**Chapter X Children and teens**

This chapter is to be read in conjunction with the General Provisions and Definitions and the sections regarding Scope and application, Interpretation and Responsibility. This chapter is based, in particular on **Article 21– Children and teens** of the **General Provisions**, that provides:

*Special care should be taken in marketing communications directed to or featuring children or teens. Marketing communications should not exploit the natural credulity of children or the lack of experience of teens and should not strain their sense of loyalty. In directing marketing communications to children and/or teens, the principles of this Code should be applied with due regard to the age and other characteristics of the actual target group, their differing cognitive abilities, and developing personal privacy rights independent of parents or guardians.*

*Marketers should respect standards and laws prohibiting the marketing of products that are subject to age restrictions such as alcoholic beverages, gambling and tobacco to minors[[1]](#footnote-2).*

**Article X1- General Principles**

* Products which are illegal to purchase or are unsuitable for the target group should not be advertised or otherwise promoted in media and platforms targeted to them.
* Marketing communications directed to children or teens should not be inserted in media and games where the editorial matter is unsuitable for them.
* Marketers, platforms and publishers are encouraged to review technical means and tools to help children and teens distinguish commercial content and to avoid directing commercial content to target groups for which such content, even if legal, is unsuitable.
* Marketing communications directed to children or teens should be clearly distinguishable to them as such. If the commercial nature is not otherwise clear from the form, format and media, it should be disclosed in a clear, conspicuous manner in a way likely to be understood by members the target group.
* Marketers should obtain appropriate parental or legal guardian’s consent in cases where marketers wish to enter into agreements with children or teens, for example, regarding financial remuneration or other compensation to encourage children or teens to utilize their personal social media channels to promote the marketer’s products.

**Article X2 – Exploitation of credulity of children or inexperience of teens**

**2.1** When demonstrating a product’s performance and use, marketing communications should not:

1. minimize the degree of skill or understate the age level generally required to assemble, activate or operate products or otherwise achieve the advertised effects or result.
2. exaggerate the true size, value, nature, durability and performance of the product. Exceptions to this rule could be so-called hyperbole claims, i.e. claims which could likely never be proved but are understood by reasonable members of the target group.
3. fail to disclose the need for additional purchases, such as accessories, in-app purchases or microtransactions, or individual items in a collection or series, required to produce the result shown or described.

**2.2** While the use of fantasy, computer-generated images and other technologies are appropriate for younger as well as older children or teens, such use should not make it difficult for reasonable members of the intended target group to distinguish between reality, including concrete attributes of the product and expected performance, versus fantasy, or the commercial nature of the marketing communication.

**2.3** Disclosures necessary to communicate limitations or other material features of the advertised product should be provided in a way likely to be understood by reasonable members of the target group.

**Article X3 – Avoidance of harm**

Marketing communications should not contain statements or visual treatments that could have the effect of harming reasonable members of the intended target group mentally, morally or physically.

Considering the expected physical and mental capabilities of the target group, marketing communications should not:

* portray children or teens in unsafe situations or engaging in actions harmful to themselves or others,
* encourage children or teens to engage in activities or behaviour that is potentially hazardous or inappropriate for the target group.

**Article X4 – Social values**

Marketing communications should not

* suggest that possession or use of the promoted product will give a child or teen physical, psychological or social advantages over other children or teens, or that not possessing the product will have the opposite effect.
* undermine positive social behaviour, lifestyles and attitudes.
* undermine the authority, responsibility, judgment or tastes of parents or legal guardians, having regard to relevant social and cultural values and the physical and cognitive abilities of the intended target group.
* include any direct appeal to children to persuade their parents or other adults to buy products for them.

Prices should not be presented in such a way as to lead children or teens to an unrealistic perception of the cost or value of the product, for example by minimizing them. Marketing communications should not imply that the product being promoted is immediately within the reach of every family budget.

Marketing communications which invite children and teens to contact the marketer should require them to obtain the permission of a parent or legal guardian if any cost, including that of a communication, is involved.

**Article X5 – Children’s personal data**

When personal data is collected from individuals known or reasonably believed to be children:

* only as much personal data should be collected as is necessary to enable the child to engage in the featured activity. A parent or legal guardian should be notified and consent obtained where required.
* such personal data should not be used to address marketing communications to the children, their parents or other family members without the consent of the parent or legal guardian.
* such personal data should only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorised by law. Third parties do not include agents or others who provide technical or operational support to the marketer and who do not use or disclose children’s personal data for any other purpose.

**Article X6 – Teen privacy**

Marketers should provide notice of their privacy practices in terms understandable to the relevant teen target group. Marketers should not profile teens for interest-based advertising purposes without their consent.

**Article X7 – Other guidance on marketing communication to children and teens**

For the use of minors as influencers, see General Provisions Article 18.3.

With respect to sponsorship, see Chapter B, Article B6

With respect to digital and data driven marketing communications, see Chapter C, Articles C4 and C18.9.

For other specific rules on marketing communications with regard to children and teens:

* within the context of food and non-alcoholic beverages see the ICC Framework for responsible food and beverage marketing communications
* within the context of alcoholic beverages see the ICC Framework for Responsible Alcohol Marketing Communications

1. The term ’minor’ here refers to those below the legal purchase age, i.e., the age at which national legislation permits the purchase or consumption of such restricted products. In countries where purchase age and consumption age are not the same, the higher age applies in relevant markets. [↑](#footnote-ref-2)