

## INFORMATION SHEET

### Producing TVCs Directed to Children

From 1 January 2010, the new Children's Television Standards 2009 (CTS 2009) will replace the current Children's Television Standards 2005 (CTS 2005).

The Australian Communications and Media Authority (the ACMA) has also issued a Guide to the Children's Television Standards 2009 (Guidelines) to assist organisations in seeking to comply with their obligations under CTS 2009. The CTS 2009 and the Guide are available from the ACMA's website [www.acma.gov.au](http://www.acma.gov.au) or from CAD.

#### **Who does the CTS 2009 apply to?**

The CTS 2009 revises a range of obligations in the CTS 2005. Commercial television broadcasters and those advertising during designated viewing times on commercial free-to-air television will need to be aware of the new standards, which relate to the provision of children's programs and advertising safeguards intended to protect children. Compliance with CTS 2009 is a licence condition for commercial television broadcasting licensees.

#### **Key features of CTS 2009 relevant to commercial placement**

##### **Unsuitable material – CTS 25**

Unsuitable material cannot be broadcast in programs and advertisements during C and P periods.

Unsuitable material is material which:

- Demeans individuals or groups of people on the basis of race, nationality, ethnicity, gender, sexual preference, religion or mental or physical disability.
- Presents images in a way which is unduly frightening or unduly distressing to children
- Presents images or events depicting unsafe uses of a product or unsafe situations which may encourage children to engage in activities dangerous to them.
- Advertise products or services officially declared unsafe or dangerous by a Commonwealth authority or by an authority having jurisdiction within a licensee's licence area.

##### **Clear Presentation – CTS 32**

Advertisements are required to accurately represent the advertised product or service.

The provisions include:

- Claims made in advertisements must not be ambiguous;
- If accessories (eg. batteries) are required to operate a product this should be clearly understood by children;

- Presentation of a product and its price is accurate and clearly understood; and
- A fair representation of the performance a child can obtain from products such as toys and games.

### **Disclaimers and premium offers – CTS 33**

A disclaimer used in an advertisement should be presented so that it is easily seen by or readily attract the attention of the child audience.

Any reference to a premium offer in an advertisement must be merely incidental to the reference to the product being advertised. This means that any reference to the premium offer must occur as secondary to, or given lesser importance than, the reference to the main product or service advertised. Similarly, where a food product is advertised, any reference to a non-food product must be merely incidental to the reference to the food component.

In determining whether a reference is merely incidental, a number of factors need to be considered, including;

- The amount of time devoted to the premium offer compared to the advertised product or service;
- The use of moving pictures, text or images used to promote the premium offer; and
- The use of sound to promote the premium offer.

An advertisement containing a premium offer must not stimulate any unreasonable expectation of the main product or service being advertised.

Any conditions relating to the requirements, arrangements or rules that customers have to satisfy before obtaining the premium must be clearly set out.

### **Competitions – CTS 34**

If competitions for children are referred to in advertisements:

- A summary of the basic rules must be stated; and
- Any statements made about the chance of winning must be clear, fair and accurate.

CTS 24(1) prohibits the offer of prizes during P programs.

### **Promotion by popular characters – CTS 35**

Popular characters and personalities cannot be used to endorse, recommend or promote commercial products or services during C or P periods. CTS 2005 prohibited an endorsement, recommendation or promotion of a commercial product or service by a principal personality or character from a C or P program. CTS 2009 expands the list of such characters and personalities, including encompassing proprietary characters.

'Endorse', 'recommend' or 'promote', refers to activities and particular advertising techniques used to publicise, market or advocate the purchase of, a particular product or service. This can be direct, eg. where a personality verbally expresses approval for a product, or indirect, eg. where it is implied or understood from the appearance or conduct of the personality, having regard to the context of the material broadcast. The use of a character or popular personalities voice-over in an advertisement is also prohibited.

'Popular' has its primary dictionary meaning (i.e. 'regarded with favour or approval by the general public') and covers any Australian or international well known character or personality regarded with favour or approval by the child audience, or members of the public and includes well known sporting and music personalities.

CTS 35 applies to all material broadcast during a C or P period or in the break immediately before or after a C or P period. The definition for 'material' is based on the definition of 'C material' in CTS 5 and includes a program, program promotions, a community service announcement and advertisements.

### **Categories of popular personalities and characters**

- **Principal personalities or characters from C and P programs**

Examples include the host/presenter of a C or P variety or live action game show or a character from an animated or live action C drama program.

- **Popular program or movie characters**

Characters (human, puppet or animated) from any television program or movie that can be reasonably expected to be well known to children, or to members of the public in general, within the licensee's licence area. Examples include a main character from a G classified drama series broadcast during prime time or Batman from the movie *The Dark Knight*.

- **Popular cartoon, animated or computer generated characters**

All popular cartoon, animated or computer generated characters that feature in television programs, movies or games, or that were developed or created to promote a brand, product or service. Examples include Bart Simpson from *The Simpsons* television series and Master Chief Petty Officer John-117 from Xbox 360 game, *Halo 3*.

- **Popular personalities**

Well-known people who are favourably regarded by the general public and come from a range of fields and industries, including sport, music and other performing arts. Examples include Olympic medallists, high-profile cricketers and footballers, Top 40 singers and award winning actors.

- **Licensed and proprietary characters**

Licensed characters are defined in CTS 5 as a character used, under licence from the owner of the character, in the promotion or advertising of products and services. Examples include Mickey Mouse from Disney and Nemo from Pixar.

Proprietary characters are defined in CTS 5 as characters used by its owner in the promotion or advertising of products or services. Examples include Coco the Monkey for Coco Pops and the Target Teddy Bear for Target.

### **Exceptions to CTS 35**

There are exemptions to the prohibition on promotion of products and services by popular characters and personalities where:

- An advertisement depicts a product in the form in which it is usually offered for sale, for example retail product packaging featuring a popular character or personality can be included in the advertisement, or product logos incorporating the image of a popular character or personality, or in the case of promoting a DVD or video, a clip may be included in the advertisement. However, animation of a character is not permitted to promote, recommend or endorse the product or service advertised.
- A popular character or personality endorses a toy or game when that character or personality is represented in that toy or game. The exemption does not apply where a group of popular characters promote a toy or game which represents only one of the characters from the group.

For hypothetical examples illustrating the application of CTS 35 for each of the categories of popular characters and personalities and the exceptions, please see the ACMA Guide to the Children's Television Standards 2009.

**For further information please contact CAD on 02 8968 7200 or email us at [cad@freetv.com.au](mailto:cad@freetv.com.au)**