



Self-Regulatory Guidelines for Children's Advertising

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Self-Regulatory Guidelines for Children's Advertising

1. Foundation of the Guidelines

The paramount principle underlying the Children's Advertising Review Unit (CARU) Advertising Guidelines is that advertisers should recognize that they have special responsibilities to children. Children have limited knowledge, experience, sophistication, and maturity. Advertisers should recognize that younger children have a limited capacity to evaluate the credibility of information, may not understand the persuasive intent of advertising, and may not even understand that they are viewing or hearing advertising.

While many influences affect a child's personal and social development, it remains the prime responsibility of parents to provide guidance for children. Advertising should not undermine this parent-child relationship.

Advertisers should capitalize on the potential of advertising to serve an informational role and influence positive personal qualities and behaviors in children, e.g., being honest and respectful to others, taking safety precautions, and engaging in physical activity. Advertising of products should encourage responsible use of the product with a view toward the healthy development of the child.¹

Advertisers should recognize the power of their advertising to promote positive change by reflecting the diversity of humanity and providing an inclusive space where all can feel valued and respected. Advertisers should strive to create content that is welcoming to children of all races, religions, cultures, genders, sexual orientations, and physical and cognitive abilities.

2. Scope

- a. These Guidelines apply to national advertising that is primarily directed to children under age 13 in any medium.
- b. Whether advertising is primarily directed to children, or to a particular age range of children, will be determined by an analysis of relevant factors, no one of which is controlling: subject matter; visual or audio content; use of child-oriented animated characters, child-oriented activities, or incentives; age of models; presence of child celebrities or celebrities who appeal to children; language or other characteristics; competent and reliable empirical evidence regarding audience composition; and evidence regarding the intended audience.
- c. Whether advertising complies with the Guidelines will be assessed based upon the particular age range of the children to whom it is directed.
- d. Placement or integration of a product, service, character, or brand in editorial, educational, entertainment, or other non-commercial content is not within the scope of these Guidelines unless such placement or integration constitutes an endorsement.

¹ CARU shares oversight of the self-regulation of advertising to children with the Children's Food and Beverage Advertising Initiative (CFBAI). CARU's Guidelines focus primarily on the substantive content of child-directed advertising and apply to any company that advertises products or services to children. In contrast, CFBAI is a pledge program under which participating companies agree to abide by certain Core Principles, which define what is covered by "food advertising to children," and then apply nutritional and media coverage. CFBAI's Principles apply only to those food, beverage, and restaurant companies that have committed to its Principles. For more information about CFBAI, visit <https://bbbprograms.org/programs/cfbai/home>.

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- e. Advertising should be neither deceptive nor unfair to the children to whom it is directed, as these terms are applied under the Federal Trade Commission Act.
- f. The online collection, use, or disclosure of children’s personal information is covered by the Children’s Online Privacy Protection Act² (COPPA) and the BBB National Programs’ Self-Regulatory Guidelines for Children’s Online Privacy Protection.

3. Definitions

- a. “Advertisement,” “Advertising,” or “Ad” means any commercial message or messaging primarily directed to children under age 13 (whether written, oral, or non-verbal) in Covered Media that promotes the sale of one or more products or services.³
- b. “Advertiser” means any person or other legal entity, including an Endorser, that engages in National Advertising.
- c. “Child” or “Children” means a person or persons residing in the United States of America who are under 13 years of age.
- d. “Clear” means easily understandable by ordinary Children.
- e. “Conspicuous” means presented in a manner that is easily noticeable, i.e., difficult to miss, by ordinary Children.
- f. “Covered Media” means all forms of media including, without limitation, all forms of print, television, radio, video, audio, internet, mobile, other digital media, influencer content, out-of-home, signage, sponsorships, event-based media, labeling, and the Advertiser’s websites, social media channels, and apps.
- g. “Endorsement” means any Advertising message (including verbal statements, demonstrations, or depictions of the name, signature, likeness, or other identifying personal characteristics of any individual or the name or seal of an organization) that Children are likely to believe reflects the opinions, beliefs, findings, or experiences of a party other than the sponsoring Advertiser, even if the views expressed by that party are identical to those of the sponsoring Advertiser. The party whose opinions, beliefs, findings, or experience the message appears to reflect will be called the Endorser and may be an individual, group, or institution.⁴
- h. “Loyalty Program” means a marketing strategy created to reward Children who frequently shop at or use the services of a business. It can provide special incentives such as discounts or early access to new products.
- i. “National Advertising” means Advertising that is disseminated nationally or in a substantial portion of the United States or is test-market Advertising prepared for national campaigns.

² See 15 U.S.C. §§ 6501-6506.

³ Content generated by a user who has no material connection to the product, service, character, or brand mentioned or depicted in the content is not Advertising. However, if an Advertiser uses or incorporates such content in Covered Media, then the Advertiser’s use or incorporation of such content is Advertising.

⁴ Federal Trade Commission, Guides Concerning the Use of Endorsements and Testimonials in Advertising, 16 C.F.R. § 255(b).

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4. Guidelines

a. Deception

To ensure that Advertising directed to Children is not deceptive:

1. The overall or net impression of the entire Advertisement must not be misleading to Children, considering, among other things, the express and implied claims, depictions, any material omissions, and the overall format.
2. The Advertisement should be assessed from the standpoint of an ordinary Child, taking into account Children's levels of experience, sophistication, and maturity; limits on cognitive abilities; and ability to evaluate the claims being made.
3. Advertisers should have adequate substantiation for all objective claims conveyed by the Ad.

b. Product or Service Presentations and Claims

To avoid deceptive and/or inappropriate Advertising to Children involving product or service presentations and claims:

1. Copy, sound, and visual presentations should not mislead Children about product or performance characteristics. Such characteristics may include, but are not limited to, speed, method of operation, color, sound durability, nutritional benefits, and similar characteristics.
2. Presentations should not mislead Children about benefits from use of the product. Such benefits may include, but are not limited to, the acquisition of strength, status, popularity, growth, proficiency, or intelligence.
3. Claims should not unduly exploit a Child's imagination. While fantasy, using techniques such as animation and computer-generated imagery, is appropriate for Children, it should not create unattainable performance expectations nor exploit a Child's difficulty in distinguishing between the real and the fanciful.
4. Advertisements should demonstrate the performance and use of a product in a way that can be duplicated by Children.
5. Advertisements should not mislead Children about what is included with a purchase.
6. Advertising that compares the advertised product to another product should be based on product attributes and be understandable to Children.
7. The amount of product featured should not promote overconsumption or be more than would be reasonable to acquire, use, or consume by a person in the situation depicted. When showing food products in a group context, the amount of product shown should be proportionate to a serving for each group member and not be excessive.
8. Advertising of food products should not discourage consumption of or disparage: food provided by the Child's family or school;⁵ or fruits or vegetables, or other

5 The mere showing of a Child excited about a different food option is not necessarily considered disparaging food provided by the Child's family or school.

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food groups that the Dietary Guidelines for Americans recommend to support healthy eating patterns.

9. Advertisers should avoid depicting snack foods as substitutes for complete meals.

c. Material Disclosures

1. All disclosures material to Children should be Clear, taking into account Children's limited vocabularies and level of language skills. Simple words should be used, e.g., "You have to put it together."
2. All disclosures material to Children should be Conspicuous in the Advertising format and media used. In Advertisements with audio and video components, disclosures made in both audio and video are more likely to be noticed by Children and therefore most likely to be effective. When a claim requiring a disclosure, in an audio-video Advertisement, is made solely in audio or solely in video, a disclosure made only in the same format as the claim may be sufficient. In Advertisements longer than a few minutes, disclosures should be repeated periodically to increase the likelihood that Children will see/hear the disclosure.
3. A disclosure must not be contradicted by or inconsistent with anything else in the Advertisement.
4. Circumstances when material disclosures are needed include, but are not limited to, the following:
 - a. When unassembled products need to be put together.
 - b. When any item essential to use of the product is not included, such as batteries.
 - c. When depicted products, such as accessories or individual items in a collection, must be purchased separately.
 - d. When a telephone number is provided, that the Child must get a parent's or an adult's permission to call.

d. Endorsers and Influencers

1. Advertisers should recognize that the mere appearance of a celebrity, influencer, or authority figure with a product or service can significantly alter a Child's perception of the product or service. Advertising that uses such figures should not falsely imply that the use of the product or service enhanced the celebrity's, influencer's, or authority figure's performance.
2. All Endorsements should reflect the actual experiences and beliefs of the Endorser.
3. An Endorser who is represented, either directly or indirectly, as an expert must possess qualifications appropriate to the particular expertise depicted in the Endorsement.
4. Advertisers should ensure that Endorsements do not contain any claims, including in Endorser-generated content, that violate these Guidelines, or that if made by the Advertiser itself would require proof the Advertiser does not possess.

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5. Advertisers should ensure that their Endorsers Clearly and Conspicuously disclose that they have a material connection to the Advertiser (i.e., a connection that is not expected by ordinary Children).

e. Blurring of Advertising and Content

1. Advertisements must be easily identifiable as Advertising. Therefore, Advertising should not be presented in a manner that blurs the distinction between Advertising and non-Advertising content.
2. Given the increasing difficulty of distinguishing between Advertising and non-Advertising content, especially in the online context, Advertisers should take extra care to be transparent when Advertising to Children.
3. Some Advertising will require disclosures or contextual cues to help Children recognize it as Advertising. Attention to the wording used in Ads and common-sense design techniques, including text size and color, positioning, and other visual or contextual cues, such as the borders around or background shadings of Ads, can substantially increase the likelihood that Children will recognize an Ad as an Ad and reduce the potential for Children to be misled. Some Advertising, due to its wording, design, and context, may be so clearly commercial in nature that it is likely to be recognizable as Advertising even without a specific disclosure, e.g., traditional linear television commercials or, in many instances, an Advertiser's own branded websites, social media channels, or apps.
4. Host-selling⁶
Prohibited practices in television Advertising:
 - a. Program personalities, live or animated, should not be used to Advertise products, premiums, or services in or adjacent to a television program primarily directed to Children, in which the same personality or character appears.
 - b. Products derived from or associated with a television program primarily directed to Children should not be Advertised during or adjacent to that program.
5. In online services directed to Children, Advertisements integrated into the content of a game or activity should be easily identifiable as Advertising.

f. Premiums, Loyalty Programs, Sweepstakes, and Contests

Because the use of premiums, Loyalty Programs, sweepstakes, and contests have the potential to enhance the appeal of products to Children, Advertisers should take special care in using these kinds of promotions to guard against exploiting Children's immaturity.

1. Premiums
 - a. Since Children may have difficulty distinguishing an advertised product from an advertised premium, Advertising that contains a premium message should focus the Child's attention primarily on the product.
 - b. Conditions of a premium offer should be Clearly and Conspicuously disclosed.

6 See Children's Television Act, 47 U.S.C. §§ 303a, 303b, 394.

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2. Loyalty Programs

- a. Before signup, Advertisers should Clearly and Conspicuously disclose all the rules and conditions of the Loyalty Program.
- b. This disclosure should be proximate to and Conspicuously placed where Children sign up and include the following information:
 1. How points or rewards are accumulated and redeemed.
 2. When points or rewards expire.

3. Sweepstakes and Contests

- a. Advertisers should recognize that Children may have unrealistic expectations about the chances of winning a sweepstakes or contest or inflated expectations of the prize(s) to be won.
- b. The prize(s) should be Clearly and Conspicuously depicted.
- c. The free or alternative means of entry should be Clearly and Conspicuously disclosed.⁷
- d. The likelihood of winning should be Clearly and Conspicuously disclosed. Disclosures such as “Many will enter, a few will win.” should be used, where appropriate.
- e. All prizes should be appropriate for Children.

g. Online Sales

1. If an Advertiser offers the opportunity to purchase any product or service through a “click here to order” button or other on-screen means, the ordering instructions must Clearly and Conspicuously state that a Child must have a parent’s or an adult’s permission to order.
2. Online Advertisers must make reasonable efforts, in light of all available technologies, to provide the person responsible for paying for such products and services the means to exercise control over the transaction.⁸
3. If no reasonable means is provided to avoid unauthorized purchases by Children online, the Advertiser should provide a reasonably accessible method to enable the person responsible for payment to cancel the order and receive full credit without incurring any charges.

h. Sales Pressure

1. Advertising should not urge Children to ask parents or others to buy products. It should not suggest that a parent or adult who purchases a product or service for a Child is better, more intelligent, or more generous than one who does not.
2. Advertisers should avoid using sales pressure in Advertising to Children, e.g., creating a sense of urgency by using words such as “Buy it now.”

⁷ Advertisers’ contests or sweepstakes should not require the child to provide more information than is reasonably necessary. Any online information collection must meet the requirements of the BBB National Program’s Self-Regulatory Guidelines for Children’s Online Privacy Protection and COPPA.

⁸ Requiring the use of a credit card in connection with a transaction is a reasonable effort to provide the person responsible for payment with control over the transaction. This is consistent with COPPA regulations. See 16 C.F.R. § 312.5(b).

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3. Advertisements should not convey to Children that possession of a product will result in greater acceptance by peers or that lack of a product will result in less acceptance by peers.
4. Advertisements should not imply that purchase or use of a product will confer upon the user the prestige, skills, or other special qualities of characters appearing in Advertising.
5. Advertisements should not minimize the price of goods and services with words such as "only," "just," or "bargain price" that Children do not understand to be exaggeration or "puffing."

i. In-App or In-Game Advertising and Purchases

1. Advertisements, apps, or games should not use unfair, deceptive, or other manipulative tactics, including but not limited to deceptive door openers or social pressure or validation, to encourage ad viewing or in-app or in-game purchases, or to cause Children to inadvertently or unknowingly engage with an ad.
2. Any methods provided to dismiss or exit an Advertisement must be Clear and Conspicuous to Children.
3. Advertisements, apps, or games that allow Children to make purchases must make it Clear that the purchase involves real currency.

j. Unsafe and Inappropriate Advertising to Children

Advertisements must not condone or encourage practices that are detrimental to Children's health.

1. Safety
 - a. Advertisers should take into account that Children are prone to exploration, imitation, and experimentation and may imitate product demonstrations or other activities depicted in Advertisements without regard to risk.
 - b. Advertisers targeting Children should not knowingly advertise products that are illegal to sell to Children or pose a risk to their health and safety, e.g., tobacco, e-cigarettes, alcohol, or prescription drugs.
 - c. Advertising for products that are labeled "Keep out of Reach of Children" but are of benefit to Children, e.g., sunscreen or Child-targeted dental products, can be advertised to Children as long as they are shown being used as directed. Ads showing Children using the product should depict adult supervision. In such cases, Advertisers must be able to support the implied claim that the product does not present a danger to Children.
 - d. Advertisements for Children's products should show them being used by Children in the appropriate age range. For instance, young Children should not be shown playing with toys safe only for older Children.
 - e. Advertisements should not portray adults or Children in unsafe situations or in acts harmful to themselves or others. For example, when activities (such as bicycle riding or skateboarding) are shown, proper precautions and safety equipment should be depicted; when an activity would be unsafe without adult supervision, supervision should be depicted. This Guideline does not apply to the portrayal of animated or fanciful characters licensed from third parties.

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- f. Advertisers should be aware that many childhood injuries occur from the misuse of common household products and should avoid demonstrations that may encourage inappropriate use of such products by Children.
2. Inappropriate Advertising
 - a. Advertisers should take care to ensure that only age-appropriate games, videos, films, and interactive software are advertised to Children and, if an industry rating system applies to the product, the rating label is prominently displayed.⁹
 - b. Advertising should be respectful of human dignity and diversity. Advertising should not portray or encourage negative social stereotyping, prejudice, or discrimination.
 - c. Advertising should not include material that could unduly frighten or provoke anxiety in Children, that portrays or encourages behavior inappropriate for Children (e.g., violence or sexuality), or that is otherwise inappropriate for Children.
 - d. Advertisers should not knowingly link to content that could unduly frighten or provoke anxiety in Children, that portrays or encourages behavior inappropriate for Children (e.g., violence or sexuality), or that is otherwise inappropriate for Children.

⁹ Violations of this Guideline may be brought to the attention of the relevant rating entity.