**Chapter X Children and Teens DRAFT – April 2024**

This Chapter is to be read in conjunction with the General Provisions and Definitions as well as the sections regarding Scope and application, Code responsibility, Interpretation, Cross-border communications, and the Code’s relationship with the law. The General Provisions apply to marketing communications directed to children or teens, and this Chapter is a subset and a further specification of those principles. Terms used here have the same meaning as in the General Definitions, unless stated otherwise.

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).*

**Definitions**

The definitions of children and teens used are those in the General Definitions of the ICC Code namely that:

* ***children****”* refers to consumers aged 12 years and under[[2]](#footnote-3)
* “***teens****”* means those individuals aged 13 – 17 years.

**Article X1 – General Principles**

1. Marketers of products which are illegal to purchase by or unsuitable for those under a particular age, should take reasonable steps, e.g. by using appropriate audience targeting tools, to avoid targeting that group in the selection of the content, platform and/or audience (as appropriate) to which their ads are directed. They should also undertake measures, such as age screens, to restrict access by minors to websites featuring these products.
2. Marketing communications directed to children or teens should not be inserted in media where the editorial matter is unsuitable for them.
3. Marketers, platforms and publishers are encouraged to consider technical
means and tools to help children and teens distinguish commercial content
and to avoid directing marketing communications to target groups for which the
content, even if legal, is not suitable.
4. 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.
5. Marketers should generally seek appropriate consent from a parent or legal guardian before offering children or teens remuneration of any kind to encourage them, for example, to utilize their personal social media channels to promote the marketer’s products.
6. Marketing communications that invite children or teens to make a purchase or contact the marketer should encourage them to obtain, as appropriate, parental or legal guardian’s consent if any cost, including that of a communication, is involved.

**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 in a manner not likely to be understood by the target group.
3. fail to disclose the need for additional purchases, such as accessories, or individual items in a collection or series, required to produce the result shown or described.

**2.2** Fantasy, computer generated images and other technologies should not be used in a manner that is likely to make it difficult for those in the target group to distinguish between reality and fantasy regarding the actual attributes of the product or its expected performance or the commercial nature of the marketing communication. Special care should be taken with regard to younger children as they may have particular difficulties in distinguishing fantasy creations from reality.

**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. Regarding adult supervision see Article 21.
* induce children or teens to engage in activities or behaviour that is potentially hazardous, harmful or inappropriate for the target group.

**Article X4 – Social values**

Marketing communications targeting children or teens 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.
* incite or condone abusive behaviour towards individuals or groups by peer pressure, bullying or similar actions.
* idealize unhealthy bodily appearances, nor incite or condone physical self-harm.
* 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.

Marketing communications should not include any direct appeal to children to persuade their parents or other adults to buy products for them. Factual disclosures regarding the need for parental or guardian’s consent to purchase does not contravene this provision.

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, legal guardian or other appropriate adult 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 the following applies in addition to Article 22:

* 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 except as legally permitted.
* 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.
* relevant information pertaining to the collection and processing of personal data from children, should be communicated in an age-appropriate way to the child.
* where consent is needed from parents or legal guardians concerning the provision and collection of personal data of a child, clear options for how to give consent should be provided, along with information on what data will be collected and how it will be used.

**Article X6 – Teen privacy**

Marketers should provide notice of their privacy practices in terms understandable to the relevant teen target group.

**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 digital and data driven marketing communications, see Chapter C, Articles C5 and C17.8 (IBA).

[The ICC Toolkit: Marketing and Advertising to Children](https://iccwbo.org/news-publications/policies-reports/icc-toolkit-marketing-advertising-children/).

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](https://iccwbo.org/news-publications/policies-reports/framework-for-responsible-food-and-beverage-marketing-communications/)
* within the context of alcoholic beverages see [the ICC Framework for Responsible Alcohol Marketing Communications](https://iccwbo.org/news-publications/policies-reports/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)
2. The ICC Toolkit: Marketing and Advertising to Children, provides more details regarding research on age 12 as a reference age for the application of rules on marketing, advertising and data collection involving children. Local laws may define “children” differently. [↑](#footnote-ref-3)