



FORM 4: NEW WORK ITEM PROPOSAL (NP)

Circulation date 2021-04-24	Reference number: (to be given by ISO Central Secretariat)
Closing date for voting 2021-07-17	
Proposer <input type="checkbox"/> ISO member body: <input checked="" type="checkbox"/> Committee, liaison or other ¹ : COPOLCO	ISO/TC /SC <input checked="" type="checkbox"/> Proposal for a new PC N
Secretariat JISC	

A proposal for a new work item within the scope of an existing committee shall be submitted to the secretariat of that committee.

¹ The proposer of a new work item may be a member body of ISO, the secretariat itself, another technical committee or subcommittee, an organization in liaison, the Technical Management Board or one of the advisory groups, or the Secretary-General. See ISO/IEC Directives Part 1, [Clause 2.3.2](#).

The proposer(s) of the new work item proposal shall:

- make every effort to provide a first working draft for discussion, or at least an outline of a working draft;
- nominate a project leader;
- discuss the proposal with the committee leadership prior to submitting the appropriate form, to decide on an appropriate development track (based on market needs) and draft a project plan including key milestones and the proposed date of the first meeting.

The proposal will be circulated to the P-members of the technical committee or subcommittee for voting, and to the O-members for information.

IMPORTANT NOTE

Proposals without adequate justification risk rejection or referral to originator.

Guidelines for proposing and justifying a new work item are contained [in Annex C of the ISO/IEC Directives, Part 1](#).

- The proposer has considered the guidance given in the Annex C during the preparation of the NP.

Resource availability:

- There are resources available to allow the development of the project to start immediately after project approval* (i.e. project leader, related WG or committee work programme).

* if not, it is recommended that the project be first registered as a preliminary work item (a Form 4 is not required for this) and, when the development can start, Form 4 should be completed to initiate the NP ballot.

Proposal (to be completed by the proposer, following discussion with the committee leadership)

Title of the proposed deliverable

English title

Guidance for advertising and marketing affecting children

French title (if available)

(In the case of an amendment, revision or a new part of an existing document, include the reference number and current title)

Scope of the proposed deliverable

The proposed standard will provide principles and best practice guidelines for advertising and marketing to protect children at different ages and stages of development from harm and to promote their healthy physical and psychological growth. It is proposed to include a variety of media such as television, publications, social media and other digital platforms (podcasts, YouTube), embedded advertising into television shows, movies and games that have a direct impact on children globally including. It is also proposed to include 'influencers' (i.e. children being the influencers and getting paid to advertise on social media)

Purpose and justification of the proposal

A. Purpose and justification of the proposal

To protect all children under 18 years of age as defined in the UN Convention of the Rights of the Child from adverse impacts of all forms of advertising and marketing, and to promote their healthy physical and psychological growth, a comprehensive, international and practical set of principles that effectively complements existing guidelines is urgently needed because of the reasons stated below:

1) Great diversity and efficiency of communication channels

Direct and indirect marketing and advertising are available to children on various platforms, where children are vulnerable to serious adverse impacts, including misleading claims, unfair transactions, privacy violations, and expressions of discrimination and violence. Television commercials, publications, and the recent rise of digital platforms have a direct, cross-border impact on children. Marketing and advertising targeting children use a variety of techniques for attracting children, such as social media and other digital platforms, embedding advertising into television shows, movies, games etc. Marketing and advertising affecting children include a variety of products such as food and beverages, toys, games and applications, study materials, fashion goods and cosmetics.

2) Children's vulnerability

Children are inexperienced consumers, with different capacities to interpret advertisements and commercials depending on their age, maturity and ability to make informed choices which make them particularly vulnerable to all forms of advertising and marketing. Children have limited ability to understand the nature of marketing and advertising activities and make appropriate judgments/choices; and to protect themselves. Advertising and marketing which takes advantage of children's vulnerability may negatively impact children's development; especially health, value judgement development and perceptions, and relationships with parents, custodians and friends.

3) Divergent frameworks

Various countries provide guidelines to advertisers and broadcasters regarding marketing to children. Some guidelines are supported by regulations while others are in the form of self-regulated codes of conduct. Also, there are advertising standards councils in many countries. Many consumer-relevant organizations have expressed their concerns about different countries having different frameworks to address advertising targeting children. While children in countries where there are no protective guidelines are extremely vulnerable to the negative impacts, concerns have also been expressed in countries which do have regulations about the lack of their effective implementation. It is proposed the standard will provide guidance for advertisers and governments wishing to introduce voluntary or mandatory advertising codes and help improve existing voluntary or mandatory advertising codes. An internationally agreed guidance and international collaboration between national advertising standards councils will help create good harmonization of existing gaps between countries.

4) Fulfilling the global sustainability agenda

Since the adoption of the 2030 Agenda for Sustainable Development and the SDGs in 2015 by all UN member states, governments are required to promote the global sustainability agenda with the overarching goal to build a sustainable future for generations to come. Everything today's children experience will impact their lives for the future. Children are a third of the world's population and 100% of the future.

In recent years, the international community such as

- : United Nations (UN),
- : World Health Organization (WHO),
- : Organization for Economic Co-operation and Development (OECD),
- : Consumers International (CI),
- : United Nations Children's Fund (UNICEF),
- : UN Global Compact,
- : Save the Children

has expressed the urgent need to prevent adverse impacts and protect children from harm, recognizing the recent marketing and advertising trends mentioned above. Among them, CI, UNICEF, UN Global Compact and Save the Children have highlighted the need to protect and promote children's rights in the Children's Rights and Business Principles, where Principle 6 states "All business should use marketing and advertising that respect and support children's rights". The 2030 Agenda for Sustainable Development and the SDGs which is vital for all governments and corporations to work with also underlines the need to ensure that businesses act in both environmentally and socially sustainable ways, minimizing negative climate footprints and enhancing social footprints, through their core business operations. By addressing the best interests of children through responsible advertising and marketing, the wellbeing of children can be enhanced and contribute to the implementation of the SDGs and ESG agendas.

For example, a recent Consumers International report highlighted the negative impact of marketing to children. The report states:

- : Self-regulation in the food industry has not been effective and it may be time to push for stronger regulation, standards, guidelines and political action. Regardless of where they live, consumers should have affordable access to a nutritious diet.
- : We need to advocate for stronger regulation on marketing to children and hold governments accountable.
- : A relatively new perspective is to use a Human Rights-based approach to what obligations States have to protect, promote and fulfil children's rights as defined in the Convention on the Rights of the Child, including the right to health. We should demand guidelines to prevent conflict of interests in policy development.
- : Alliances must be built among civil society, academia and other organizations with strong networks to tackle obesity and nutrition.

5) Societal benefit

The safe and healthy development of children benefits the whole of society. Children are inexperienced consumers and are particularly vulnerable to all forms of advertising and marketing. Children have limited ability to understand the nature of marketing and advertising activities and inappropriate advertising may negatively impact children's development and health. Children's vulnerability as consumers is also addressed in ISO/PC 311 in its ongoing process. Many advertisers and marketers do seek to behave responsibly in relation to children especially under the digital age but can sometimes lack guidance on what is acceptable or expected to address children's best interests. The proposed document will provide comprehensive guidance for the expectations of those advertisers and marketers and contribute to societal benefits.

B. It is proposed that in developing this International Standard consideration will be given to:

1) Children's needs

All children under 18 years of age, as defined in Article 1 of the UN Convention on the Rights of the Child, need to be considered in developing the standard, according to their stages of development and ability to understand the nature of marketing and advertising activities. Children under 4-5 can be easily manipulated as they cannot distinguish fantasy from reality. Children under 7-8 are not capable of understanding the purpose of advertisements (American Psychological Association, 2004). Teenagers, who use digital devices independently from their parents and custodians to a higher degree than younger children, are also vulnerable and it is therefore important to protect their sense of worth, self-esteem and right to privacy and integrity. No international, comprehensive guidelines have been published with a perspective to protect all children under 18.

2) Need for broad, consensus-based principles

Multistakeholder participation gathering views from all relevant stakeholders, such as international organizations, governments, industry, advertising review organizations, consumer organizations, NGOs, researchers, etc. is important to ensure effectiveness, adaptability, flexibility and transparency.

3) Broad applicability

It should be recognized that this standard could serve as the basis and a supportive document to various practices, laws, industry self-regulatory codes, and global initiatives and frameworks, and serve as a practical tool to support and leverage business actors to implement their actions in a responsible manner with the best interest of the child as paramount.

4) Principle supported by practical examples

It is proposed that the standard will provide principles and best practice guidelines supported by practical examples to provide a clear understanding in real-world circumstances to promote effective implementation.

5) Collaborative efforts

Productive cooperation and close relationship with international organizations are necessary to successfully and meaningfully contribute to advancing global initiatives in this area, and ensure effective implementation at the global level, ISO will be requested to interact actively with other international organizations.

C. Potential benefits of the International Standard:

- 1) Advertising and marketing now extend across national borders and across many platforms and an international standard will enable protection and promotion of the best interests of children globally. The standard will also contribute to ongoing efforts to protect children from adverse impacts of all forms of advertising and marketing. The standard will also contribute to ongoing, relevant efforts for children in a proactive manner.
- 2) The proposed standard could be used globally by public and private, for-profit and non-profit organizations across all sectors in all countries.
- 3) Basis for national legislation: Countries wishing to establish national rules for advertising to children can use it as practical guidelines in setting their own rules, and other countries with existing advertising rules can improve where necessary, which can lead to an overall improvement in the quality of regulation of advertising to children across nations.
- 4) Basis for good business practice: the standard can provide relevant business organizations such as advertisers, advertising agencies, advertising platform providers and advertising regulatory bodies with detailed guidance on what to consider when developing advertising strategies. It will contribute to encouraging self-regulatory efforts by businesses by promoting responsible business conducts and a corporate responsibility to respect children's rights. By adopting such conduct and promoting the acceptance of such responsibility, businesses can increase their corporate value and image, and contribute to the achievement of the SDGs.
- 5) Common basis for understanding: this standard's development will greatly contribute to enhancing discussion and facilitating global coordination among various international organizations with similar initiatives in an increasingly digital world.

Consider the following:

Is there a verified market need for the proposal?

What problem does this document solve?

What value will the document bring to end-users?

See [Annex C](#) of the ISO/IEC Directives, Part 1 for more information.

See the following guidance on justification statements in the brochure 'Guidance on New work': <https://www.iso.org/publication/PUB100438.html>

Please select any UN Sustainable Development Goals (SDGs) that this document will support. For more information on SDGs, please visit our website at www.iso.org/SDGs."

- GOAL 1: No Poverty
- GOAL 2: Zero Hunger
- GOAL 3: Good Health and Well-being
- GOAL 4: Quality Education
- GOAL 5: Gender Equality
- GOAL 6: Clean Water and Sanitation
- GOAL 7: Affordable and Clean Energy
- GOAL 8: Decent Work and Economic Growth
- GOAL 9: Industry, Innovation and Infrastructure
- GOAL 10: Reduced Inequality
- GOAL 11: Sustainable Cities and Communities
- GOAL 12: Responsible Consumption and Production
- GOAL 13: Climate Action
- GOAL 14: Life Below Water
- GOAL 15: Life on Land
- GOAL 16: Peace and Justice Strong Institutions
- N/A GOAL 17: Partnerships to achieve the Goal

Preparatory work

(An outline should be included with the proposal)

- A draft is attached
- An outline is attached
- An existing document will serve as the initial basis

The proposer or the proposer's organization is prepared to undertake the preparatory work required: Yes No

If a draft is attached to this proposal

Please select from one of the following options (note that if no option is selected, the default will be the first option):

- Draft document can be registered at Working Draft stage (WD – stage 20.00)
- Draft document can be registered at Committee Draft stage (CD – stage 30.00)
- Draft document can be registered at Draft International Standard stage (DIS – stage 40.00)
- If the attached document is copyrighted or includes copyrighted content, the proposer confirms that copyright permission has been granted for ISO to use this content in compliance with [clause 2.13](#) of the ISO/IEC Directives, Part 1 (see also the [Declaration on copyright](#)).

Is this a Management Systems Standard (MSS)?

- Yes No

NOTE: if Yes, the NP along with the Justification study (see Annex SL of the Consolidated ISO Supplement) must be sent to the MSS Task Force secretariat (tmb@iso.org) for approval before the NP ballot can be launched.

Indication of the preferred type to be developed

- International Standard
- Technical Specification
- Publicly Available Specification

Proposed Standard Development Track (SDT)

To be discussed between proposer and committee manager considering, for example, when the market (the users) needs the document to be available, the maturity of the subject etc.

- 18 months*
- 24 months
- 36 months

* Projects using SDT 18 are eligible for the 'Direct publication process' offered by ISO /CS which reduces publication processing time by approximately 1 month.

Draft project plan (as discussed with committee leadership)

Proposed date for first meeting: 2021-10-01

Proposed dates for key milestones:

Circulation of 1st Working Draft (if any) to experts: 2021-08-01

Committee Draft ballot (if any): 2022-04-01

DIS submission*: 2023-08-01

Publication*: 2024-08-01

* Target Dates for DIS submission and Publication should preferably be set a few weeks ahead of the limit dates (automatically given by the selected SDT).

For guidance and support on project management, descriptions of the key milestones and to help you define your project plan and select the appropriate development track, see: go.iso.org/projectmanagement

NOTE: The draft project plan is later used to create a detailed project plan, when the project is approved.

Known patented items (see ISO/IEC Directives, Part 1, [clause 2.14](#) for important guidance)

- Yes
- No

If "Yes", provide full information as annex

Co-ordination of work

To the best of your knowledge, has this or a similar proposal been submitted to another standards development organization?

- Yes
- No

If "Yes", please specify which one(s):

A statement from the proposer as to how the proposed work may relate to or impact on existing work, especially existing ISO and IEC deliverables. The proposer should explain how the work differs from apparently similar work, or explain how duplication and conflict will be minimized

This document will provide a broadly-based, consensus driven and widely applicable set of principles to complement national legislative frameworks and voluntary codes, for use by any type of organization.

The item complements long-standing codes of conduct developed and used by industry associations. These codes should be considered in developing this new work item.

A listing of relevant existing documents at the international, regional and national levels

< international >

◆ ISO - ISO/IEC Guide 50, - ISO 26000:2010 Guidance on social responsibility, - ISO WD/22458: inclusive service: identifying and responding to consumers in vulnerable situations ◆ UN - Report of the Special Rapporteur in the field of cultural rights(A/69/286) <http://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/69/286&Lang=E>

◆ UN Convention on the Rights of the Child, Article 17

◆ UN CRC General Comment 16, pgs.14,58,59,60 and 61

◆ WHO - A Framework for Implementing the set of Recommendations on the Marketing of Foods and Non-alcoholic Beverage to Children:2012

https://www.who.int/dietphysicalactivity/framework_marketing_food_to_children/en/

- Acting on Childhood Obesity

<https://apps.who.int/iris/bitstream/handle/10665/274792/WHO-NMH-PND-ECHO-18.1eng.pdf?ua=1>

-Tackling food marketing to children in a digital world: trans-disciplinary perspectives 2016

<http://www.efad.org/media/1664/tackling-food-marketing-children-digital-world-trans-disciplinaryperspectives-en.pdf>

◆ OECD - Consumer Protection in E-commerce: OECD Recommendation

<https://www.oecd.org/sti/consumer/ECommerce-Recommendation-2016.pdf> ◆ Consumers

International - Consumer Summit in Portugal 2019;

<https://www.consumersinternational.org/media/293344/summit-highlights-report.pdf>,

◆ UNICEF, UN Global Compact, Save the Children- Children's Rights and Business Principles:2012

https://www.unicef.org/corporate_partners/index_25078.html <https://www.unicef.org/csr/215.htm>

https://www.unicef.org/csr/files/A_Child_Rights-Based_Approach_to_Food_Marketing_Report.pdf

https://www.unicef.org/csr/css/Children_and_Digital_Marketing_-_Rights_Risks_and_Responsibilities.pdf

<https://www.unicef.org/csr/css/industry-toolkit-children-digital-marketing.pdf>

<https://www.consumersinternational.org/news-resources/news/releases/junkfoodgames-globalsports-events-used-to-market-unhealthy-food-and-drinks-to-children/> ◆ ICC - ICC's

Advertising and Marketing Communications Code (ICC Code) <https://iccwbo.org/publication/icc-advertising-and-marketing-communications-code/> ◆ ICAS - <https://icas.global/>

◆ EASA - <https://www.easa-alliance.org/>

Regional documents and references

◆ Europe - Protection of minors | Audio-visual Media Services Directive <https://ec.europa.eu/digital-single-market/en/protection-minors-avmsd> <https://www.beuc.eu/food-marketing-children-game-over-0>, <https://www.beuc.eu/blog/theres-no-right-season-to-market-unhealthy-food-to-children/>

◆ Marketing online to kids in the age of GDPR poses new challenges

<https://martechtoday.com/marketing-kids-age-gdpr-209028>

◆ Unfair Commercial Practices Directive - https://ec.europa.eu/info/law/law-topic/consumers/unfair-commercial-practices-law/unfair-commercial-practices-directive_en ◆ Audio

Visual Media Services Directive - <https://ec.europa.eu/digital-single-market/en/revisiaudiovisual-media-services-directive-avmsd>

◆ EU Pledge - <https://eu-pledge.eu/>

<p><Regional></p> <ul style="list-style-type: none"> ◆Australia - Lifting the Game: Summary of the Benchmark Survey of Consumer Issues in New South Wales, Department of Fair Trading, Australia,1997:5 ◆Canada - The Broadcast Code for Advertising to children https://www.cab-acr.ca/english/social/advertisingchildren/default.shtm ◆France - Que Choisir from 2018, https://www.quechoisir.org/actualite-publicite-pour-enfants-la-france-mauvaise-eleve-n60073/ ◆Finland- Consumer Competition and Consumer Authority-The consumer ombudsman's guidelines https://www.kkv.fi/en/decisions-and-publications/publications/consumer-ombudsmans-guidelines/ ◆Norway- the Norwegian authority on marketing: https://www.forbrukertilsynet.no/english/e-commerce. The Norwegian guidelines for marketing food and beverages to children and youth (Updated June 2009) ◆Japan / Guidelines for advertising and marketing that affect children https://www.savechildren.or.jp/partnership/crbp/pdf/fair-marketing_eng.pdf ◆Singapore - ASAS Advisory on Children's Code for Advertising Food and Beverage Products https://asas.org.sg/About/Childrens-Code ◆UK - Child Obesity Plan https://consultations.dh.gov.uk/hfss/40bb3b72/, https://www.bbc.com/news/health-44574477, Banned from targeting children https://www.bbc.co.uk/newsround/45110055 ◆USA - GEORGETOWN LAW FACULTY PUBLICATION AND OTHER WORKS https://scholarship.law.georgetown.edu/facpub/1945/ - Interview / Susan Linn https://www.bostonglobe.com/business/2015/06/17/small-group-big-victories-fight-againstmarketing-children/UivCqiWmw8WNX5AXA6928K/story.html - Report / American Psychological Association https://www.apa.org/pubs/info/reports/advertising-children https://www.apa.org/monitor/jun04/protecting Self-Regulatory Program for Children's Advertising / USA https://bbbprograms.org/programs/caru/ 		
<p>Please fill out the relevant parts of the table below to identify relevant affected stakeholder categories and how they will each benefit from or be impacted by the proposed deliverable</p>		
	Benefits/impacts	Examples of organizations/companies to be contacted
Industry and commerce – large industry	Ethical advertising practices in accordance with the international guidance that takes vulnerable consumers such as children into consideration would improve customer trust and satisfaction and contribute to continuous business development.	Advertisers
Industry and commerce – SMEs	As shown above	As shown above

Form 4: New work item proposal (NP)

Government	The guidance standard would assist countries to improve their existing advertising rules where necessary. Also, countries wishing to establish national rules for advertising to children can use it as practical guidelines in setting their own rules, which can lead to an overall improvement of the quality of regulation of children’s advertising across nations.	Advertising agencies
Consumers	<ul style="list-style-type: none"> * The protection of children and supporting children’s healthy development (safety, health and ethics) * The protection of consumers from deceiving and misleading marketing practices * Personal information and privacy protection 	Consumer organizations
Labour		
Academic and research bodies	Evaluation criteria on advertising and marketing can be improved	Advertising review bodies, members organizations who are knowledgeable in corporate evaluations (e.g. PRI: Principles for Responsible Investment), child development psychologists
Standards application businesses	The guidance standard would assist advertising standards organizations and advertising self-regulatory groups to improve their existing rules or codes of practice where necessary.	e.g. advertising standards authority, voluntary advertising review organization, advertising self-regulatory groups in each country. Some examples of National advertising standards bodies are ASA (UK), Ad Standards Australia, Advertising standards NZ.
Non-governmental organizations	Contribution to developing widely available implementation tools for protecting children’s rights.	Organizations addressing children’s rights (e.g. Save the Children)
Other (please specify)		

<p>Liaisons</p> <p>A listing of relevant external international organizations or internal parties (other ISO and/or IEC committees) to be engaged as liaisons in the development of the deliverable.</p> <p>Save the children Consumers International International Chamber of Commerce (ICC) European Advertising Standards Alliance (EASA) International Council for Ad Self-Regulation (ICAS) ISO/PC 311 – <i>Vulnerable consumers</i> ISO/TC 181 – <i>Safety of toys</i> ISO/TC 217 – <i>Cosmetics</i> ISO/TC 310 – <i>Child care articles</i></p>	<p>Joint/parallel work</p> <p>Possible joint/parallel work with</p> <p><input type="checkbox"/> IEC (please specify committee ID)</p> <p><input type="checkbox"/> CEN (please specify committee ID)</p> <p><input type="checkbox"/> Other (please specify)</p>
<p>A listing of relevant countries which are not already P-members of the committee</p> <p>Sweden, UK, Australia, Canada, Singapore and Korea</p> <p>NOTE: The committee manager shall distribute this NP to the ISO members of the countries listed above to ask if they wish to participate in this work</p>	
<p>Proposed Project Leader (name and e-mail address)</p> <p>Mrs. Malin Dahlberg Markstedt Manager Child Rights & Business Department Save the Children Sweden mdmarkstedt@gmail.com</p> <p>*Under consent of Save the Children Sweden, SIS and JISC</p>	<p>Name of the Proposer (include contact information)</p> <p>Ms. Amy Kato Chief Director Consumer Rights Japan amy.k@consumers.jp</p>
<p>This proposal will be developed by</p> <p><input type="checkbox"/> An existing Working Group (please specify which one:)</p> <p><input type="checkbox"/> A new Working Group (title:) (Note: establishment of a new WG must be approved by committee resolution)</p> <p><input type="checkbox"/> The TC/SC directly</p> <p><input checked="" type="checkbox"/> To be determined</p>	

Supplementary information relating to the proposal

- This proposal relates to a new ISO document;
- This proposal relates to the adoption as an active project of an item currently registered as a Preliminary Work Item;
- This proposal relates to the re-establishment of a cancelled project as an active project.
- Other:

Maintenance agencies (MA) and registration authorities (RA)

- This proposal requires the service of a **maintenance agency**.
If yes, please identify the potential candidate:
- This proposal requires the service of a **registration authority**.
If yes, please identify the potential candidate:

NOTE: Selection and appointment of the MA or RA is subject to the procedure outlined in the [ISO/IEC Directives](#), Annex G and Annex H, and the RA policy in the ISO Supplement, Annex SN.

- Annex(es) are included with this proposal (provide details)

New Suggestions for ISO/COPOLCO Activity

Additional information/questions

Stakeholders	I C C	Social value	Personal data
<ul style="list-style-type: none"> Industry 	<p>Inexperience and credulity of children</p> <ul style="list-style-type: none"> assembling and operating products size, value and performance of products additional purchases reality and fantasy <p>Avoidance of harm</p> <ul style="list-style-type: none"> mentally morally physically 	<ul style="list-style-type: none"> social cultural values persuasion price authority, parents, adults 	<ul style="list-style-type: none"> adult's consent before providing data personal data for marketing third parties
<p>D</p> <p>Wider</p> <ul style="list-style-type: none"> Industry Researcher NGO Consumer organization Ads review organization Others 	<p>1. Back ground / application</p> <ul style="list-style-type: none"> children as vulnerable consumers Consumers International : Consumer's Rights Children's Rights and Business Principles UNICEF UN: Global Compact UN: Convention on the Rights of the Child WHO ISO 26000 <p>2. Definition</p> <ul style="list-style-type: none"> children (<18 years) advertising marketing <p>3. General Principles (3)</p> <ul style="list-style-type: none"> Advertising and marketing that is conscious of the development and characteristics of children Ensure the accuracy and credibility of information Avoid unreasonable, unfair and deceptive advertising and marketing Ensure safety Respect for diversity Avoid advertising and marketing that is harmful or infringes on human rights Protection of children's personal information or their privacy Consideration of sustainable consumption Business enterprises' constructive contribution to the relationship between children and their parents and caregivers Respect for children's human rights in the context of freedom of expression Compliance with legislation and domestic/international guidelines <p>ANNEX 1</p> <ul style="list-style-type: none"> Lists of relevant information of the international organizations Lists of relevant research and report 	<p>4. Considerations regarding advertising presentations and methods</p> <p>Advertising Presentations and Expression</p> <ul style="list-style-type: none"> Imposition of advertising, persistent recommendation of products and services Encouraging pestering Exaggeration or emphasis of benefits or features Exaggeration or emphasis of pricing, or lack of clear indication of what is not included in price Presentations that cause fear or anxiety Presentations that are suggestive of discrimination, ostracism or bullying Presentations that force fixed notions Presentations that are excessively sexual Acts or presentations that could be imitated Presentations that could provoke danger or misuse Presentations that condone or implicitly encourage smoking and drinking of alcohol by children Presentations that undermine children's healthy food habits <p>Advertising Methods</p> <ul style="list-style-type: none"> Excessive use of premiums and giveaways Excessive inducement to join membership clubs Unrealistic presentations using special techniques Clear distinction between program/editorial content and advertising Precautions when using characters, experts, or celebrities to endorse a product or service Precautions when using children in advertisements Precautions for advertising and marketing in places where children receive education and on their school commuting route digital marketing and children's personal data/privacy 	<p>5. Preferred attitude of business enterprises</p> <ul style="list-style-type: none"> Efforts to conduct advertising and marketing that will not have an adverse impact on children Establishing a division for dealing with complaints, understanding and analyzing improvements Collection and effective use of information from related external organizations and groups
<p>E</p> <p>P</p> <p>E</p> <p>F</p> <p>I</p> <p>S</p> <p>O</p> <p>S</p> <p>t</p> <p>a</p> <p>n</p> <p>d</p> <p>a</p> <p>r</p> <p>d</p>	<p>ANNEX 2</p> <ul style="list-style-type: none"> Example of best practices Example of risky marketing Check lists for advertising review organizations 	<p>ANNEX 3</p> <ul style="list-style-type: none"> Example of complaint handling Example of external organizations Example of PDCA improvement cycle 	

Guidelines (ISO)	ICC	
Foreword		
Contents		
Introduction		
Use of these guidelines		
1. Range of application		
2. Definitions		
*Child / children		
*Advertising		
*Marketing		
3. General Principles	18.1 General Principles	<p>Special care should be taken in marketing communications directed to or featuring children or teens.</p> <p>: Such communications should not undermine positive social behaviour, lifestyles and attitudes.</p> <p>: Products which are illegal for children or teens to purchase or are unsuitable for them should not be advertised in media targeted to them.</p> <p>: Marketing communications directed to children or teens should not be inserted in media where the editorial matter is unsuitable for them.</p> <p>: For rules on data protection relating specifically to children’s personal data see article 19.</p> <p>: For other specific rules on marketing communications with regard to children:</p> <p>: with respect to direct marketing and digital marketing communications see chapter C, article C7</p> <p>: within the context of food and non-alcoholic beverages see the ICC Framework for responsible food and beverage marketing communications</p>
3-1 Advertising and Marketing that is Conscious of the Development and Characteristics of Children	18.2 Inexperience and credulity of children	<p>Marketing communications should not exploit inexperience or credulity of children, with particular regard to the following areas:</p> <p>1. When demonstrating a product’s performance and use, marketing communications should not</p> <ol style="list-style-type: none"> a. minimise the degree of skill or understate the age level generally required for a child to assemble or operate products b. exaggerate the true size, value, nature, durability and performance of the product c. fail to disclose data about the need for additional purchases, such as accessories, or individual items in a collection or series, required to produce the result shown or described <p>2. While the use of fantasy is appropriate for younger as well as older children, it should not make it difficult for them to distinguish between reality and fantasy.</p> <p>3. Marketing communications directed to children should be clearly distinguishable to them as such.</p>
3-1-1 Ensure the accuracy and credibility of information		
3-1-2 Avoid unreasonable, unfair and deceptive advertising and marketing		
3-1-3 Ensure safety	18.3 Avoidance of harm	<p>Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or teens mentally, morally or physically. Children and teens should not be portrayed in unsafe situations or engaging in actions harmful to themselves or others, or be encouraged to engage in potentially hazardous activities or inappropriate behaviour in light of the expected physical and mental capabilities of the target demographic.</p>
3-1-4 Respect for diversity		
3-1-5 Avoid advertising and marketing that is harmful or infringes on human rights		

<p>3-1-6 Protection of children's personal information or their privacy</p>	<p>19.4 Children's personal data</p>	<p>When personal data is collected from individuals known or reasonably believed to be children, guidance should be provided to parents or legal guardians about protecting children's privacy if feasible.</p> <p>: Children should be encouraged to obtain a parent's or responsible adult's consent before providing personal data via digital interactive media, and reasonable steps should be taken to check that such permission has been given.</p> <p>: 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.</p> <p>: Personal data collected from children should not be used to address marketing communications to them, the children's parents or other family members without the consent of the parent.</p> <p>: Personal data about individuals known or reasonably believed to be children 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.</p> <p>: For additional rules specific to marketing communications to children using digital interactive media, see chapter C, article C7.</p>
	<p>ARTICLE C7</p>	<p>MARKETING COMMUNICATIONS AND CHILDREN</p> <p>: Parents and/or guardians should be encouraged to participate in and/or supervise their children's interactive activities.</p> <p>: Personal data about individuals known to be children 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 support for operational purposes of the website and who do not use or disclose a child's personal information for any other purpose.</p> <p>: Websites devoted to products that are subject to age restrictions such as alcoholic beverages, gambling and tobacco products should undertake measures, such as age screens, to restrict access to such websites by minors. : Marketing communications directed at children in a particular age group should be appropriate and suitable for such children.</p>
<p>3-1-7 Consideration of sustainable consumption</p>		
<p>3-1-8 Business enterprises' constructive contribution to the relationship between children and their parents and caregivers</p>	<p>18.4 Social values</p>	<p>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.</p> <p>Marketing communications should not undermine the authority, responsibility, judgment or tastes of parents, having regard to relevant social and cultural values.</p> <p>Marketing communications should not include any direct appeal to children to persuade their parents or other adults to buy products for them.</p> <p>Prices should not be presented in such a way as to lead children to an unrealistic perception of the cost or value of the product, for example by minimising them. Marketing communications should not imply that the product being promoted is immediately within the reach of every family budget.</p> <p>Marketing communications which invite children and teens to contact the marketer should encourage them to obtain the permission of a parent or other appropriate adult if any cost, including that of a communication, is involved.</p>
<p>3-2 Respect for children's human rights in the context of freedom of expression</p>		
<p>3-3 Compliance with legislation and domestic and international guidelines</p>		
<p>4. Considerations regarding advertising presentations and methods</p>		
<p>4-1 Considerations regarding advertising presentations</p>		
<p>4-1-1 Imposition of advertising, persistent recommendation of products and services</p>		
<p>4-1-2 Encouraging pestering</p>		
<p>4-1-3 Exaggeration or emphasis of benefits or features</p>		
<p>4-1-4 Exaggeration or emphasis of pricing, or lack of clear indication of what is not included in</p>		
<p>price 4-1-5 Presentations that cause fear or anxiety</p>		
<p>4-1-6 Presentations that are suggestive of discrimination, ostracism or bullying</p>		
<p>4-1-7 Presentations that force fixed notions</p>		
<p>4-1-8 Presentations that are excessively sexual</p>		

Form 4: New work item proposal (NP)

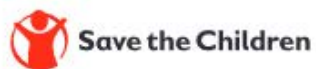
4-1-9 Acts or presentations that could be imitated		
4-1-10 Presentations that could provoke danger or misuse		
4-1-11 Presentations that condone or implicitly encourage smoking and drinking of alcohol by children		
4-1-12 Presentations that undermine children's healthy food habits		
4-2 Considerations regarding advertising methods		
4-2-1 Excessive use of premiums and giveaways		
4-2-2 Excessive inducement to join membership clubs		
4-2-3 Unrealistic presentations using special techniques		
4-2-4 Clear distinction between program/editorial content and advertising		
4-2-5 Precautions when using characters, experts, or celebrities to endorse a product or service		
4-2-6 Precautions when using children in advertisements		
4-2-7 Precautions for advertising and marketing in places where children receive education and on their school commuting route		
4-2-8 digital marketing and children's personal data/privacy		
5. Preferred attitude of business enterprises towards advertising and marketing directed to children		
5-1 Efforts to conduct advertising and marketing that will not have an adverse impact on children		
5-2 Establishing a division for dealing with complaints, understanding and analyzing complaints, and making continuous improvements		
5-3 Collection and effective use of information from related external organizations and groups		
ANNEX 1 Lists of relevant information of the international organizations / lists of relevant research and report		
ANNEX 2 Example of best practices / Example of risky marketing / Check lists for advertising review organizations		
ANNEX 3 Example of complaint handling / example of external organizations / example of PDCA improvement cycle		

Original document can be seen HERE: https://www.savechildren.or.jp/partnership/crbp/pdf/fair-marketing_eng.pdf

Guidelines for Advertising and Marketing that Affect Children



FAIR MARKETING
For children



On completion of the Guidelines for Advertising and Marketing that Affect Children

Save the Children Japan was established in 1986 as a member of Save the Children, an international non-governmental organization established in 1919 and specialized in child support, and since then has implemented child support activities in various countries and regions throughout the world including Japan.

Movements and activities to respect human rights has increased in recent years, and subsequent to adoption of the UN Guiding Principles on Business and Human Rights, more and more attention is paid to corporate responsibility in the society. It is within this context that the United Nations Global Compact, Save the Children and United Nations Children's Fund (UNICEF) developed Children's Rights and Business Principles (10 principles in total) in March 2012, based on recognition that a framework clearly defining corporate responsibility in the area of child's rights was lacking. In May 2014, Save the Children Japan launched these principles in Japan together with Global Compact Network Japan and Japan Committee for UNICEF.

Following this launch, Save the Children Japan organized study groups convening interested business enterprises and specialists to discuss and exchange views on initiatives and challenges related to implementation of the Principles. It was pointed out in one of these study groups that concrete actions were necessary to put into practice Principle 4 (All business should use advertising and marketing that respect and support children's rights). Thus Children's Rights and Advertising/Marketing Review Committee consisting of NGOs, business enterprises, specialists and related organizations was formed in September 2015 (chair: Tsuneo Matsumoto, President, National Consumer Affairs Center of Japan), and developed the Guidelines for Advertising and Marketing that Affect Children with the purpose of protecting child's rights in advertising and marketing of business enterprises and promoting these entities' contribution to healthy growth of children across various industries.

These guidelines do not hold coercive power, rather they were developed with the aim to serve as a guide for advertising and marketing by business enterprises and related organizations. It is my sincere hope that all business enterprises and related organizations involved in advertising and marketing review their practices from the perspective of their impact on children and take concrete actions to respect and promote child's rights.

Lastly I would like to extend my deepest gratitude to Mr. Tsuneo Matsumoto and the Committee members for their dedication and contribution.

Kunio Senga
Managing Director of the Board, Chief Executive Officer
Save the Children Japan

CONTENTS

Foreword	02
Contents	03
Introduction	04
Use of These Guidelines	05
1. Range of Application	06
2. Definitions	06
2-1 Child/children	
2-2 Advertising	
2-3 Marketing	
3. Basic Principles	07
3-1 Advertising and Marketing that is Conscious of the Development and Characteristics of Children	
3-2 Respect for children's human rights in the context of freedom of expression	
3-3 Compliance with legislation and domestic and international guidelines	
4. Considerations regarding advertising presentations and methods	09
4-1 Considerations regarding advertising presentations	
4-2 Considerations regarding advertising methods, etc.	
5. Preferred attitude of business enterprises towards advertising and marketing directed to children	14
5-1 Efforts to conduct advertising and marketing that will not have an adverse impact on children	
5-2 Establishing a division for dealing with complaints, understanding and analyzing complaints, and making continuous improvements	
5-3 Collection and effective use of information from related external organizations and groups	
References	15
List of Committee Members	17

Introduction

Initiatives to support the healthy growth and development of children are essential to the realization of a sustainable society. Childhood is a crucial period in terms of physical, psychological, emotional, and intellectual development. In 1989, the General Assembly of the United Nations adopted the Convention on the Rights of the Child (CRC). This Convention set forth four basic rights that applies to children everywhere, namely the right to life, the right to protection, the right to grow and develop, and the right to participation. Japan ratified the Convention in 1994.

It is the responsibility of governments to fulfill their obligations under the CRC. This includes the legislature, the administration, and the judiciary to protect and respect the rights of children, governments have an obligation to enact legislation, strengthen supervisory bodies, and educate businesses about the rights of children.

On the other hand, the responsibilities not only of governments, but of business have become the increasing focus of attention in recent times. The UN Global Compact, which was proposed by then Secretary General of the United Nations, Kofi Annan, at the World Economic Forum in 1999, calls on businesses to uphold and implement ten principles in the areas of human rights, labor, the environment and anti-corruption.

"Protect, Respect, and Remedy: a Framework for Business and Human Rights" in 2008, and the UN Guiding Principles on Business and Human Rights in 2011, both presented by Professor John Ruggie, UN Secretary-General's Special Representative for Business and Human Rights, have been endorsed by the Human Rights Council, ISO26000, the International Standards Organization's Guidance Standard on Social Responsibility, the international standard for social responsibility for organizations released in 2010, sets out seven core subjects, including human rights and consumer issues.

Amidst the growing consciousness of business and human rights, the UN Global Compact, UNICEF, and Save the Children joined forces in 2012 to develop the Children's Rights and

Business Principles (CRBP) as a guide for businesses to respect and support children's rights. The CRBP consists of ten principles for activities in the workplace, marketplace and community (see References for details). Business Principle 4, which comes under the marketplace area, states that "all business should use marketing and advertising that respect and support children's rights," including "ensuring that communications and marketing do not have an adverse impact on children's rights," "complying with the standards of business conduct in World Health Assembly instruments related to marketing and health," and "using marketing that raises awareness of and promotes children's rights, positive self-esteem, healthy lifestyles and non-violent values."

Fair marketing and the provision of unbiased, fact-based information are extremely important factors in consumers' purchasing decisions. The United Nations Guidelines for Consumer Protection, which were revised in 2015, state that promotional marketing and sales practices should be guided by the principle of fair treatment of consumers.

Consumers International (CI), the world federation of consumer groups, sees marketing to children, particularly food marketing, as a priority area of its work. Children lead lives as consumers under their parents and caregivers, but their level of experience of consumer behavior and their ability to assess advertising and marketing are less mature than those of adults. Therefore, from the perspective of protecting children as "consumers," businesses are required to engage in responsible advertising and marketing that respects and supports children's rights. In this respect, ISO26000 calls on business to first consider the best interest of socially vulnerable groups, including children, and not to engage in activities that would harm the interests of those vulnerable groups.

The Guidelines for Advertising and Marketing that Affect Children ("these Guidelines") provide a basic philosophy on advertising and marketing that impacts on children, as well as propose specific and practical concepts that

all business should uphold. In the development of these Guidelines, we referred to several international guidelines concerning advertising and marketing that are conscious of children. We also took into consideration the current views on advertising and marketing and industry self-regulation in Japan. In doing so, our aim was to create guidelines that could be applied by all businesses and organizations that provide products and services across all industries.

* See the References at the end of this document for the international guidelines that were referred to in the development of these Guidelines.

It is our hope that these Guidelines will serve as a guide not only in the advertising and marketing of products and services specifically directed to children, but also for all business enterprises to consider avoiding adverse impact on children in all of their advertising and marketing, and thus contribute to children's healthy growth and development.

Use of These Guidelines

These Guidelines were developed with the aim of being utilized as a guide for advertising and marketing by business enterprises. Not only advertisers but other types of business enterprises and parties are also involved in advertising and marketing. It is hoped that all business enterprises and related organizations involved in these activities will use these Guidelines as the basis for deciding on the contents of their own in-house standards and voluntary regulations, and for deliberating on the systems they will adopt within their organization.

1. Range of Application

These Guidelines apply to advertising and marketing that are directed primarily to children. Even if advertising and marketing is directed to groups other than children, it is possible that children may see that advertising or be involved in the marketing, and there is potential for that advertising or marketing to have an adverse impact on children. A certain level of consideration based on these Guidelines is also required in such cases as well.

2. Definitions

Words used in these Guidelines shall have the following definitions.

2-1 Child/children

Refers to all persons under 18 years of age as defined in Article 1 of the Convention on the Rights of the Child.

2-2 Advertising

Refers to all types of communications that a business enterprise (referring to all organizations, both for-profit and not-for-profit) directs towards consumers and society for the purposes of promoting sales and increasing recognition of its products, services and organization.

Notes	
<ul style="list-style-type: none"> Specifically, this includes mass media advertising, such as television, radio, newspaper and magazine advertising, advertising on online media such as websites, social media, applications, videos, e-mail, and games, advertising in movie theaters, print inserts, transit advertising (including advertisements and digital signage on and inside buses and trains, and advertising in railway stations), out-of-home advertising such as billboards, posters, flyers, direct mail, pamphlets, free papers and magazines, POP 	advertising, and displayed and distributed items (in-store advertising to sell products and/or provide services). It also includes communication in which the product itself acts as the medium (product naming, packaging, advertisements and labeling on packaging, etc.) and product catalogs. Here, "website" not only refers to websites produced and published by the enterprise itself, but also includes advertisements provided by web management businesses.

2-3 Marketing

Marketing refers to the various activities undertaken by an enterprise directed to the marketplace with the objectives of creating, maintaining and expanding a market (demand) and building and maintaining relationships with consumers.

Notes	
<ul style="list-style-type: none"> Specifically, this includes market research aimed at understanding consumer needs, the planning and development of products and services to meet those 	needs, setting prices, sales promotions focused on advertising and other communication activities, and the establishment of distribution channels.

3. Basic Principles

3-1 Advertising and Marketing that is Conscious of the Development and Characteristics of Children

Children go through different developmental processes at different ages, and have different characteristics at different stages of their development. Characteristics of early childhood include difficulty distinguishing between fantasy and reality, credulity (readily believing what they see and hear), curiosity, and an inclination to imitation (and experimentation). When purchasing and consuming products or services, children usually have limited knowledge, experience, and capacity to understand and evaluate information. Because of this, children are seen as being prone to believing the information contained in advertisements and as being easily influenced by advertising and marketing. Advertising and marketing that are produced without regard to children's development and characteristics have the potential to violate children's rights, hinder their healthy development, or threaten their health and safety. It is for this reason that special consideration towards children is needed when producing advertising and implementing marketing.

Notes	
<ul style="list-style-type: none"> It is believed that children of four or five years of age or younger have not achieved sufficient cognitive development to distinguish between program and advertising, and that children of up to seven or eight years of age are not able to understand the persuasive intent of advertising (to stimulate a desire to buy the product or service) (APA 2004). Based on these developmental characteristics of children of these ages, statutory and voluntary regulations exist to protect children from advertising and marketing. For example, in Sweden and Norway, it is prohibited by law to advertise to children younger than 12 years of age. The International Chamber of Commerce and other industry organizations also have voluntary regulations and other guidelines (see References for details). 	marketing, consideration needs to be given to the developmental characteristics, not just of small children, but all children under 18 years of age.
<ul style="list-style-type: none"> Children's knowledge and experience about transactions is limited and they lack the capacity to assess or pay for them. So that children are not disadvantaged by the impact of advertising and 	

3-1-1 Ensure the accuracy and credibility of information

The display, language and presentation methods used for the information that is communicated in advertising and marketing should be easy for children to understand, and business enterprises should work to ensure the accuracy and credibility of that information to ensure that the children that the advertising and marketing are directed to will not misunderstand.

3-1-2 Avoid unreasonable, unfair and deceptive advertising and marketing

Business enterprises must give ample consideration to whether their advertising and marketing contain any elements that are unreasonable, unfair or deceptive in light of children's development and characteristics. Further, even advertising or marketing that would not ordinarily be considered unreasonable, unfair or deceptive can potentially have an adverse impact on children, so advertisers need to take particular care from this perspective as well.

3-1-3 Ensure safety

Advertising and marketing must not threaten children's lives or health.

4. Considerations regarding advertising presentations and methods

4-1 Considerations regarding advertising presentations

4-1-1 Imposition of advertising, persistent recommendation of products and services

Advertisers must not excessively recommend products and/or services through such methods as forcing children to look at advertisements or repeatedly showing them.

Presentations should not encourage the rushed purchase of products or services or unduly emphasize their rarity (for example, expressions such as "one-time only offer," "not available anywhere else," and "limited quantities/time") as they have a major impact on children's decision-making and purchasing behavior.

4-1-2 Encouraging pestering

Advertisers should avoid presentations that urge children to ask their parents or caregivers or other adults to purchase a product or service or that encourage children to pester those adults until they agree to buy the product or service.

4-1-3 Exaggeration or emphasis of benefits or features

Presentations and claims regarding the benefits or performance gained from the use of a product or service must be based on objective facts. Also, if there is no expectation that those benefits or performance would be gained equally by all purchasers (users), or if the benefits or performance are limited, this must be expressly indicated using clear presentations that a child could easily understand. The same applies for cases in which there are particular conditions that must be met to achieve those benefits or performance.

Presenting those benefits or performance in a manner that exaggerates them or emphasizes certain parts, or presents them in such a way that something that is not certain is made to seem definite will cause children to hold excessive expectations or misconceptions about the product or service, so care should be exercised.

4-1-4 Exaggeration or emphasis of pricing, or lack of clear indication of what is not included in price

Advertisers should take care to ensure that advertising presentations that exaggerate or emphasize the price of a product or service is much lower than usual, or that it is a bargain, do not make it difficult for children to understand or mislead them into believing that the price is markedly lower than it actually is. Also, indications of discount percentages or amounts should be given accurately as a comparison to the usual price, in accordance with the rules on price indications in the Act on Unjustifiable Premiums and Misleading Representations.

For anything that is not included in the initial price of the product or service being advertised (e.g., a case or bag that is sold separately, batteries, recharger, accessories, etc.), it must be clearly indicated that such items must be purchased separately.

3-1-4 Respect for diversity

Advertisers should give ample consideration to ensuring that advertising and marketing respect diversity, and that they do not encourage various types of discrimination or prejudice, nor force or imply various fixed notions.

3-1-5 Avoid advertising and marketing that is harmful or infringes on human rights

Advertising and marketing must not have any adverse impact on children, such as infringing on their human rights or rights as consumers, or hindering their healthy development. In particular, presentations of violence or excessive sexual presentations can have an adverse impact on children, depending on their age and stage of development, so due caution should be exercised in this regard.

3-1-6 Protection of children's personal information or their privacy

Advertising and marketing must not infringe on children's personal information or privacy. Children's personal information must be handled as carefully as, if not more so than, that of adults. It should be noted that children have difficulty understanding how their personal information will be used or the gravity of the risks of such information being leaked, so when obtaining personal information, advertisers should exercise due care, such as obtaining permission from the child's parents or caregivers.

3-1-7 Consideration of sustainable consumption

Children are in the process of developing their ability as healthy consumers, and it is the responsibility of adults to teach them properly about appropriate sustainable consumption so they may mature into healthy consumers. Business enterprises, in particular, must take care not to encourage excessive consumption by children in their advertising and marketing.

3-1-8 Business enterprises' constructive contribution to the relationship between children and their parents and caregivers

The protection, supervision and guidance of children is fundamentally the responsibility of their parents and caregivers, nevertheless it is desirable that business enterprises contribute to the relationship between those parents and caregivers and their children in a constructive manner. Accordingly, it is preferable that, when business enterprises consider their advertising and marketing, they also do so from the viewpoint that parents and caregivers may be led to believe that such advertising and marketing would be detrimental to their children's education or that they would not want their children to see it.

3-2 Respect for children's human rights in the context of freedom of expression

Freedom of expression and freedom of speech are guaranteed for advertising and marketing under the Constitution, and creativity in this regard should be respected. However, the protection of children's human rights (including children's rights as consumers) takes precedence over these freedoms. Business enterprises should conduct their advertising and marketing on the basis of this principle.

3-3 Compliance with legislation and domestic and international guidelines

If legislations or treaties that apply in Japan include provisions concerning advertising and marketing to children, the relevant business enterprises must comply with them. The same shall apply for guidelines and codes of conduct established by international organizations and the like, and to voluntary standards set by industry bodies, self-regulatory organizations, and other relevant agencies.

4.1-5 Presentations that cause fear or anxiety

- ⊖ Violent presentations, psychotic presentations, and mock-threatening presentations may cause fear or anxiety in children, so due care should be exercised.
- ⊖ Advertising presentations that, even if created without such an intent, cause an association with psychotic or violent incidents or incidents that infringe on children's rights have the potential to provoke strong feelings of fear and anxiety in children. If such presentations have been used, advertisers are recommended to review the presentations themselves or to consider the advertising medium used or timeslot in which the advertisement is aired.
- ⊖ If a child sees advertisements for products and services that are not primarily directed to children, it may frighten or cause anxiety in him/her. If presentations of this nature have been used, advertisers are recommended to review the presentations themselves or to consider the advertising medium used or timeslot in which the advertisement is aired.

4.1-6 Presentations that are suggestive of discrimination, ostracism or bullying

- ⊖ Advertisers must not employ presentations that appear to condone any kind of discrimination for reasons of ethnicity, culture, religion, sex, occupation or social vulnerability, or presentations that are suggestive of bullying.
- ⊖ Presentations that suggest or imply that not buying or using a product or service will cause problems with friendships or result in less acceptance by peers may cause emotional instability in children or provoke rifts between friends, so advertisers should exercise care regarding such presentation.

4.1-7 Presentations that force fixed notions

Advertisers should exercise care regarding presentation that force or imply fixed notions of gender roles, family values or the like.

4.1-8 Presentations that are excessively sexual

- ⊖ Advertisers should exercise due care regarding presentations that unnecessarily encourage interest in sex, or excessively stimulate sexual desire, or provide a feeling of discomfort or emotional distress, in immature and highly sensitive children.
- ⊖ If a child sees advertisements for products and services that are not primarily directed to children, there is still a possibility that such advertisements could excessively stimulate interest in sex or sexual desire in that child. If such presentations have been used, advertisers are recommended to review the presentation themselves or to consider the advertising medium used or timeslot in which the advertisement is aired.

4.1-9 Acts or presentations that could be imitated

Children often imitate acts and presentations that they see in advertisements either consciously or unconsciously. In light of that possibility, when including acts or presentations in advertisements that have the potential to be imitated by children, advertisers should take care that such acts or presentations will not have an adverse impact on children.

4.1-10 Presentations that could provoke danger or misuse

- ⊖ Advertisers should take care to ensure that presentations in advertising do not cause children to use the product or service in a dangerous or incorrect manner.

- ⊖ Depending on the characteristics of the product or service, to avoid various dangers, there must be a clear indication in the product's or service's advertising that the use of safety equipment (e.g., helmet, knee/elbow guards, safety harness, etc.) is required.
- ⊖ Where necessary, advertisements should clearly indicate the target age of the product or service being advertised.
- ⊖ If the method of use, length of time of use, or quantity per use of a product or service is explained, the physical health and safety of children should be taken into consideration and care taken to ensure that children's sound lifestyle habits are not impeded.

4.1-11 Presentations that condone or implicitly encourage smoking and drinking of alcohol by children

Advertisers must not employ presentations that condone or implicitly encourage smoking and drinking by children.

4.1-12 Presentations that undermine children's healthy food habits

Given the important role that diet plays in a child's healthy development, advertising of food (all types of food products including health food products and beverages including soft drinks) should promote children's healthy, regular food habits. For this purpose advertisers should take care to ensure that they do not employ presentations that contravene public dietary guidelines. Particular caution should be exercised regarding the following:

- ▶ Refrain from presentations that promote excessive intake of food containing harmful ingredients that may have adverse impact on child health, and diets that are imbalanced in nutrition.
- ▶ Refrain from presentations that promote eating too quickly or in large quantities, or that accept and encourage picky eating.
- ▶ If an advertisement depicts people eating or drinking, refrain from presenting quantity of food or drink that would be considered over-eating or unreasonable dieting in children of the target age group.

4.2 Considerations regarding advertising methods, etc.

4.2-1 Excessive use of premiums and giveaways

If conducting giveaways such as gifts of the product or service or a premium, advertisers should ensure that the presentations employed do not excessively stimulate a desire to gamble or inclination to buy in children. Particular caution should be exercised regarding the following:

- ▶ Ensure that a parent's or guardian's permission is obtained using proper methods when children enter the giveaway.
- ▶ Clearly indicate in the advertisement the minimum terms and conditions for the giveaway, including the period that entries will be accepted, how many entries will win, and how and when winners will be announced.
- ▶ If detailed information about the giveaway, including terms and conditions, is to be published, clearly indicate the medium or media on which such information will be published, when it will be published, and other necessary details.

- ▶ If certain particular conditions must be met to be eligible to enter the giveaway, such as having to purchase multiple products, indicate this clearly in a manner that children will understand prior to purchase.
- ▶ If the announcement of winners and other results are to be made public, take care that children's privacy is not infringed by the publication of personal information.
- ▶ If entering the giveaway has the potential to impose a financial burden, indicate this clearly in a manner that children will understand.
- ▶ Take care to avoid presentations that would mislead children that receipt of the product or service giveaway or prize is a certainty or that the chances of receiving it are higher than they actually are.

4.2-2 Excessive inducement to join membership clubs

If making children's membership in a club a condition of purchase of a product or service, advertisers should ensure that the presentations employed do not excessively stimulate a desire to gamble or inclination to buy in children. Particular caution should be exercised regarding the following:

- ▶ Ensure that a parent's or caregiver's permission is obtained using proper methods when children join the club.
- ▶ Clearly indicate in advertising, in a manner that children will understand, the purpose for which membership details will be used.
- ▶ If joining the club has the potential to impose a financial burden, indicate this clearly in a manner that children will understand.

4.2-3 Unrealistic presentations using special techniques

Even today's circumstances, in which various special techniques to enhance the effectiveness of advertising are being developed every day, if such techniques are to be used in advertising directed to children, consideration must be given to the developmental characteristics of children, namely that they are easily influenced by advertising, easily believe things they see and hear, and are highly sensitive. Caution must be exercised when using special techniques to ensure that they do not cause children to assume fantasy worlds to be reality and that they do not stimulate children's unrealistic expectations of the product or service.

4.2-4 Clear distinction between program/editorial content and advertising

If advertising exploits the fact that small children have not achieved sufficient cognitive development to distinguish between program/editorial content and advertising to make them think that the advertisement is part of or an extension of the program or editorial content, it has the potential to mislead them. For this reason, advertisers need to strive to make children understand that their advertisements are separate from the program or editorial content. Further, regarding techniques in which a particular product is placed in the program or article for endorsement, care should be taken with the presentation and composition of that placement to ensure that children can understand that the endorsement of the product is separate from the program or editorial content.

4.2-5 Precautions when using characters, experts, or celebrities to endorse a product or service

When doctors, teachers, experts in the related field, or other persons that children would recognize as being qualified, or popular celebrities or characters appear in advertisements and endorse a product or service, care should be taken that this does not stimulate children's excessive expectations or misconceptions about the features and/or quality of the product or service.

4.2-6 Precautions when using children in advertisements

- ⊖ When using children in advertising, advertisers should take care not to infringe on the human rights of the child. Also, the health and safety of children should take top priority in the production of the advertisement, including filming, and safety should be ensured.
- ⊖ Advertisers should keep the following points in mind regarding the impact on children of seeing advertisements containing children.
 - ▶ Exercise caution regarding presentations that may invoke an excessive desire to purchase in children seeing the advertisement or that may have an adverse impact on children if they were to imitate the acts they see in the advertisement.
 - ▶ Even in cases where children appear in advertisements for and endorse products and services that are not primarily directed to children and that children would not normally buy or use, take care that the advertisement would not have an adverse impact on children seeing the advertisement.

4.2-7 Precautions for advertising and marketing in places where children receive education and on their school commuting route

Business enterprises should take care to avoid advertising or marketing of products and services that would hinder the healthy development of children in schools and other places where children receive education and on their routes to and from school. The same also applies to acts resembling sales promotions of products and services through educational programs and various social contribution activities.

5. Preferred attitude of business enterprises towards advertising and marketing directed to children

5-1 Efforts to conduct advertising and marketing that will not have an adverse impact on children

Gaining the trust of consumers through advertising and marketing is an issue of extreme importance for business enterprises. In particular, in terms of the relationship between children and advertising, by not conducting inappropriate advertising that would have an adverse impact on children, business enterprises can indicate their stance of respecting the rights of children.

It is important that businesses endeavor to identify likely problems and potential challenges prior to conducting advertising and marketing, and to resolve those problems and challenges. If a problem arises as a result of an advertisement, businesses should take appropriate action, such as immediately canceling or correcting the advertisement or marketing.

5-2 Establishing a division for dealing with complaints, understanding and analyzing complaints, and making continuous improvements

Complaints and opinions from consumers (including children) concerning advertising and marketing are an important source of information about how those advertising and marketing are being perceived by society. Businesses need to accept complaints, understand and analyze complaints and opinions expressed by consumers who are concerned about advertising or marketing hindering children's healthy development or having an adverse impact on children, and strive to make continuous improvements to their advertising and marketing by establishing a division for handling complaints and opinions from consumers (customer service office, etc.) or using an outside organization.

Further, advertising- and marketing-related divisions should proactively coordinate with the complaints handling division and, where necessary, incorporate the views of consumers in advertising production and marketing, as well as strive to avoid the recurrence of inappropriate advertising presentations. Businesses are asked to refer to the JIS standard on responses to consumer complaints (JIS Q10002) (see References for details).

5-3 Collection and effective use of information from related external organizations and groups

Consumer complaints and opinions about advertising are made not only to the consumer service divisions of businesses, but also to a variety of external related organizations and groups. These include industry organizations, advertising review bodies, government agencies, consumer affairs centers, consumer groups, and media companies. Businesses need to proactively collect such external information and, if it is determined that there have been inappropriate presentations or other problems, take sincere action in response, while at the same time using that information in its efforts to make continuous improvements.

Effective means of achieving this include placing monitoring requests with consumer groups and conducting hearings of related external organizations and groups. Another method worth considering is to obtain advice from a specialist perspective, by seeking the opinion of advertising review bodies prior to launching advertising or marketing, and consulting with experts in children's development and psychology.

16 5. Preferred attitude of business enterprises towards advertising and marketing directed to children

- Children's Advertising Review Unit (CARU) Self-Regulatory Program for Children's Advertising: 2014
- ISO 10002:2004 (JIS Q10002:2005; Quality management – Customer satisfaction – Guidelines for complaints handling in organizations)
- American Psychological Association (APA) Report of the APA Task Force on Advertising and Children: 2004

16 References

References

International Guidelines, Standards, Documents, etc. Related to These Guidelines

- UNICEF/UN Global Compact, Save the Children: Children's Rights and Business Principles (CRBP): 2012
 - Principle 1 All business should meet their responsibility to respect children's rights and commit to supporting the human rights of children
 - Principle 2 All business should contribute towards the elimination of child labor, including in all business activities and business relationships
 - Principle 3 All business should provide decent work for young workers, parents and caregivers
 - Principle 4 All business should ensure the protection and safety of children in all business activities and facilities
 - Principle 5 All business should ensure that products and services are safe, and seek to support children's rights through them
 - Principle 6 All business should use advertising and marketing that respect and support children's rights
 - Principle 7 All business should respect and support children's rights in relation to the environment and to land acquisition and use
 - Principle 8 All business should respect and support children's rights in security arrangements
 - Principle 9 All business should help protect children affected by emergencies
 - Principle 10 All business should reinforce community and government efforts to protect and fulfil children's rights
- International Chamber of Commerce (ICC) Consolidated Code of Marketing and Advertising Communications Practice 2011 revision
- World Health Organization (WHO) A Framework for Implementing the Set of Recommendations on the Marketing of Foods and Non-alcoholic Beverages to Children: 2012 Set of Recommendations on the Marketing of Foods and Non-Alcoholic Beverages to Children: 2010
- ISO26000 (International Standards Organization's Guidance on Social Responsibility): 2010
- United Nations Guidelines on Consumer Protection 2015 revision

References 15

List of Members

Children's Rights and Advertising/Marketing Review Committee

Position	Name	Affiliation
Chair	Tsuneo Matsumoto	National Consumer Affairs Center of Japan, President
Deputy Chair	Hidemasa Tomita	Lloyd's Register Quality Assurance Limited, Senior Project Principal
Leader	Isao Hayashi	Ad Legal Office Chief (Former Deputy Secretary-General of Japan Advertising Review Organization)
Member	Emiko Amano	Kanto Gakuin University Faculty of Business Administration, Associate Professor
Member	Naoko Imatsumi	Japan Advertising Review Organization, General Management Committee
Member	Keiichi Ujite	Ushio Inc., Executive General Headquarters Personnel and Administration Strategy Division, Risk Management Office, CSR Manager
Member	Keisuke Ota	Global Compact Network Japan, General Manager
Member	Emi Kato	Parent and Child Consumer Education Support Center, Director
Member	Tsuneaki Kobayashi	International Chamber of Commerce Japan Committee, Secretary-General
Member	Kiyomi Shimizu	Association of Experts on Consumer Affairs, Executive Director
Member	Mitsu Shippee	Sony Corporation, CSR Section, Corporate Communications and CSR Department Senior Manager
Member	Mariko Tokoro	Japan Society of Child Science, Trustee
Member	Yuzou Nakao	Ajinomoto Co., Inc., CSR Department General Manager
Member	Yukiko Furuya	Consumer Conference for Sustainability, President
Member	Hidekazu Hosokawa	Lee Japan Co., LTD., Director
Member	Hideki Matsuoka	Asia-Pacific Human Rights Information Center (Hurights Osaka), Researcher
Member	Kunio Sengo	Save the Children Japan, Managing Director of the Board, Chief Executive Officer

* Note that Committee Members' positions are as of the time of issuance of the Guidelines – October, 2016

List of Committee Members 17



Copyright © 2020 Save the Children. All rights reserved.