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AGENCY FOR COMMUNICATION  
NETWORKS AND SERVICES OF THE  
REPUBLIC OF SLOVENIA

## Regulatory framework for advertising to children in (traditional) media

(\*in jurisdiction of the regulator for electronic media *Agency for communication networks and services of the Republic of Slovenia* (AKOS) on the basis of the Media Act and Audiovisual Media Services Act)

### → WHERE WE ARE:

- (Co-)regulation of advertising to children exclusively in the field of **traditional audiovisual (AV) media – television (TV) and radio** (in accordance with current media legislation, social networks, internet platforms etc. are not defined as media and therefore remain deregulated; digital marketing is regulated by self-regulatory codes) – media regulation in relation to child protection in the field of advertising includes only of general principles regarding AV commercial messages and more specifically for high fat, salt, sugar (HFSS) foods (obligation *per se*) \*see below

‡ issue: children are influenced by different media in different age periods – preschool children may be mainly addressed by TV, older children mainly move to other platforms (social networks, YouTube)

→ **AV commercial messages to minors** (product placement in content for children is not allowed; SEPARATION PRINCIPLE – advertising content clearly separated from other content) must not:

‡ issue: new, »soft« advertising techniques, e.g. »merchandising« – AV and food industry networking, »brand integration« – licensed cartoon characters in advertisements for HFSS food, »advergames«, »video advertising« etc.

- cause physical, mental or moral damage
- encourage them to buy or lease products due to their inexperience
- encourage them to persuade their parents to buy advertised goods
- show their peers in dangerous situations
  
- Provider of AV media service formulates the **RULES OF CONDUCT regarding inappropriate**



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**AV commercial messages for HFSS food** in/along children's program content, according to nutrition guidelines, announced by the minister for health. The provider must publish the Rules and forward them to the ministry, responsible for media, and to AKOS.

! issue: other programme content not primarily for children, although children represent an important proportion of the audience; broadcasted in time periods, when children follow the media, e.g. family films

! issue: HFSS food is still advertised to children, very small proportion of advertisement industry promotes healthy food (e.g. according to Consumers' Association of Slovenia 50 % of the advertised breakfast cereals in Slovenia contain more than 30g of sugar/100g of the product)

! issue: what is the purpose of showing text messages promoting healthy lifestyle in the programme (for children) together with advertisements for HFSS food

#### → WHERE ARE WE GOING:

- **Co-regulation, self-regulation** (collective responsibility; e.g. Code of Advertising Practice of Slovenia) – represent the future of tendency to protect children from inappropriate digital advertising (in this direction also the current revision of the Audiovisual Media Services Directive)

! issue: individual countries report that self-regulation and voluntary codes are not effective in achieving of the desired results



**MEDIA/ADVERTISING LITERACY** – skills, knowledge and understanding that enable users to efficiently and safely use the media. Media regulators co-create web portals, cooperate with market stakeholders, support educational campaigns and **awareness raising activities in educational institutions** (for both children and teachers) – creating SCHOOL CURRICULUM in compliance with the competent authorities.

**New advertising techniques** (»digital marketing« – SEPARATION PRINCIPLE no longer applies) – personalization, interaction, integration – »brand integration/placement«, »advergaming«, »video advertising«, »advertising connected to social media« (profiled targeting, so-called



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online »influencer« – blogs, vlogs), online banner, virtual world itd.

→ their subtle and contextual (merging editorial content with advertising content) nature necessarily requires

- 1) an informed individual/child who recognizes sublimated forms of media messages that address him as a consumer,
- 2) on platforms that can not be regulated by traditional regulation measures

→ REGULATORY PRACTICE OF EU COUNTRIES – AV COMMERCIAL MESSAGES FOR HFSS  
FOOD IN CHILDREN'S PROGRAM (26/28 Member States):

1. Legal regulation/co-regulation

– **RULES OF CONDUCT regarding inappropriate AV commercial messages for HFSS food**

in/along children's program content (public broadcasting service and commercial media):

- Austria (prohibition of any advertising in/directly before/after)
- Belgium (French area) (conditionally in health legislation gives the king the power to act)
- Cyprus
- Estonia
- France (signed food agreement between publishers, advertisers and TV producers under the ministry of health, culture and media regulator; also an agreement on promotion of a healthy lifestyle – obligatory publication of the message on a healthy diet)
- Germany
- Romania (participation of celebrities in advertisements for children under the age of 12 years is not allowed; promotional advertisements for a healthy lifestyle)
- Slovenia
- Spain

– **It is not allowed to encourage consuming HFSS food by AV commercial messages (legal requirement):**

- Belgium (Flemish area)



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- Germany

– **AV commercial messages for HFSS food are not allowed in children's program:**

- Denmark (a ban on advertising within program content for children under the age of 13 years)
- Ireland (allowed in other programs, but insofar as they address children under certain conditions (see below) and to the maximum extent of 25% of advertising time; obligatory publication of the message on a healthy diet; ban on »pester power«; participation of celebrities for advertising purposes is not allowed)
- Malta (30 min before and 30 min after children's program),
- Poland,
- Sweden (general ban on advertising to children)
- Great Britain (absolute ban in/during/after children's programs, in specialized children's programs and in program content for children under the age of 16 years; obligatory publication of the message on a healthy diet; absolute ban on promotional placement; ban on »pester power«; in advertisements for preschool and primary school children no promotional offers are allowed; participation of celebrities for advertising purposes is not allowed)

## 2. Self-regulation

– **ADVERTISING/ETHICAL CODES OF AV MEDIA SERVICES PROVIDERS, ADVERTISERS, FOOD INDUSTRY:**

- Austria
- Belgium (French area)
- Belgium (Flemish area)
- Bulgaria
- Croatia
- Cyprus
- Czech Republic



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- Denmark (code of conduct applies for traditional and so-called new media)
- Estonia
- Finland
- Germany (including digital marketing)
- Greece
- Italy
- Ireland (only video on demand)
- Latvia
- Lithuania
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia (not specifically for children)
- Spain

→ REGULATORY PRACTICE OF EU COUNTRIES – AV COMMERCIAL MESSAGES FOR ALCOHOL  
(23/28 Member States):

\*in jurisdiction of the media regulators

1. **Absolute ban on alcohol advertising (with time exceptions):**

- Belgium (Flemish area) (before/after children's program)
- Estonia (applies to public broadcasting service; for other providers, ban on advertising between 7.00 and 21.00)
- France
- Hungary (applies to public broadcasting service; absolute ban on advertising spirits between 18.30 and 21.30)
- Lithuania (between 18.00 and 23.00)
- Malta (between 6.00 and 21.00)



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- Nizozemska (between 6.00 and 21.00)
- Poland (exceptions: beer between 20.00 and 6.00, sports program content)
- Portugal (between 7.00 and 22.30)
- Sweden
- Great Britain (before/during/after the program for young audience)

2. **Absolute ban on spirits advertising (with time exceptions):**

- Austria
- Belgium (French area) (applies to public broadcasting service; provider who advertises alcohol must ensure broadcasting time to the same extent for preventive awareness raising campaigns)
- Bulgaria (indirect advertising allowed after 22.00)
- Germany
- Finland (absolute ban on alcohol advertising between 7.00 and 21.00)
- Ireland (absolute ban on alcohol advertising during/along children's program)
- Italy (during/along children's program)
- Latvia
- Romania (between 6.00 and 22.00)
- Slovenia
- Spain (absolute ban on alcohol advertising between 6.00 and 20.30)

\*PRACTICE OF EU COUNTRIES, see more:

[https://www.dlapiper.com/~media/Files/Insights/Publications/2016/12/3169756\\_UNICEF\\_Advertising\\_To\\_Children\\_Update\\_V8.pdf](https://www.dlapiper.com/~media/Files/Insights/Publications/2016/12/3169756_UNICEF_Advertising_To_Children_Update_V8.pdf)

→ [A few challenges for the future – which is already here:](#)

1. MEDIA/ADVERTISING LITERACY – the role of the regulator in developing media literacy of both parents and children (web portal, workshops within the school curriculum, participation in awareness-raising campaigns, promotion of complaint tools etc.)



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2. MEDIA EDUCATION – as a priority, classification of a compulsory school subject; curriculum needs to follow the development of advertising techniques and the level of exposure to advertising in individual age groups
3. (PROMOTION OF) HEALTHY EATING HABITS – the role educational system and media
4. While excessively regulating exclusively traditional media we forget, that children are more and more addressed by other deregulated internet platforms-new advertising forms whose broadcasting is unlimited in both scope and time.
5. Too strict requirements in the field of traditional media can lead to movement of advertisers to other, less regulated platforms.
6. Providers of AV media can create a better quality program (also) with the help of advertising resources.
7. Regulation of advertising to children in children program does not take into account program content with high proportion of children among the audience (e.g. family films)
8. Continuous and coordinated cooperation with clearly defined goals between the two holders of regulatory powers NIJZ and AKOS and other stakeholders.