and sponsorship of tobacco products because they "*are likely to give rise to barriers to the movement between Member States of the products which serve as the media for such advertising and sponsorship and to freedom to provide services in this area, as well as distort competition...*"

Concerning minors the motivation also mentions that "*the Directive must take due account of the health protection of individuals, in particular in relation to young people, for whom advertising plays an important role in tobacco promotion*".

Article 3 provides that all advertising and sponsorship shall be banned in the Community. Excepted are: communications intended exclusively for professionals in the tobacco trade; the presentation of tobacco products, advertising in, and on the front of, tobacco shops; advertising in publications originating from third countries.

The Member States should implement the Directive not later than 30.7.2001 (the implementation may be deferred for 1 year in respect of press, 2 years in respect of sponsorship, existing sponsorship of international events may be authorized until 1.10.2006)

Germany brought an action for the annulment of the Directive before the European Court of Justice, considering that Article 100a of the Treaty is not the proper legal basis for the Directive. The applicant contended that article 100a is only available as a legal basis in cases where obstacles to the exercise of fundamental freedoms and distortion of competition are considerable and that recourse to this article is not possible where "*the centre of gravity of a measure is focused not on promoting the internal market but on protecting public health*".

The Court in its judgment of 5.10.2000 considered that in principle a Directive prohibiting the advertising of tobacco products in periodicals, magazines and newspapers could be adopted on the basis of article 100a of the Treaty while for numerous other types of advertising the prohibition cannot be justified by the need to eliminate obstacles to the free movement of advertising media or the freedom to provide services in the field of advertising. It also stated that the

Community cannot rely on the need to eliminate distortions of competition, either in the advertising sector or in the tobacco products sector. It was therefore decided that the Directive was not based on an appropriate legal basis and that it had to be annulled in its entirety.

A majority of the EU Member States have already introduced restrictive national legislation on tobacco advertising. Tobacco advertising on television is banned anyway in the whole EU through separate legislation (Directive 89/552/EEC TVWF)

(ii) Directive 92/28/EEC of 31 March 1992 concerning advertising for medicines

The Directive aims to eliminate differences between Member States' laws on advertising and for medicines because they are likely to give rise to barriers to the establishment and the functioning of the internal market since advertising distributed in one Member State can produce effects in other Member States. Also it was considered necessary to generalize the prohibition on advertising for medicines on prescription, as already prohibited for TV by the Directive "TVWF".

Apart from the general prohibition on advertising for medicines on prescription, the Directive also regulates the content of advertising for medicines. In general, advertising may not be misleading and should encourage the rational use of medicines. Advertising exclusively or mainly directed at children is also expressly prohibited.

d. Information society services

Directive 2000/31/EC of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market.

The objective of the Directive is to create a legal framework to ensure the free movement of information society services between Member States. Information society services are all kind of on line activities, such as selling goods on line, on line information offers, commercial communication....(see the definition of "advertising" provided in Council Directive 84/450/EEC, p.1 of this chapter)

In respect of **commercial communications**, Art.6 of the Directive provides the following conditions:

“ (a) the commercial communication shall be clearly identifiable as such ;

(b) the natural or legal person on whose behalf the commercial communication is made shall be clearly identifiable;

(c) promotional offers, such as discounts, premiums and gifts, where permitted in the Member State where the service provider is established, shall be clearly identifiable as

such and the conditions which are to be met to qualify for them shall be easily accessible and be presented clearly and unambiguously;

(d) promotional competitions or games, where permitted in the Member State where the service provider is established, shall be clearly identifiable as such, and the conditions for participation shall be easily accessible and be presented clearly and unambiguously.”

Article 7 concerning **unsolicited commercial communication** provides that service providers undertaking unsolicited commercial communications by electronic mail, have to consult regularly and respect the opt-out registers in which natural persons not wishing to receive such commercial communications can register themselves.

There are no specific provisions concerning minors but article 16 of the Directive encourages the drawing up of codes of conduct at Community level, by trade, professional and consumer associations. The article mentions specific rules concerning minors:”... *(e) the drawing up of codes of conduct regarding the protection of minors and human dignity*”.

The ICC issued in this field two codes that contain rules intended to protect minors: the Code on the Internet and the Code of Direct Selling (see further under ICC)

II. International level

a. Council of Europe

In 1989 the Council of Europe adopted a convention on transfrontier television, to facilitate among its members the transfrontier transmission and retransmission of television programme services.

European Convention on Transfrontier Television, 5.V.1989 (ETS N°132)

Chapter III of the Convention concerns advertising.

Art. 11 provides in a series of general standards :

1. All advertisements shall be fair and honest
2. Advertisements shall not be misleading and shall not prejudice the interests of consumers.
3. Advertisements addressed to or using children shall avoid anything likely to harm their interests and shall have regard to their special susceptibilities.
4. The advertiser shall not exercise any editorial influence over the content of programs.

Articles 12, 13 and 14 concern the duration, form, presentation and insertion of advertising. These provisions contain principles that are similar to the ones of the Directives "TVWF". Specifically concerning minors the Convention states that : Art.14.5. provides that advertisements may not be inserted in children's programs when they are less than thirty minutes of duration.

Art. 15 contains rules on particular products (tobacco, alcohol, medicines). As to minors art.15,2,a. provides that advertisements for alcoholic beverages may not be addressed particularly to minors and no one associated with the consumption of alcoholic beverages in advertisements should seem to be a minor.

Chapter X regulates the relation of the convention with other international agreements and the internal law of the parties. Art.27 provides that in their mutual relations, Parties which are members of the European Economic Community shall apply Community rules and shall not therefore apply the rules arising from the Convention except insofar as there is no Community rule governing the particular subject concerned.

In conformity with Article 28 nothing in the Convention prevents the Parties from applying stricter or more detailed rules than those provided for in the Convention.

Bearing in mind the Directives of 1989 and 1997, the Council adopted protocol in 1998 amending the European Convention.

Article 11 extended the basic principles to tele-shopping. A new section on tele-shopping states that : "Tele-shopping shall not exhort minors to contract for the sale or rental of goods and services" (11.4.)

Art.14.5. on the insertion of advertising and tele-shopping provides that children's program's with a duration of less than 30 minutes may not be interrupted by advertising or tele-shopping.

There were no other modifications concerning advertising and children.

b. International Chamber of Commerce

Within the International Chamber of Commerce (ICC), the Commission on Marketing, Advertising and Distribution promotes standards of ethics in marketing by business **self-regulation** through a series of international codes and guidelines on marketing and advertising.

The following codes are applied by most national self-regulatory bodies. The application can be direct or indirect (when the codes are implemented in national codes) or they can serve as a source of inspiration for national codes:

- ICC International Code of Advertising Practice
- ICC International Code of Environmental Advertising
- ICC International Code of Sales Promotion
- ICC International Code of Direct Marketing
- ICC Guidelines on Advertising and Marketing on the Internet
- ICC International Code on Sponsorship
- ICC International Code of Direct Selling.

The basic principles on advertising are to be found in the **International Code of Advertising Practice** revised in 1997 (exists since 1937 and was revised several times).

The guidelines were revised in 1997 and the former ICC guidelines for advertising addressed to children were inserted. The edition of 1997 combines past experience with current thinking based on the concept of advertising as a means of communication between sellers and customers.

Art. 14 contains the principles for advertising addressed to children and young people who are minors under the applicable national law :

“ The following provisions apply to advertisements addressed to children and young people who are minors under the applicable national law.

Inexperience and Credulity

Advertisements should not exploit the inexperience or credulity of children and young people.

Advertisements should not understate the degree of skill or age level generally required to use or enjoy the product.

Special care should be taken to ensure that advertisements do not mislead children and young people as to the true size, value,

nature, durability and performance of the advertised product.

If extra items are needed to use it (e.g., batteries) or to produce the result shown or described (e.g., paint) this should be made clear.

A product which is part of a series should be clearly indicated as should the method of acquiring the series.

Where results of product use are shown or described, the advertisement should represent what is reasonably attainable by the average child or young person in the age range for which the product is intended.

Price indication should not be such as to lead children and young people to an unreal perception of the true value of the product, for instance by using the word only. No advertisements should imply that the advertised product is immediately within reach of every family budget.

Avoidance of harm

Advertisements should not contain any statement or visual presentation that could have the effect of harming children and young people mentally, morally or physically or of bringing them into unsafe situations or activities seriously threatening their health or security, or of encouraging them to consort with strangers or to enter strange or hazardous places.

Social values

Advertisements should not suggest that possession or use of a product alone will give the child or young person physical, social or psychological advantages over other children or young people of the same age, or that non-possession of the product would have the opposite effect.

Advertisements should not undermine the authority, responsibility, judgment or tastes of parents, taking into account the current social values. Advertisements should not include any direct appeal to children and young people to persuade their parents or other adults to buy advertised products for them. “

The **Code on the Internet** covers ethics of on-line advertising, including protection of users' personal data, messages directed at children, and the varied sensitivities of global audiences.

Regarding children Art.6 provides general principles that advertisers have to respect :

“ Advertisers and marketers offering goods or services to children online should:

- *not exploit the natural credulity of children or the lack of experience of young people and should not strain their sense of loyalty;*
- *not contain any content which might result in harm to children;*
- *identify material intended only for adults; encourage parents and/or guardians to participate in and/or supervise their children's online activities;*
- *encourage young children to obtain their parent's and/or guardian's permission before the children provide information online, and make reasonable efforts to ensure that parental consent is given;*
- *provide information to parents and/or guardians about ways to protect their children's privacy online. “*

Regarding children the **ICC Code of Direct Selling** (1999 edition) provides in it's Article 3 that :

“ Direct sellers offering products to children should : identify material intended only for adults and encourage young children to obtain their parent's and/or guardian's permission before entering into a sale, and make reasonable efforts to ensure that parental consent has been given”.

c. European Advertising Standards Alliance

The EASA is a non-profit organization based in Brussels which is the co-ordination point for the national self-regulatory bodies. The EASA has 27 members, including all the Member States of the EU, Czech Republic, Hungary, Russia, Slovak Republic, Slovenia, Switzerland and corresponding members such as New Zealand, South Africa.

The members are the national self-regulatory bodies.

The aims of the organization are the promotion and support of the development of effective self-regulation, to co-ordinate the handling of cross border complaints and to provide information and support on advertising self-regulation in Europe.

A cross border complaint exists when the complainant is situated in a country other than that in which the medium carrying the advertisement originates, for

example a consumer in the UK could complain about an advertisement published in an Irish newspaper, which is circulating in the UK.

The consumer can submit his complaint to any self-regulatory body he wishes and the complaint will then be forwarded to the competent body in the country of origin of the media. The competent body will handle the complaint and the body contacted by the consumer will inform him of the result. The EASA coordinates the cross border procedure and information exchange.

In cross border cases that demonstrate illegal/criminal practices it may be necessary to issue a “Euro Ad Alert”. This alerts interested parties to the advertisers activities and it is sent to Alliance members, the advertising profession, consumer organizations and the European commission.

III Overview : similarities or differences ?

A. International/European level

a. European Convention/ Directives

It is clear that there is a mutual influence between the European Convention and both Directives “Television without Frontiers”, even if the Convention was officially adopted before the Directive of 1989 (the preliminary considerations of the Directive refer to the Convention).

As to minors however Art.16 of the European Directive contains more detailed rules than the Convention.

Moreover the Directive TVWF has priority over the Convention. In any event the EU Member States the same rules apply on the basis of the Directive. The Convention applies for those subjects that are not governed by specific European legislation.

The Commission participated actively in the follow up and the proposals for modification of the Convention to ensure that the Convention and the Directive remain coherent.

b. ICC Codes/ European Directives

The Code of Advertising Practice (1937 , last edition 1997) certainly contains in its Article 14 also the principles of Article 16 of the Directive TVWF, but the rules are more detailed and intended to complement the existing frameworks of national and international law.

It is designed primarily as a flexible instrument that can be applied in the spirit as well as by the letter. It is applicable to all media and the foreword of the code draws the attention to the fact that advertisements have to be judged by their impact on the consumers, bearing in mind the medium used because advertising which is acceptable for one medium may not necessarily be acceptable for another.

The ICC code is not based on or inspired by the content of the European Directives or any other legislation. By elaborating and applying self-regulatory codes the advertising and media sector try to safeguard the freedom of commercial communication and to prevent restrictive legislation on advertising.

It is intended to be applied by self-regulatory bodies that offer consumers the opportunity to submit a complaint on advertising easily and without too many formalities. The procedure should be uncomplicated, quick and efficient. The advertising sector is of the opinion that self-regulation in most countries is more effective and useful than restrictive legislation applied by public authorities and courts since introducing the complaint before these institutes is often complicated from a legal point of view, the procedure is formal and long and there is often no information to the public on possible actions (an important exception is for example ITC in the UK or also the “Ombudsman” in the Scandinavian countries). Consequently, in the field of advertising consumers will not turn to public authorities and courts but will prefer to write a letter or send a mail to a known and easily accessible organization, explaining their grievances in their own words.

The position of the international and national professional associations and self-regulatory bodies (advertisers, media and advertising agencies).

They are of the opinion that restrictive legislation concerning advertising directed at minors which is going further than the Directive TVWF is not called for and in reality does not attain the objective, which is protection of minors against (too much and/or misleading) advertising and commercial pressure.

A minimum of efficient legislation, combined with a self-regulatory code which contains detailed rules on the content/means of communication of advertising directed at minors, is according to the advertising sector a more efficient and adequate solution.

They draw attention to the fact that a total ban on TV-advertising towards children cannot prevent that the advertising reaches them in various other ways : direct-marketing, display material in shops, advertisements in print media directed at children, merchandising (ex. Pokemon toys, Tele-tubbies dolls, the sale of which is indirectly promoted by the corresponding TV programs...), product placement in TV – programs for children (bartering), internet.... It would not be realistic to presume that a ban for all forms of advertising directed at children could be accepted on a European level.

Moreover they argue that advertising distributed by “alternative” means of communication is difficult to control, while TV-advertising is in principle put together in advertising-insertions which are clearly announced as such and therefore easy to control. There is a real risk that advertisers who can no longer put their advertising around children’s programs will try to obtain agreements with producers to have their products shown in the programs. Although this technique is not allowed under the Directive, in reality control and sanctioning is

almost impossible because of lack of sufficient proof (the product placement can be done in a “subtle” way). The argument seems to be convincing since following the total ban on tobacco advertising in most European countries a number of famous actors already admitted that they have agreements with the tobacco industry and committed themselves to smoke a certain trademark in their films (against payment of large sums of money).

Finally, the advertising sector remarks that we live in a capitalistic society where it is impossible to shield children from commercial influence or pressure. In their opinion it is more important to keep commercial communication honest, truthful and decent by applying self-regulation and to teach children from a young age to be critical and to interpret and deal with advertising.

B. European / National level

The Directive “TVWF” and the following amending Directive are 100% implemented in almost in every Member State (except Italy and Luxembourg).

Some Member States provide for more restrictive rules than the Directives.

The European Court of Justice confirmed in the ARD and PRO Sieben case of 28 october 1999 that the Member States can impose more severe rules than the TV-Directive (cons.27). This principle was already confirmed in a case of 9 January 1995 (Leclerc-Siplec): in accordance with art.3, 1 of the TV Directive the Member States can impose more severe rules. This possibility was recognized in relation to advertising and children in a case of 9 July 1997 (Konsumentenombudsman en De Agostini/TV shop I Sverige). The Court specified that : there are no objections as far as the prohibition is only applied to TV channels based in Sweden, and not to channels based abroad.

Which Member States go further than the provisions of the Directive concerning advertising and children ?

- Belgium, Flemish Community : general prohibition on interruption of children’s programs, no advertising or sponsoring 5 minutes before and after children’s programs, no teleshopping 15 minutes before and after children’s programs.
- Denmark : special regulation for the protection of young people under 18 years of age (no prohibition but detailed rules on the content of the advertising). For example : characters that appear in children’s programs may not appear in advertising for products that are interesting for children. Recently there was a proposal for a total ban on advertising directed at

children. There is now a compromise between concerned parties on an ban for TV advertising 5 minutes before and after children's programs which is applied by the national commercial broadcast on a self-regulatory basis.

- Greece : prohibition on TV-advertising for toys before 22h
- Italy : prohibitions on advertising during cartoon programs.
- Sweden : there is a general ban on advertising directed at children under 12 and the audiovisual law prohibits TV advertising before, during or after programs directed at children younger than 12 years old.

In these countries, TV advertising is regulated in a more restrictive way than advertising distributed by other media because generally spoken politicians defending the restrictions believe that children have difficulties in recognizing advertising and distinguishing with program-content. The motivation also often states that TV has more impact on children than other media and that restrictions or a ban on TV advertising can therefore diminish or avoid commercial pressure on children.

C. International /National level

ICC Code

The ICC code is applied in the Member States by the self-regulatory bodies. The code is applied directly, indirectly (implemented in a national code), or served as a source of inspiration for national self-regulatory rules. Some Member States provide in more detailed rules than the ICC code.

In the following countries the rules contained in art.14 of the ICC Code of Advertising Practice are applied as such by the national self-regulatory bodies: Belgium, Denmark*, Finland*, Greece, Luxembourg, Portugal, Spain, Sweden*.

(* The consumer ombudsman handles the majority of consumer complaints according to statutory guidelines)

In the following countries Art.14 of the ICC code is applied in conjunction with specific codes or specific sections in the advertising codes on children and advertising :

Austria : Apart from a general code there are specific rules of conduct on children which represent the same principles as art.14 of the ICC code but are

sometimes more detailed, for example children may not be portrayed as sexual objects, advertising has to use simple and complete information...etc

France : Specific rules on children and television advertising, for example on the exploitation of inexperience, on security, advertising showing children...The general principles are the same as those of art.14 ICC code but the rules are sometimes more detailed and more concrete.

Germany : Specific rules on advertising portraying or directed to children on radio and TV. The general principles of Art.14 ICC code are confirmed, but some rules are more detailed, for example it is forbidden to exploit in advertising the child's interest in games

Ireland : Specific chapter on children. The rules are clearly inspired by the ICC code but there are more detailed rules: for example "when children appear on the road in advertising, they have to observe the Rules of the Road", "they may not be shown in proximity of dangerous substances such as matches, petrol, medicines" ...

Italy : Special rules on games, toys and educational products for children. For example: advertising may not mislead regarding the cost and may not minimize the cost or make believe that it is within every family's budget.

Netherlands *: Specific rules on minors in relation to:

- Alcohol: ex. advertising for alcoholic drinks is forbidden before and after programs likely to be viewed by more than 25% of minors,
- Tobacco: ex. Advertising may not influence or appeal to young people and may not show persons under the age of 30 years old; advertising is forbidden in places frequently visited by young people (ex. disco)...
- Candy : a specific code provides a set of special rules to protect the health of minors, ex. advertising may not encourage excessive consumption, advertising may not suggest that candy can replace a meal...

(* Self-regulation is of major importance and the codes are therefore very detailed (a part of the rules on advertising of the Directives "TVWF" were even implemented in these codes)

UK : The ASA (print media) has a general code based on the ICC code, as well as a separate specific code on children, and a special section on children in the "sales promotion code". The BACC is a self-regulatory body that provides pre-clearance of TV advertising and ensures compliance with the ITC codes (=

regulation). The majority of UK TV broadcasters are a member of this organisation.

A study from the EASA (dated September 2000) points out that in all (except 1) EU Member State the complaints received by self-regulatory bodies represented less than 10% of total complaints in 1998 and 1999. The exception was Finland in 1998 but there was only 1 complaint on children and advertising out of 9 complaints in total. It is indeed important to note that the total number of complaints is extremely low in a way that the complaints on advertising and children percentage of total complaints does not give a correct idea of their importance.

The results of the study show that the complaints related to children are not in the top 10 categories however the issue is socially and politically sensitive and that the number of complaints (as confirmed in previous studies of EASA) are not significant compared to other subjects and issues. The number and % of complaints for the period 1998-1999 are even lower than for the period 1995-1997.