

INFORMATION SHEET

Producing TVCs Directed to Children

Commercials or community service announcements scheduled in C periods must comply with the requirements set out in the ACMA's Children's Television Standards (CTS) 25, 30-36.

Further, the AANA operates a voluntary self-regulation scheme and has published a *Code for Marketing and Advertising Communications to Children* including restrictions on food advertising which may promote an unhealthy lifestyle.

A commercial for a trade promotion lottery in NSW cannot depict a child participating in a lottery activity or winning or collecting a prize.

Children and Safety

Where one or more children appear in a commercial, common sense precaution should be taken to avoid portraying actions which could be dangerous if performed by children when unsupervised by adults. If such actions are portrayed, a restrictive classification will apply and the commercial may receive complaint.

The following are some useful guidelines for the production of commercials in accordance with CTS 25, in particular the prohibition on the presentation of 'images or events which depict unsafe uses of a product or unsafe situations which may encourage children to engage in activities dangerous to them'.

Children and Bicycles

When children are depicted in commercials as bicycle riders, such commercials should:

- not show a child who appears to be less than twelve years old riding on any road;
- show children wearing safety helmets.

Children and Dangerous Substances

The depiction of medicines, disinfectants, antiseptics, insecticides and caustic substances within reach of children without close parental supervision is best avoided, and children should not be shown using these products in any way.

Children and Fire, Electricity and Explosives

An open fire in a domestic scene in a commercial should generally have a fireguard clearly visible if a child is included in the scene.

Children should not be shown using matches or any gas, kerosene, petrol, mechanical or mains powered appliance which could lead to them suffering burns, electrical shock or other injury, unless the commercial contains an explicit safety message.

Children and Heights

Children should not be seen leaning dangerously out of windows or over bridges or climbing dangerous cliffs.

Small children should not be shown climbing up to high shelves or reaching up to take things from a table above their heads.

Children and Road Safety

The portrayal of the following should be avoided:

- children unattended in street scenes unless they are obviously old enough to be responsible for their own safety;
- children playing on the road;
- children stepping carelessly off the pavement or crossing the road without due care; or
- children playing on agricultural machines (including tractor drawn carts or implements) or on backs of trucks

Preferably, children should be seen:

- wearing seat belts or approved child restraints when passengers in cars
- using pedestrian crossings when crossing the road; and
- generally behaving in accordance with accepted road safety principles.

Children's Television Standards 2009

A Guide to the CTS to assist organisations in seeking to comply with their obligations is available from the ACMA or from CAD.

Who does the CTS 2009 apply to?

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

Key features of the CTS relevant to commercial placement

Unsuitable material – CTS 25

Unsuitable material cannot be broadcast in programs and commercials 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. This is likely to include a reference to social networking websites and services where registration and use is generally restricted to persons over a certain age.

- 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.

Content of advertisements – CTS 30

- No commercial may mislead or deceive children.
- Nothing in the CTS is to be taken to limit the obligation imposed by CTS 30.

Pressure in advertisements – CTS 31

An advertisement may not be designed to put undue pressure on children to ask their parents or another person to purchase an advertised product or service.

No commercial may state or imply:

- that a product or service makes children who own or enjoy it superior to their peers; or
- that a person who buys an advertised product or service for a child is more generous than a person who does not.

Clear Presentation – CTS 32

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

The provisions include:

- Claims made in advertisements must not be ambiguous;
- If accessories (e.g. batteries) are required to operate a product this should be clearly understood by children. References to price must clearly differentiate between the price of the product and the price of any accessories
- Presentation of a product and its price must be accurate and clearly understood. Prices must not be minimised by words such as 'only' or 'just';
- If the size of the product is not clear in an advertisement, it must be made clear by reference to something which a child can readily recognise;
- Where children are shown using a product and advertisement must fairly represent the performance a child can obtain from that product; and
- Advertisements for a food product must not contain any misleading or incorrect information about the nutritional value of that product

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.

A premium is anything offered with or without additional cost that is intended to induce the purchase of an advertised product or service. 'Bundled' products which typically comprise edible and non-edible components are considered to be premiums.

A competition, being the offer of a chance to win prizes by purchasing a product or service, will usually be captured by the definition of a premium.

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.

Competitions referred to in an advertisement may also be a premium, in which case the advertisement will require compliance with both CTS 33 and CTS 34.

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, e.g. where a personality verbally expresses approval for a product, or indirect, e.g. 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, or for a concert or live show a clip or segment of the show including

the popular personality 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.
- Popular characters and personalities are used to promote products and services which are non-commercial (that is, not connected to a private business or profit making enterprise) provided that if the advertisement relates to nutrition, safety, education or like matters, it contains only generic statements about such matters.

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.

Advertising of alcoholic drinks – CTS 36

- Advertisements for alcoholic drinks may not be broadcast during a C period.
- No advertisement or sponsorship announcement broadcast during a C period may identify or refer to a company, person, or organisation whose principal activity is the manufacture, distribution or sale of alcoholic drinks. This requirement is in addition to the requirements of the Commercial Television Industry Code of Practice.
- No advertisement for alcoholic drinks may be broadcast during a C program or P program that is broadcast outside a C period or P period or in a break immediately before or after any C program or P program.
- No advertisement or sponsorship announcement broadcast during a C program or P program that is broadcast outside a C period or P period, or in a break immediately before or after such a C or P program, may identify or refer to a company, person or organisation whose principal activity is the manufacture, distribution or sale of alcoholic drinks. This requirement is in addition to the requirements of the Commercial Television Industry Code of Practice.

See: [Telephone Services – Children](#)

Refer: AANA Code for Advertising & Marketing Communications to Children
<http://www.aana.com.au>

ACMA Children's Television Standards 2009
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