



Consumers International

# Easy targets



A survey of television food and toy advertising to children in four Central European Countries



The views expressed in this document are those of individual experts and do not represent the views of the European Commission and the Phare Programme.

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to children in four Central European Countries



**Consumers International**

**Programme for Developed Economies and Economies in Transition**



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# Executive summary

This study has examined the practice and regulation of television advertising to and for children, with particular reference to food and toy advertising in four Central European countries: Hungary, Poland, Slovakia and Slovenia. This builds on the previous research into children and advertising carried out by Consumers International and published in its 1996 report, *A Spoonful of Sugar*<sup>1</sup>. This earlier research examined the nature and extent and regulation of TV advertising, with an emphasis on food advertising, to children in 13 developed economy countries: 11 western European countries, Australia and the USA.

For this project, consumer organisations in the four participating countries undertook to monitor television advertising to children and to collect information on national advertising regulations and systems of advertising control.

The main findings of this study are listed below.

## Nature and extent of advertising to children

- The highest levels of advertising during children's programming were found in Slovenia and Poland with 10-12 adverts per hour, nearly four times as many as that found in Slovakia. The range of levels of advertising found in this survey is typical of the range found in Western European countries<sup>2</sup>.
- No clear trends were found between the amount of advertising on state compared with privately-owned channels.
- The level of advertising found on the cable/satellite channel, the Cartoon Network, which is widely accessible in all participating countries, was over twice that of the highest level found in participating countries (23 adverts per hour), typically higher than levels in Western Europe and comparable to levels of advertising to children found in the United States<sup>2</sup>.
- Food and toys were the most frequently advertised products in most participating countries. Other types of products consistently advertised included toiletries and entertainment and in Slovenia, cars.

## Food advertising

- Food typically comprised the largest category of advertised product in all four countries, except in the pre-Christmas period and on the Cartoon Network when toys were most frequently advertised.
- Confectionery was the largest category of advertised food products, on average accounting for over a third of all food adverts. Confectionery advertisements accounted for a greater percentage of advertising to children overall than found in Western European countries<sup>2</sup>.
- The four most commonly advertised types of food (confectionery, sweetened breakfast cereals, savoury snacks and soft drinks) accounted for more than three-quarters of all food advertisements.

<sup>1</sup> *A Spoonful of Sugar*, Television food advertising aimed at children: An international comparative survey, Consumers International, 1996.

<sup>2</sup> see *Spoonful of Sugar*, op cit.

- Food brands commonly advertised in most countries included Kinder Surprise and Kinder chocolate (Rocher), a range of Nestlé breakfast cereals and Orbit Chewing Gum.
- Advertising for products such as fruit and vegetables was virtually non-existent. In 80 hours of recorded programming there were only four adverts for vegetables, all from Poland; three for tinned vegetables and one for frozen vegetables.

## Toy advertising

- Levels of toy advertising increased considerably in the pre-Christmas period. On virtually all recorded channels toy advertising accounted for the largest category of advertised product type in the pre-Christmas period.
- The most significant increases in toy advertising during the pre-Christmas period were for construction toys (mainly Lego) and dolls (eg Barbie and Action Man).
- Though not recorded in the pre-Christmas period, exceptionally high levels of toy advertising were found on the Cartoon Network – 121 toy adverts during 10 hours recorded programming – higher than levels previously found in the United States<sup>3</sup>.

## Misleading advertising

The survey found some food and toy advertisements which were considered to make misleading claims or presentations, or to use unfair or inappropriate marketing practices including:

- Chocolate products advertised in such a way, or making claims, to portray the product as ‘healthy’ eg Kinder Chocolate and Nutella Chocolate spread.
- Toy advertisements which gave an unrealistic presentation of the product which could mislead eg various Lego products.
- Toy advertisements not providing details of price.

- Toy advertisements portraying unsafe practices.
- Advertisements giving inappropriate messages, eg chocolate products kept within a medicine cabinet; children being made to feel ‘left out’ by not having a product; references to ‘addiction’; stereotyping of boys and girls; use of frightening images in toy advertisements.
- Advertisements using marketing techniques such as the use of cartoon characters, free gifts, competitions, children’s clubs and items to collect.

## Advertising of inappropriate products

- The survey found advertising of inappropriate products during children’s programming including lottery advertisements, premium rate phone services, slimming products and trailers for movies depicting violent scenes.

## Sponsorship of children’s programmes

- Commercially sponsored programmes for children were found in all participating countries. Sponsors were often confectionery and other food companies. In Poland, Glaxo Wellcome’s children’s medicine, Calpol, was found to be a children’s programme sponsor despite Polish legislation that pharmaceutical advertising may not be addressed to children.

## Other forms of marketing to children

- Participating organisations raised concerns about other forms of marketing to children including in-school marketing, magazine advertising, direct mail, internet, packaging and promotions and gifts aimed at children.

## Regulation of advertising to children

- Advertising regulations and codes of practice recognise advertising to children as requiring special consideration, but the



extent to which this is enshrined in specific requirements, varies between participating countries.

- In all participating countries, a range of legislative and self-regulatory measures exist to regulate advertising to children. However, none of the legislation or self-regulatory codes of practice fully meet the minimum requirements of EU legislation or the International Chamber of Commerce self-regulatory guidelines.
- In all participating countries, a range of government bodies, independent institutions and business organisations are involved in the monitoring and control of advertising. However, none of the participating consumer organisations consider that the complaints and enforcement procedures operated by these bodies are adequate.
- Advertising regulations in participating countries have no consistent definition of 'a child'. In Slovakia advertising legislation provides protection for persons under 18 years of age, in Hungary, children are defined as those under 14 while Polish and Slovenian regulations make no specification.
- All participating countries carry restrictions to prevent tobacco and alcohol products being advertised to children. Slovenia and Slovakia have outlawed all tobacco advertising in all media, not just to children. Hungary and Slovakia have restrictions on the placing of advertisement of such products close to schools and hospitals.
- Advertising legislation and self-regulatory codes of practice refer, directly or indirectly, to toy advertising in all countries except Slovenia. Only the Polish self-regulatory code fully meets the guidelines on toy advertising laid down by the International Chamber of Commerce.
- In no participating country are there specific requirements for food advertising in advertising regulations or codes of practice.
- Sponsorship of children's programmes is permitted in all participating countries.
- In no participating country is there a requirement for pre-broadcast monitoring of TV advertisements.
- Complaints procedures exist in all participating countries although these generally lack effective enforcement powers and consumer awareness.
- The extent to which consumer organisations are involved in advertising regulation, beyond taking complaints to appropriate bodies, is generally limited.

## **Consumer education**

- A limited number of initiatives aimed at facilitating consumer education and providing advice and information with regard to advertising are underway in participating countries.

# Recommendations

**This report highlights the concerns that consumer organisations in the participating countries share about aspects of television advertising to children, in particular food and toy advertising, its regulation and enforcement and the need for greater consumer education.**

The following recommendations reflect a consensus among participating organisations for appropriate action.

## Advertising standards

Current legislative measures covering advertising in the participating countries are considered to be piecemeal and lacking in detail. Furthermore, self-regulatory measures do not always fully comply with best practice.

*This report therefore recommends:*

- *More detailed advertising legislation, particularly with regard to children, in the participating countries should be introduced, based on EU legislative requirements, as a minimum*
- *Self-regulatory Codes of Practice should be fully based on the International Chamber of Commerce guidelines, as a minimum*
- *Advertisers should ensure that their marketing activities are socially responsible, comply with best practice in other countries and take account of the concerns of consumer organisations and parents.*

## Protection of children

Children require special consideration with respect to advertising. This principle is enshrined in national regulatory and self-regulatory systems, at the European Union level and more broadly in the United Nations Convention on the Rights of the Child<sup>4</sup>, which states that children should be free from exploitation 'prejudicial to any aspect of the child's welfare'.

*This report recommends that regulatory bodies, in consultation with consumer organisations, should introduce legislation which:*

- *ensures special rules for advertising directed at children, or which is likely to be seen by children*
- *covers advertising in all media and all advertising and marketing techniques and practices including children's clubs, product packaging, direct mail, sponsorship and internet etc.*
- *takes account of the age of the likely child audience and therefore their ability to comprehend advertising*
- *protects children from misleading, unfair or excessive amounts of advertising*
- *introduces specific rules for advertising of 'children sensitive' products such as toys, sweets, and food*

- *prohibits promotional trailers for movies/programmes intended for an adult audience ie containing violence, from being transmitted before, during or after children's programmes or when large numbers of children are likely to be viewing*
- *prohibits adverts for lotteries, teleshopping and premium rate phone services from being shown during children's programmes or directed towards, or made to appeal to children*
- *prohibits covert advertising*
- *introduces rules for sponsorship of children's programmes.*

## Food Advertising

Food advertising typically makes up the single largest category of TV advertising during children's programming in participating countries. Yet the vast majority of adverts are food products, such as confectionery, pre-sweetened breakfast cereals, savoury snacks and soft drinks which are unlikely to encourage a healthy, balanced diet. The importance of a good diet in childhood is well established not only for the promotion of good health during childhood but also for long-term health in later life.

This report recommends that advertising legislation and codes of practice should recognise the potential health impact of food advertising. Appropriate rules on advertising of food specifically targeted at children should be drawn up to include the following principles:

- *advertisements to children should not encourage excessive consumption of foods that are high in sugar, fat and/or salt and should pay regard to considerations of oral health*
- *advertisements for foods should not mislead or confuse, particularly by making misleading claims or implications regarding the healthiness of product. Advertisers must be able to substantiate claims with sound scientific evidence, and any claims, implied or direct, should not give a misleading impression of the nutritional or health benefits of the food as a whole*
- *Advertisements for slimming products should not appeal to children or teenagers and should not be broadcast during programmes popular with young people.*

## Toy advertising

This survey has identified a number of ways in which advertisements for toys may mislead children and parents.

*This report recommends that advertising regulations and codes of practice should be introduced for advertising of toys and other products of interest to children. Such adverts must not mislead, taking into account the child's immaturity of judgement and experience. In particular:*

- *no unreasonable expectation of performance of toys and games may be stimulated by, for example, the excessive use of imaginary backgrounds or special effects*
- *it should be possible to distinguish the true dimensions, characteristics and appearance of any product for children*
- *there should be no confusion between the noise produced by the toy eg a racing car and its real life counterpart*
- *if extra items are needed to use it (eg batteries) or to produce the results shown or described (eg paint), this should be made clear. A product which is part of a series should be clearly indicated, as should the method of acquiring the series*
- *advertisements should not underestimate the degree of skill required to use the product. Where results of product use are shown or described, the advertisement should represent what is reasonably attainable by the average child in the age range for which the product is intended*
- *the price of more expensive products (ie those which cost more than the typical child's pocket money purchasing ability) should be stated and should be clearly legible in advertisements. When parts, accessories or batteries which a child might reasonably suppose to be part of a normal purchase are available only at extra cost, this must be made clear*

- *price indications should not lead children to an unreal perception of the true value of the product eg by using the word 'only' or 'just'. No advertisement should imply that the advertised product is immediately within reach of every family budget*
- *advertises should not convey stereotyping of boys and girls*
- *advertises should take account of safety aspects and should not portray or encourage potentially dangerous behaviour or activities.*

## **Enforcement**

Effective monitoring and enforcement procedures are necessary to ensure advertising standards are maintained. None of the participating consumer organisations considers the enforcement procedures in participating countries to be adequate.

*This report recommends that in order to ensure that they are effective and credible, advertising regulatory bodies, whether statutory or self-regulatory should:*

- *be independent and impartial*
- *have a fully transparent decision-making process*
- *include adequate consumer representation*
- *have a majority of non-industry interests in decision-making bodies*
- *pre-check and monitor advertisements to ensure compliance with regulations*
- *be open to consumer complaints, from both individuals and consumer organisations, in which the burden of proof is on the advertiser*

- *have the powers to enforce decisions and to demand appropriate redress*
- *co-operate at an international level.*

## **Consumer education**

This report identifies the important role of the media, schools, consumer bodies and parents to help children develop the ability to understand the purpose of advertising and develop a critical and questioning attitude towards it and other forms of marketing. It also identifies the considerable scope for the development of nutrition education and the promotion of positive nutritional messages to children.

*This report recommends:*

- *Consumer education, including awareness of advertising and marketing, should be part of children's school education from an early age*
- *An investigation of the way in which the media, particularly television, can be used to promote positive nutrition messages to children.*

A lack of awareness by consumers of regulatory bodies and their complaints procedures was cited as a problem in all participating countries. It was also considered that more could be done to improve industry's knowledge of codes of practice.

- *This report therefore recommends that to increase the confidence of consumers and industry, regulatory bodies should conduct ongoing public awareness campaigns both for consumers and the advertising industry.*

# 1 Introduction

**This research project was conducted as part of the EU Phare Consumer Institutions and Consumer Policy Programme (CICPP) which seeks to achieve an effective consumer policy in Central and Eastern European Countries.**

The aim of this project was to provide information on the practice and regulation of television advertising to and for children, with special emphasis on food and toy advertising, in four central European countries, namely Hungary, Poland, Slovakia and Slovenia.

Specifically the project has:

- carried out a comparative survey of the nature and extent of TV food and toy advertising to children in the four countries
- identified advertising practices considered to be misleading and unfair to children
- documented concerns of consumer organisations about advertising and other promotions directed towards children
- reviewed regulations and codes of practice relating to advertising to children
- reviewed monitoring and enforcement procedures and the role of consumers/consumer organisations
- highlighted work to improve consumer education on advertising issues
- developed policy proposals for ensuring that children are adequately and appropriately protected.

The research involved the following consumer organisations in the four countries:

<b>Hungary</b>	National Association for Consumer Protection in Hungary
<b>Poland</b>	Polish Consumer Federation
<b>Slovakia</b>	Association of Slovak Consumers
<b>Slovenia</b>	Slovene Consumers' Association (ZPS)

Full details of participating organisations are provided in Appendix 1.

Participating organisations undertook to monitor television advertising to children and to collect information on national advertising regulations and systems of advertising control. This report provides results of the advertising monitoring survey (section 3) and discusses the implications of the findings (section 3.15); examines and discusses advertising regulatory procedures in participating countries (section 4) and makes a number of recommendations.

This project focuses on advertising to children, primarily through the medium of terrestrial television, although it also raises concerns about a range of other advertising and promotional activities that are aimed at children.

For the purpose of this report, where the term 'child' is used, it refers to a person under the age of 12, unless stated otherwise. The term 'teenager' refers to a young person aged 12-18.

## 2 Background

**Advertising can help inform consumers about products and services and can benefit consumer choice, but this depends upon consumers being able to trust and believe in what they see and hear. Consumer organisations recognise the need for controls to ensure that advertising is legal, decent, honest and fair and that consumers are protected from untruthful or misleading advertising or advertising practices that are morally, ethically or socially unacceptable.**

The considerable economic and social changes that have taken place in Central and Eastern Europe in the last ten years have meant that many new products and services are competing in this fast developing market place. However, the development of a regulatory framework and procedures for monitoring and controlling advertising has been more piecemeal.

The principle of consumer protection for children is recognised and enshrined in advertising regulations and guidelines at national and international levels. More broadly, the need for children's rights to be protected is enshrined in the Convention on the Rights of the Child<sup>4</sup> adopted by the United Nations in 1989 and which has been ratified by all countries participating in this survey. Article 36 of the Convention urges countries to protect children against all forms of exploitation prejudicial to any aspect of the child's welfare, while Article 17 urges countries to encourage the 'development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being'.

Despite the introduction of some relevant consumer law in the participating countries during the last decade, consumer organisations remain concerned that regulations with regard to advertising in general, and to children in particular, and their interpretation and enforcement remain inadequate for appropriate protection of all consumers, including children. In addition specific concerns have been raised about the way in which certain products, such as food and toys, are marketed to children.

Previous research into television advertising to children conducted by Consumers International<sup>5</sup> in developed economy countries found significant differences in the amount of advertising between countries such as Australia, the USA and UK, which were found to have the highest levels, and other Western European countries such as Sweden and Norway that, by comparison, have very low levels of advertising to children, largely due to the restrictions these countries place on it. Concerns about advertising to children, particularly for sweets and other foods high in fat, sugar and/or salt led Consumers International to argue that advertising to children, and particularly that of food advertising, should be socially responsible and respect consumer protection and public health priorities.

The importance of children in the marketplace should not be underestimated. Most have their own money to spend, but far more importantly they have considerable ability to influence the purchases of parents and family. Advertisers also recognise children as the teenage and adult shoppers of the future and will try to

instil brand loyalty from an early age, even for products with little immediate interest for children.

While advertisers may use a wide range of marketing activities to reach children, television advertising remains the most powerful. It is a near-universal medium and children watch a great deal of it. As Table 1 shows, virtually all households in the participating countries have a TV.

**Table 1:** Percentage of households with a TV

	%
<b>Hungary</b>	94
<b>Poland</b>	99.8
<b>Slovakia</b>	98.1
<b>Slovenia</b>	96

*Source: Participating organisations.*

Furthermore, as Table 2 shows, there are a number of national state-owned and privately-owned TV channels in participating countries. All channels take commercial advertising.

**Table 2:** Number of national TV channels in participating countries

	National State	National private
<b>Hungary</b>	3	2
<b>Poland</b>	3	8
<b>Slovakia</b>	2	2
<b>Slovenia</b>	1	3 <sup>6</sup>

*Source: Participating organisations.*

In addition to these channels, viewers have access to regional channels. The majority of households also have access to cable/satellite channels. For children these include the Cartoon Network and MTV. In Hungary, for example, 45% of households have cable TV and 23% have a satellite receiver<sup>7</sup>. In Slovakia more than 50% of households have cable TV<sup>7</sup>.

Watching television is a popular pastime for children and teenagers. In the participating Central European countries youngsters tend to watch as much television as their counterparts in Western Europe and the US<sup>8</sup>. In Hungary children watch on average just under three hours of television a day.<sup>9</sup> In Slovakia more than 65% of 5 -14 year olds watch between one and four hours of television a day<sup>10</sup>. While in Slovenia it has been found that children and younger teenagers watch TV for an average of 3.5 hours a day. This 1998 survey of the media habits of 9,700 children aged 6-14 years by the non-governmental organisation, Zveza Prijateljcev Mladine, in co-operation with the Faculty for Social Sciences at the University of Ljubljana, calculated that children would view 900 adverts a month on average<sup>11</sup>. This study also found that 60% of children say they trust advertising messages.

<sup>6</sup> Channels with more than 50% coverage of Slovenia.

<sup>7</sup> Source: participating organisations.

<sup>8</sup> see *A Spoonful of Sugar, Television food advertising aimed at children: An international comparative survey*, Consumers International, 1996.

<sup>9</sup> Children aged between 4-12 years watch 164 minutes a day (in the second quarter of 1998). Source: AGB Hungary.

<sup>10</sup> VUS of Slovak Television, 1994.

<sup>11</sup> in *Odraščanje z mediji (Growing up with media)* by Karmen Erjavec and Zala Volčič, 1999, ZPMS.

### 3 Survey of television advertising to children in four Central European countries

#### 3.1 Methodology

Consumer organisations in each of the four countries undertook to monitor television advertising during approximately 40 hours of children's television over two time periods. These took place in September/October 1998 and December 1998, the latter period chosen to assess the impact of Christmas on advertising.

Each period of monitoring was divided between two channels, one state and one privately-owned. Channels were selected on the basis that they had the highest viewing

figures and/or broadcast the greatest amount of children's programmes.

In addition, ten hours of programming broadcast on the Cartoon Network was recorded in the UK. The Cartoon Network is broadcast from the UK in English and is widely accessible to many households through cable or satellite in participating countries.

Table 3 shows for each country the channels recorded, the dates programming was recorded and the total number of hours recorded.

**Table 3: TV monitoring details for participating countries**

Country	Channel	Monitoring dates	Hours recorded
Hungary	MTV1 – state	19-27 Sept 1998	10 hrs 11 mins
		5-15 Dec 1998	10 hrs 40 mins
	RTL Klub – private	19-21 Sept 1998	10 hrs
		5-18 Dec 1998	10 hrs
Poland	TVP1 – state	21 Sept - 3 Oct 1998	11 hrs 2 mins
		7-13 Dec 1998	10 hrs 31 mins
	TVN – private	21 - 28 Sept 1998	9 hrs 55 mins
		6-13 Dec 1998	10 hrs 20 mins
Slovakia	STV 1 – state	26 Sept - 2 Oct	10 hrs 15 mins
		5-11 Dec 1998	10 hrs 20 mins
	MARKIZA – private	26 Sept - 2 Oct	10 hrs 50 mins
		5-11 Dec 1998	10 hrs
Slovenia	TV-SLO1 – state	19-25 Sept 1998	10 hrs 10 mins
		12-18 Dec 1998	10 hrs 20 mins
	Kanal A – private	26 Sept - 2 Oct 1998	11 hrs 20 mins
		5-11 Dec 1998	10 hrs 25 mins
UK	Cartoon Network	19/22/25 Sept 1998	10 hrs



**Table 4: Number of adverts**

Country	Monitoring period	State/ 10 hours	Private/ 10 hours	Total/ 20 hours	Average no of ads/ hour
Hungary	1	77	49	126	6
	2	120	54	174	9
Poland	1	126	79	205	10
	2	78	122	200	10
Slovakia	1	20	34	54	3
	2	20	42	62	3
Slovenia	1	59	132	191	10
	2	120	129	249	12
Cartoon Network	1		227	454 <sup>12</sup>	23

Programming aimed at children primarily under 12 was recorded in all participating countries. Where possible this was dedicated 'children's programming'. Programming was selected during one week. Where this was not possible, additional hours were selected in the following week. Broadcasts were recorded using a video recorder and included the advertising breaks before and after the selected programming. From the recorded tapes, the duration of advertising breaks and the number of advertisements were noted. Advertisements were then assessed and categorised according to the type of product advertised (see Appendix 2). Teleshopping or 'home shopping' spots were included but trailers for other programmes were excluded. All products were given one category eg Kinder Surprise chocolate which is a chocolate containing a toy was classified as a food.

Food and toy advertisements were further categorised according to the type of food or toy product (see Appendix 3).

### 3.2 Quantity of advertising

Table 4 shows, for each country and monitoring period, the number of adverts broadcast while Table 5 shows the average number of minutes of advertising broadcast per hour.

### 3.3 Country differences

Highest levels of advertising were found in Slovenia and Poland, which averaged just over 200 adverts during the 20 hours programming (see Table 4). The lowest level of advertising was found in Slovakia which at just over 50 adverts during 20 hours was approximately a quarter that found in the Slovenian and Polish monitoring.

The Slovenia private channel Kanal A broadcast nine-10 minutes of advertising per hour, nearly twice that of the Slovenian state channel (see Table 5). The amount of advertising in Hungary and Poland ranged between two and five minutes an hour while in Slovakia advertising accounted for only one to two minutes per hour.

Such levels of advertising are typical of the range found in western European countries. Previous research by Consumers International<sup>13</sup> has found the amount of advertising during children's programming in Western European countries typically ranges from nine minutes per hour in the UK to less than one minute per hour in Sweden.

The level of advertising on the Cartoon Network (23 adverts per hour) is similar to that previously found on US terrestrial TV by

<sup>12</sup> based on doubling the figure for the number of adverts during the 10 hours of recorded programming.

<sup>13</sup> see *A Spoonful of Sugar. Television food advertising aimed at children: An international comparative survey*, Consumers International, 1996.

**Table 5:** Average minutes of advertising per hour

Country	Monitoring period	State	Private
Hungary	1	3 mins 2 secs	2 mins 18 secs
	2	4 mins 12 secs	3 mins
Poland	1	5 mins 8 secs	3 mins 10 secs
	2	2 mins 32 secs	4 mins 40 secs
Slovakia	1	1 min 10 secs	1 min 27 secs
	2	52 secs	1 min 55 secs
Slovenia	1	5 mins 36 secs	9 mins 11 secs
	2	5 mins 54 secs	10 mins 30 secs
Cartoon Network	1	4 mins 54 secs	

Consumers International (24 adverts per hour) and higher than previously found in Western European country terrestrial channels<sup>14</sup>. The number of adverts broadcast on the Cartoon Network in the recorded monitoring period was nearly twice that of the Slovenian private channel – the highest level found in this survey. However the average minutes of advertising per hour (nearly five minutes) was less than the amount broadcast in Slovenia. This was largely due to the amount of longer teleshopping spots broadcast on Slovenian television.

### 3.4 State versus private channels

No clear trends were found between the amount of advertising on state versus private channels. In Slovakia and Slovenia more advertising was broadcast on private rather than state channels. In Hungary the opposite was the case while in Poland there was no clear picture.

### 3.5 The Christmas effect

There tended to be an increase in the overall amount of advertising during the second, pre-Christmas monitoring period. The greatest difference was noted for the Slovenian state channel where the amount of advertising

doubled (see Table 4). The Hungarian state channel and the Polish private channel both showed over a 50% increase in the number of advertisements broadcast. For other channels the increase was less significant while the Polish state channel actually showed a decrease in the amount of total advertising.

Increases in advertising were mainly due to the higher level of toy advertising (see 3.8).

### 3.6 Types of products advertised

Food was the largest category of advertised product in all but one of the eight first monitoring periods. The exception was the Slovenian Kanal A private channel where car advertising was the largest category. Toy advertising was the largest category of advertised products on the Cartoon Network accounting for 53% of all advertising.

During the pre-Christmas monitoring, toys were the most frequently advertised products for virtually all channels. During this period the amount of food advertising fell, on average, although food continued to be the most highly advertised product type after toys. Other types of products consistently advertised during both monitoring periods included toiletries and entertainment.

<sup>14</sup> op.cit.

### 3.7 Food Advertising

Food adverts accounted for between 77% of all advertising (Hungarian state channel) and 14% (Slovenian private channel). Table 6 shows the number of food advertisements broadcast for each monitoring periods and the percentage of all advertisements that food advertising comprises for both channels combined in each country. Apart from the Cartoon Network with the equivalent of 144 adverts, the most food adverts were found in Hungary and Poland during the first monitoring period with over 80 food advertisements broadcast during the 20 hour monitoring period.

#### 3.7.1 Type of food advertised

Appendix 4 provides further details of the types of food advertised for each country and each monitoring period. For virtually all monitoring periods confectionery comprised the largest category of advertised food products ranging from 71% of all food adverts (Slovenia: first monitoring period) to 21% (Poland: first monitoring period). Breakfast cereals were also highly advertised in Hungary and Poland with virtually all products advertised being added sugar varieties of breakfast cereals. Savoury snacks and soft drinks were also regularly advertised. A wide range of brands were commonly advertised, particularly for confectionery products. Appendix 6 provides full details of advertised food brands. A number of brands were advertised in several of the participating countries. Commonly advertised brands

included Kinder Surprise and Kinder Chocolate (Rocher), a range of Nestlé breakfast cereals and Orbit chewing gum.

Table 7 provides a summary, for all countries combined (excluding the Cartoon Network), of the type and amount of food advertising, shown for each monitoring period.

Overall, for both monitoring periods, confectionery comprised the largest category of food product advertised accounting for over a third of all food adverts – 35% and 38% respectively between the two monitoring periods. Levels of confectionery advertising were generally high compared with many other Western European countries<sup>16</sup>. For example, in six out of the eight monitoring periods there were between 36 and 52 confectionery adverts broadcast per 20 hours, levels equivalent to the highest found in Western Europe in countries such as Greece, UK, France and the Netherlands. Given the greater number of adverts overall in these Western European countries, confectionery advertising in participating countries accounts for a far larger percentage of advertising overall.

Savoury snacks and breakfast cereals were the two other most highly advertised categories of food. For both periods the four largest categories of food advertisements (confectionery, breakfast cereals, savoury snacks and soft drinks) accounted for three-quarters of all food advertisements (77% and 75% respectively).

**Table 6: No of food advertisements**

Country (for both channels combined)	1st monitoring period:		2nd monitoring period:	
	no of ads/ 20 hours	% of all ads	no of ads/ 20 hours	% of all ads
Hungary	83	66	49	28
Poland	89	43	65	32
Slovakia	37	68	16	26
Slovenia	34	17	46	18
Cartoon Network	144 <sup>15</sup>	32		

<sup>15</sup> based on a doubling of figures for the number of food advertisements during the 10 hours of recorded programming.

<sup>16</sup> *Spoonful of Sugar. Television food advertising aimed at children: An international comparative survey*, Consumers International, 1996.

**Table 7: Summary of food advertising for all countries combined****Monitoring period 1**

<b>Food type</b>	<b>no of ads/20 hours</b>	<b>% of food ads</b>
Confectionery	86	35
Savoury snacks	48	20
Breakfast cereals	35	14
Soft drinks	20	8
Hot beverages	13	5
Spreads & oils	10	4
Ready prepared foods	9	4
Dairy products	8	3
Desserts	5	2
Cakes & biscuits	5	2
Meat products	2	1
Sauces/seasonings	2	1
Restaurants	2	1
Baby food	1	1
<b>Total</b>	<b>246</b>	<b>101</b>

**Monitoring period 2**

<b>Food type</b>	<b>no of ads/20 hours</b>	<b>% of food ads</b>
Confectionery	65	38
Breakfast cereals	29	17
Savoury snacks	20	12
Soft drinks	14	8
Spreads & oils	8	5
Meat products	6	4
Hot beverages	5	3
Fruit & vegetables	4	2
Sauces/spreads	4	2
Dairy products	3	2
Restaurants	2	1
Flour	2	1
Jam/sweet spreads	2	1
Ready prepared foods	1	1
Baby food	1	1
Dessert	1	1
Sugar	1	1
Pasta	1	1
Cakes & biscuits	1	1
<b>Total</b>	<b>170</b>	<b>102</b>

Advertising for products such as fruit and vegetables was virtually non-existent. In the 80 hours of children's television programme broadcast there were only four adverts for vegetables, three for tinned vegetables and one for frozen vegetables in Poland.

**Cartoon Network**

Table 8 provides a breakdown of the type of food advertising broadcast on the Cartoon Network during the 10 hour monitoring period.

**Table 8: Type of food advertising on the Cartoon Network**

<b>Food type</b>	<b>no of ads</b>	<b>% of food ads</b>
Breakfast cereals	21	29
Savoury snacks	19	27
Fish and fish products	6	8
Dairy products	5	7
Confectionery	5	7
Soft drinks	5	7
Cakes and biscuits	3	4
Ready prepared foods	3	4
Fruit and vegetables	3	4
Restaurants	2	3
<b>Total</b>	<b>72</b>	<b>100</b>

Breakfast cereals and savoury snacks accounted for the largest categories of advertised food products, together making up 56% of all food advertising. Of note is the relatively low level of confectionery advertising on the Cartoon Network when compared to the levels of confectionery advertising for the participating countries. It is unclear why this should be the case.

The nutritional implications of such high levels of advertising for foods that are high in sugar, fat and/or salt and the generally low levels of advertising for healthier foods are discussed in section 3.15.

The way in which some food products were advertised was considered to give a misleading or inappropriate impression about the product. These concerns are discussed in Section 3.10.

## 3.8 Toy advertising

Table 9 provides details of the amount of toy advertising for each country during each monitoring period.

As Table 9 shows, the amount of advertising for toys increased considerably in the pre-Christmas second monitoring period. For example, the Polish private channel showed a six-fold increase in the number of toy adverts between the two monitoring periods while Slovenian private channel (Kanal A) showed a five fold increase.

Three channels, both of the Slovakian channels, and the Hungarian state channel, broadcast no toy advertising during the first monitoring period but all featured toy advertising in the pre-Christmas period.

For seven out of eight channels toy advertising was the largest category of products advertised during the second, pre-Christmas monitoring period, except for the Polish private channel where toy advertising was second to food advertising.

Results for the monitoring of the Cartoon Network show the comparatively high level of toy advertising on this channel. With 242 adverts/20 hours, accounting for 53% of all advertisements, this amount is more than twice that found previously for toy advertising by Consumers International (116 ads/20 hours) in the USA<sup>17</sup>. Neither monitoring period was pre-Christmas when it is expected that higher levels of toy advertising will be found. For comparison it would have been interesting to have carried out the monitoring of

**Table 10: Summary of toy advertising for all countries combined**

<b>Monitoring 1</b>		
Type of toy	no of ads	% of toy ads
Children's magazines	15	32
Entertainment	12	26
Dolls	7	15
Children's equipment	7	15
Construction toys	3	6
Games	2	4
Publishing	1	2
<b>Total</b>	<b>47</b>	<b>100</b>

<b>Monitoring 2</b>		
Type of toy	no of ads	% of toy ads
Construction toys	75	34
Dolls	59	26
Games	34	15
Entertainment	26	12
Models	15	7
Books/magazines	10	4
Sports equipment	4	2
<b>Total</b>	<b>223</b>	<b>100</b>

advertising on the Cartoon Network in the pre-Christmas period. Unfortunately this was not possible for this survey.

### 3.8.1 Type of toy advertising

Appendix 5 provides a breakdown, for each country, of the type of toys that were advertised while Table 10 provides a summary, for all countries combined, of the types of toys advertised during the two monitoring periods.

**Table 9: No of toy advertisements**

Country/channel	1st monitoring period no of ads/ 20 hours	% of all ads	2nd monitoring period no of ads/ 20 hours	% of all ads
Hungary	9	7	64	37
Poland	24	12	56	28
Slovakia	0	0	27	4
Slovenia	1	6	69	28
Cartoon Network	242	53	–	–

<sup>17</sup> see *Spoonful of Sugar. Television food advertising aimed at children: An international comparative survey*, Consumers International, 1996.

The most significant increases in toy advertising were for construction toys (mainly Lego) which increased from three adverts in the first monitoring period to 75 during the pre-Christmas monitoring period and dolls (mainly Barbie, Action Man and Ghostbuster dolls) which increased from seven to 59 adverts.

Appendix 6 provides details of brands of toys.

Table 11 provides details of the types of toys advertised on the Cartoon Network.

### 3.9 Sponsorship of programmes

In all participating countries, children's programmes are permitted to be sponsored (see section 4.5 on the regulation of sponsorship). The survey of children's programming and advertising found a number of programmes for children with commercial sponsors (see Table 12). Sponsors were often food companies, in particular the manufacturers of confectionery

**Table 11:** Type of toy advertising on the Cartoon Network

Type of toy	no of ads	% of toy ads
Dolls	58	48
Models	20	17
Games	16	13
Construction toys	15	12
Entertainment	6	5
Books/magazines	3	2.5
Miscellaneous	3	2.5
<b>Total</b>	<b>121</b>	<b>100</b>

products such as Milky Way (Poland), Karamelo (Slovakia) and Gorenjka (Slovenia). Another food product sponsoring programmes in Poland was the savoury snack product, Chio Chips.

Other sponsors included manufacturers of toiletry products (Slovenia) and more controversially the pharmaceutical company, Glaxo Wellcome, which sponsored children's programmes in Poland featuring its children's medicine, Calpol. The Polish Consumer Federation believes such sponsorship appears to contravene the Polish Ministry of Health and Social Welfare Act (1994) which states that advertising of pharmaceuticals cannot be directly addressed to children.

While there are restrictions on the advertising of tobacco and alcohol in all participating countries (see section 4.6) the Association of Slovak Consumers is concerned that children also watch sports programmes for events which are sponsored by cigarette brands eg West Extra Hockey League and Mars Soccer League (both sponsors are tobacco companies).

### 3.10 Misleading and inappropriate advertising

Participating organisations raised a number of concerns about the way in which some food and toy products were advertised. These were considered to be misleading in some way or to use unfair or inappropriate marketing practices. In addition there were concerns about the targeting of children with adverts for inappropriate products or services, the use of children in advertisements and safety concerns.

**Table 12:** Sponsors of children's programmes in survey

Hungary	Poland	Slovakia	Slovenia
WWF, environmental organisation	Milky Way, confectionery	Karamelo, confectionery	Gorenjka, confectionery
Szalay, publishing company	Calpol, Glaxo Wellcome, pharmaceutical company		Telecom Slovenia, telecommunications
Disney, entertainment	Chio Chips, savoury snack		BIC, toiletries
			Badedas, toiletries

The following examples illustrate some of these concerns:

### 3.10.1 **Misleading use of health claims in food advertisements**

A number of chocolate and confectionery products were advertised to portray the product as 'healthy'. Consumer organisations considered that these were potentially misleading. For example:

- Nutella Chocolate Spread (Slovenia) is advertised as a suitable breakfast food with the slogan 'gives us health' and 'energy for the whole day'. Children are shown achieving in school and at sports implying that the product itself has benefits for children's successful achievement. It is understood that the product is similarly advertised in other participating countries
- Kinder Surprise and Kinder Chocolate (advertised in all participating countries) both place an emphasis on the milk that is used to make the chocolate. In Slovakia this is shown as 'an extra portion of milk'. In Slovenia Kinder Chocolate is advertised with the claim 'gives your body a lot of milk'. Consumer organisations consider this emphasis on milk, gives a misleading impression of the healthiness of the product as a whole, both to children and to parents
- Monte Zott, a chocolate dessert advertised in Poland, Slovenia and Slovakia, similarly emphasises the use of milk with its claim to be 'full of milk' and 'a milk snack'
- Wrigley's Orbit Chewing Gum first shows children eating ice-cream and sweets and then using Orbit sugar-free chewing gum to rebalance the acid in their mouth. Participating consumer organisations believe that this advert gives an inappropriate nutrition message to children as it is an encouragement to children to eat sweetened foods. Consumer organisations also believe this advertisement contravenes guidelines on ways in which products should be promoted to children (see 3.10.4).

### 3.10.2 **Misleading presentation of toys**

It was considered that a number of toy adverts gave an unrealistic presentation of the toy and

blurred real scenes and fantasy which could mislead children as to the true nature of the product and its capabilities. For example:

- Adverts for various Lego products included fantasy scenes, mixed animation and actual presentation of toys or scenes where dolls became real life figures.

Furthermore toy advertisements in participating countries generally did not provide an indication of price and could therefore mislead children and parents. There is no legal requirement to do so. However, in the UK, advertisements for more expensive toys, games and similar products (currently costing more than £22) must include an indication of their price, that is clearly legible. When parts, accessories or batteries which a child might reasonably suppose to be part of a normal purchase are available only at extra cost, this must be made clear.

### 3.10.3 **Child safety**

A small number of toy adverts raised concerns about child safety. For example:

- Adverts for Lego Scala showed a man (the husband of the family) burning his finger when opening the oven door which could encourage children to play with ovens
- Adverts for Kuko Party Doll showed two girls playing with the doll, which they were pretending was unwell. One of the girls was shown putting drops in the doll's ear to make the doll better. It was considered that this might encourage children to mimic this behaviour and put objects in their ears which could be dangerous.

### 3.10.4 **Inappropriate advertising messages**

A number of products were advertised in ways considered to be inappropriate or using unfair or misleading marketing techniques. For example:

- Gorenjka chocolate (Slovenia) is shown as being kept within a first aid cabinet with the slogan 'for any kind of trouble'. In another advertisement a child is heard crying and it stops crying when the parent takes some chocolate from the first aid cabinet

- Wrigley's Orbit Chewing Gum (advertised in all participating countries) depicts a group of children in a playground. One very pretty little girl is eating an ice-cream surrounded by three boys. A fourth boy approaches her and asks 'Haven't you heard about the wicked acids? It's good that I have Orbit with me'. The girl starts to smile and leaves with this boy. The three other boys look at the 'couple' leaving hand in hand, and appear sad and rejected. Participating consumer organisations consider that the advertisement contravenes advertising codes of practice which state that 'advertisements must not make children feel ashamed if they do not buy the advertised product, or that they will be disadvantaged in some way. This advertisement clearly shows the three boys left behind feeling 'disadvantaged' for not having Orbit with them
- In an advert for Goldfisch savoury snacks (Slovenia) a man is heard saying 'I think I'm addicted. I have to have them all the time'. The visual imagery used in the advertisement draws a parallel with other forms of addiction, such as drug addiction. Consumer organisations consider it inappropriate to use such references to addiction, even if intended humourously. Furthermore it is inappropriate to imply that any food may be 'addictive' as this could encourage excessive consumption
- There were concerns that much toy advertising encouraged stereotyping of boys and girls. For example, only girls are shown playing with dolls (eg Barbie) while all the Lego toys (with the exception of Lego Scala which is aimed at girls) portray boys in the advertisements
- Images that could be frightening to young children were used in some of the Lego advertisements.

### 3.10.5 Inappropriate advertising techniques

A number of advertisements made use of advertising techniques which, although commonly used to help promote products to children, the participating consumer organisations consider are unfair or

inappropriate for children. For example:

- **Use of cartoon characters.** Many advertisements aimed at children make use of cartoon characters. Participating organisations consider the use of such techniques is potentially misleading in that it is hard for young children, in particular, to distinguish between programming and advertising. One advertisement for Yoviland yoghurt dessert (Slovenia) makes the advertisement actually appear like a cartoon programme with the words 'the end' at the end of the advertisement. Participating consumer organisations also raised concerns about the use of cartoon characters on packaging used to promote products to children eg Barbie shampoo.
- **Free gifts.** Advertisements often entice children to purchase products with the offer of free gifts and items that they can collect. Kinder Surprise chocolate products are one example, where the chocolate comes with a toy inside, usually one of a set to collect. Another example from the survey includes cards to collect (Kinder Chocolate) and free Lego bricks with Pom Bar savoury snacks. The Association of Slovak Consumers is also concerned about promotions offering free gifts to children such as vitamins with a free toy, confectionery or cereals with toys. If children want to collect a full set of toys (eg with Kinder Surprise or McDonald's Happy Meals) then parents must buy many products.
- **Competitions.** Children, particularly younger ones, are unlikely to fully comprehend the true chances of winning a competition and therefore could be misled. Adverts for Lego products in Slovenia invite children to take part in a prize-winning game, on condition that they buy certain items. The Association of Slovak Consumers also considers that competitions on packaging may mislead children. Although conditions may be stated on packaging, children may believe that they can win automatically.
- **Children's clubs.** Many Lego products in Slovenia were advertised with reference to the 'Lego Club' which is a further vehicle for marketing products to children.



### 3.11 Use of children in advertisements

Consumer organisations raised concerns about the use of children in advertisements which are of no relevance to the children.

For example:

- A Slovenian advert for a construction company uses children talking about what they want to be when they grow up in a way that could be considered to unfairly play on emotions.
- In an example from outside this survey, the Association of Slovak Consumers as well as many members of the public complained to the Arbitration Commission of the self-regulatory Slovak Advertising Standards Council (SASC) about the use of a baby to advertise a lottery 'Tipos Bingo'. Press and billboard advertisements depicted a baby's face – first crying (with the words 'My mother doesn't play) and then smiling (with the words 'My mother plays'). Complainants considered that the advertisement unfairly used emotion engendered by a crying/happy baby to encourage parents to gamble (see section 4.9.2).

### 3.12 Promotion of inappropriate products for children

This survey found advertisements for products and services which participants considered unacceptable to transmit during children's programmes. For example:

- Lottery advertisements
- Premium rate phone services such as horoscopes and fortune telling
- Slimming products. One advertisement broadcast during children's programming in Slovenia for a 'slimming gel' (Silhuet 40) claimed it is not necessary to exercise to become thin. Applying the gel will make the fat disappear. Not only are there concerns about the false claims in this advertisement but also whether it is appropriate for any slimming products to be advertised during

children's programmes. The claim made in this particular advertisement 'I haven't been exercising since I was 14' is also likely to make the product appeal to teenage girls

- Trailers for violent movies. All participating organisations were concerned about trailers for adult programmes, such as violent movies, being broadcast during children's programming.

### 3.13 Covert advertising

Covert advertising or 'product placement' is reported to occur in children's programmes in participating countries. For example, a transmission broadcast on Slovenian Channel A on St Nicholas Day (6 December), the day that St Nicholas brings presents to children, repeatedly showed Milka brand chocolate products throughout a children's programme. The Milka purple cow, a well-known image, was repeatedly shown as a toy and on T-shirts as well as the chocolate products. Milka Chocolates were also clearly visible in the basket of presents which St Nicholas brings into the studio for children. The Slovene Consumers' Association believes this to be a clear case of indirect (or covert) advertising through the use of product placement.

The Association of Slovak Consumers is also concerned about such promotional activities and has noted companies offering prizes during children's programmes with strong featuring of brand names.

### 3.14 Other forms of advertising to children

While this report primarily focuses on television advertising to children, participating organisations recognise that companies use a range of marketing activities and techniques to promote their products to children. Some of these activities have raised concerns in participating countries.

#### 3.14.1 In-school marketing

In Hungary, a 1996 survey of 27 elementary schools in Budapest, by the Business Ethics Centre of Budapest University<sup>18</sup> found:

<sup>18</sup> Radácsi, L., 1996. In-School Marketing or the School of Marketing. Unpublished report on the In-School Marketing Practices in Hungary. Budapest: Business Ethics Center.

- extensive use of billboard advertising within school grounds for well-known international brands
- most schools were involved in one or more product promotion campaigns
- parents and teachers were not consulted about the acceptability of such marketing
- only small amounts of money, if any, were offered to schools. Promotion campaigns were perceived as gifts.

The survey found that a typical billboard campaign aimed at school children would state:

‘We know you love product X. Now you can win by buying it. You only need to collect Y packets and send them to our address. The winning class will win a holiday trip/books etc. The winning class’ headteacher will get Z.’

This survey initiated much debate in Hungary about whether in-school marketing should be accepted or restricted. As a result, the self-regulatory Hungarian Advertising Ethics Code now includes a paragraph on in-school marketing, making the Head-teacher responsible for permitting such practices. And more recently the Minister for Education last year announced that there was a determination from the side of the government to ban all in-school marketing in the near future, a move supported by the National Association for Consumer Protection in Hungary.

The Slovene Consumers’ Association also reports that in-school marketing is increasingly becoming a problem. Commercial activities in schools are permitted under the approval of the school principal who is also in charge of monitoring the quality of products and services being offered. This is inadequate regulation according to the Slovene Consumers’ Association (ZPS).

One of the promotional examples of concern to ZPS is that of the toiletry company, Nivea, which has been running a promotion in Kindergartens. The company is distributing samples of Nivea Bathcare with a Nivea board game and tattoo stickers among children. ZPS

has been approached by several parents who are concerned about this type of promotion to very young children.

In-school marketing is also a concern of the Association of Slovak Consumers. Examples noted by the Association include Orion confectionery company representatives attending school lessons to hand-out samples of Granko cocoa drink and other free gifts featuring the product logo; a schools competition which asked children to collect wrappers from Figaro chocolate products (Jacobs Suchard) so that children and schools could win prizes; and free tickets for the circus being given to kindergarten children (under 5 years). Parents, though, had to pay to take their child, at a price which in Slovakia was expensive. Many parents found it difficult to refuse their child after they had been given a free ticket.

#### 3.14.2 Magazine advertising

Participating consumer organisations in Poland, Slovakia and Slovenia also specifically mentioned magazine advertising to children as being of concern. ZPS in Slovenia raised concerns about considerable amounts of toy and food advertisements in the children’s magazine CICIBAN, an unofficial school resource designed for children between six and ten years old. In addition, CICIBAN will from autumn 1999, after seven years of non-co-financing, again be receiving some financial support from the Slovenian government.

Similarly the Association of Slovak Consumers reports that children’s magazines, some of which are used in schools (Sinieëko, Zornieëka) or kindergarten (Vëielka) often contain adverts for Lego or food products (eg Danone-Opavia, Orion, Agromilk) typically coupled with a competition, such as drink milk and win Lego. Some magazines, such as Macko Pusík (for children aged three – nine years) contain as many as five or six advertisements per issue.

#### 3.14.3 Direct mail

ZPS in Slovenia is concerned about direct mailing to children who are often sent offers for children’s book clubs, which include toy and music advertisements. ZPS has also received complaints from parents whose

children have been sent catalogues for videos and video games which also include pornographic videos.

Direct mail to children is also of concern to the Polish Consumer Federation.

#### 3.14.4 Internet

Promotions to children using the internet are likely to increase and were mentioned by the consumer organisations in Poland and Slovenia as a concern.

### 3.15 Discussion

Children are becoming an increasingly important market for advertisers in the countries of Central and Eastern Europe. As the economies of these countries continue to expand, an increasing number of parents, and children themselves, are able to afford (or persuade their parent to buy) advertised products, including processed foods and more expensive toys. The rapid economic changes that have taken place in Central and Eastern Europe in the last ten years have made the markets in these countries increasingly attractive to advertisers of such products, particularly to 'western' companies some of which eg Nestlé, Lego, Mattel, Rocher appeared in this survey. Such companies have the advertising budget and the economies of scale to invest longterm in building markets in these countries.

The survey for this report found differences in the amount of advertising between participating countries. These may reflect the variability in the purchasing-power of consumers and also the population size of participating countries. For example, the highest levels of advertising were found in Slovenia and Poland where levels of advertising were typically four times that of Slovakia. Slovenia has a small population (1.99 million) but the highest average GDP per capita of all four participating countries (US\$9,039). GDP per capita is lower in Poland (US\$3,495), but the country has the largest population of all the Central Eastern European Countries (outside the Russian

Federation) (38.7 million), making it an important market in terms of its size. Hungary with a population of 10.1 million has a per capita GDP of US\$4,710 while Slovakia, which had the lowest levels of advertising in this survey, has a smaller average per capita GDP (US\$3,800) and is also a relatively small country (5.4 million)<sup>19</sup>.

Levels of advertising to children in this survey were comparable with those previously found by Consumers International at the middle to lower end of the range of Western European countries<sup>20</sup>. It is likely that the amount of advertising to children in Central European countries will increase as the economies of these countries, and the purchasing power of consumers, continue to grow.

The monitoring survey for this project was conducted over two to four weeks, during two monitoring periods. The picture it presents is thus a 'snapshot' of advertising broadcast during children's programming in the four participating Central European countries. The possibility that some variation in results might be obtained if monitoring were conducted at a different time or over a longer period must be borne in mind. For example variations in the brands advertised during different periods is likely, although there is likely to be less variation in the overall picture of the types of products advertised.

The results of this survey show that food advertising, together with toy advertising prior to Christmas, make up the majority of advertising during children's programming. This in itself is not surprising given the desire of advertisers to reach a child audience with toy advertising and much of the food advertising found in this survey.

Of concern to participating consumer organisations is the volume of advertising to children of confectionery and sweet and fatty foods, the way in which some food and toy advertising may mislead or use inappropriate marketing techniques, and the advertising of inappropriate products during children's programmes.

<sup>19</sup> Source of per capita GDP and population figures: Economist Intelligence Unit, 1998

<sup>20</sup> *Spoonful of Sugar. Television food advertising aimed at children: An international comparative survey*, Consumers International, 1996. 25

## Nutritional implications of food advertising to children

The survey found that overall, confectionery, sweetened breakfast cereals, savoury snacks and soft drinks were the most commonly advertised product categories accounting for more than three-quarters of all food advertisements. Of these, confectionery advertising made up the largest category accounting for over a third of all food advertisements. This is a higher percentage than typically found in Western European countries. Such high levels of advertising for confectionery is likely to reflect the considerable appeal that the region holds for many large multinational companies. At a time of stagnating demand for confectionery in the Western developed countries, foreign international concerns, including Mars, Nestlé and Kraft Jacobs Suchard have been establishing their presence in most countries of the region. As a result, confectionery sales are expected to continue their considerable growth<sup>21</sup>. By comparison, advertising for healthier foods such as fruit and vegetables were virtually non-existent.

It is the overall advertising message, that presents foods high in sugar, fat and/or salt, as desirable and even healthy food choices which concerns participating consumer organisations. The cumulative effect of such a pattern of advertising, they believe, will encourage children and their parents towards a less healthy, and more expensive diet.

There is much debate surrounding the influence that advertising plays in determining consumption patterns. The advertising industry often claims that advertising is an 'innocuous' aspect of daily life with little effect and therefore that it cannot be detrimental to children. In response, consumer organisations have questioned why advertisers spend considerable amounts of money on advertising if its effects are so limited.

Despite such disagreements there is much that is known about children's ability to identify and understand advertising and advertising's effects on children's requests, purchase and

consumption of advertised foods. Literature reviews in both the UK and Sweden<sup>22</sup> show that children's ability to identify and understand advertising's purpose largely depends on their age. The ability to understand advertising is one of the most important prerequisites for the development of a critical understanding or questioning attitude towards advertising. Studies indicate that it is only after the age of 10-12 that most children develop a fuller understanding of the purpose of advertising. It has thus been argued that advertising to children younger than this is inherently unfair. For this reason Sweden bans television advertising directed at children under 12, arguing that if children are not fully aware of the purpose of advertising and do not have the ability to question it critically, advertising should not be addressed to them.

The purpose of advertising in the short term is to promote awareness and purchase of products. In the longer term, advertising also aims to establish positive attitudes towards a product or company. Participating consumer organisations recognise that advertising is one of a number of factors influencing consumption and that its effects may also be indirect eg through influencing peer group pressure for example. But given advertising's persuasive intent, it is logical to assume that a repetitive, high level of advertising for foods that do little to promote healthy eating will encourage their desirability and consumption and thus have an overall detrimental effect on children's diets.

### Misleading and inappropriate advertising

This report highlights a number of examples of food and toy adverts which, it was considered, gave a misleading impression of the overall healthiness of a food (mainly chocolate products), showed an unrealistic presentation of a toy or failed to indicate the price of toys. Such adverts are likely to mislead children and their parents.

Consumer organisations were also concerned that high levels of toy advertising put unfair pressure on parents to purchase products. All

<sup>21</sup> The Market for Confectionery in Eastern Europe, Euromonitor, January 1999, London.

<sup>22</sup> Bjurström E, Children and Television Advertising, A critical study of international research concerning the effects of TV-commercials on children, Konsumentverket, 1994, Valingby, Sweden; and Young B, et al, The Role of Television Advertising in Children's Food Choice, Ministry of Agriculture, Fisheries and Food, London, 1996.

participating consumer organisations were concerned about the cost of many advertised toys. The Association of Slovak Consumers was also concerned about the unavailability of many of the advertised products in Slovakia. The organisation considered that it was unfair and misleading to advertise products which are then not available in the shops.

This report also highlights a range of examples of adverts containing inappropriate images or presentations, promoting inappropriate products, or using inappropriate advertising techniques. Some examples, such as the depiction of unsafe practices, depicting children 'being disadvantaged' by not buying a particular product, chocolate being depicted as 'first aid' and permitting a children's medicine product to sponsor a children's programme appear to contravene legislation or codes of practice in participating countries. It must therefore be assumed that there is inadequate enforcement or lax interpretation of such rules. The subject of regulation and enforcement is discussed in Section 4.

Other promotions such as teleshopping, premium-rate phone services, slimming products and trailers for violent movies during children's programming are generally not prohibited in participating countries. However participating consumer organisations considered that these were inappropriate and should be prohibited in line with requirements in many western European countries such as the UK.

Other promotional techniques identified by the survey, such as free gifts, collectable items, competitions and the use of cartoon characters are designed to attract children to an advertised product. While these are commonly used techniques used to promote products to children, participating consumer organisations considered that there was a potential for such techniques to be unfair, for example, in the way that they take advantage of children's desire to collect or their lack of understanding of the true chances of winning a competition.

Such examples raise questions about the social and moral responsibility of advertisers and advertising regulatory bodies towards children and to society in general. To be acceptable, advertising should be sensitive to cultural attitudes and public opinion and needs to recognise that attitudes will differ between countries and cultures. Only ten years ago competitive brand advertising did not exist in participating countries. While the changes that have taken place economically and culturally during the past ten years have been huge, it cannot yet be argued that these societies are as 'advertising literate' as in western countries.

The advertising industry often argues that it is the responsibility of parents to interpret advertising to their children and to be the gatekeepers of what is acceptable. While not a substitute for lax regulation, parents do have a role to play. Yet it needs to be acknowledged that parents in Central and Eastern European countries may themselves lack the kind of critical experience of advertising of their western counterparts and are more likely to trust advertising messages. They may in fact be less media literate than their children.

Therefore participating consumer organisations consider that advertisers should show greater social responsibility and restraint in the way that they promote products in general and to children in particular, than in other countries. However there was concern that the opposite was the case and that some advertisers were taking advantage of the more lax regulations and enforcement procedures in participating countries and were showing less responsibility than they are required to in other countries.

The regulation of advertising to children in participating countries and the need for greater consumer education are discussed in Section 4.

## 4 Regulation of advertising to children

**Advertising regulations generally recognise children as a special category. However the way in which such protection is enshrined within legislative and non-legislative measures varies between participating countries.**

This section of the report provides a comparative analysis of the regulation of advertising and its enforcement, with particular regard to children, in the participating countries and places these national regulations in the context of European Union legislation and international codes of practice. Comparison with European Union regulations is relevant as all the participating countries are seeking membership of the EU. In all countries, irrespective of any eventual membership of the European Union, governments have recognised and accepted the importance of harmonising national legislation with EU law.

National information was provided by consumer organisations in the participating countries. Organisations were requested to provide information about regulatory and self-

regulatory measures, enforcement measures, complaints procedures and details of consumer involvement and representation.

In all participating countries a range of measures, both legislative and self-regulatory, exist covering advertising in general and children and advertising more specifically. As advertising effectively did not exist in participating countries ten years ago, these have been introduced during the 1990s.

### 4.1 Legislative measures

Laws which regulate advertising tend to be enshrined within legislation covering business activities and broadcasting legislation. Table 13 indicates the main legislation covering advertising in each participating country.

### 4.2 Self regulatory measures

In all participating countries self-regulatory codes of practice have also been developed by the advertising industry which typically include more detailed provisions. These are shown in Table 14.

**Table 13:** Table 13: Legislation regulating advertising in participating countries

<b>Hungary</b>	Business Advertising Activity Act (1997); Radio and Television Act (1996); Consumer Protection Act (1997); Prohibition of Unfair and Restrictive Market Practices Act (1996).
<b>Poland</b>	Unfair Competition Act (1993); Civil Code (1964); Radio & Television Act (1992); Press Law Act (1984); National Council of Radio & Television Regulation (1993).
<b>Slovakia</b>	Commercial Code (1991); Advertising Act (1996); Radio & Television Broadcasting Act (1991); Consumer Protection Act (1992).
<b>Slovenia</b>	Law on Public Media (1994); Consumer Protection Act (1996); Law on the Protection of Competition (1993); Rules on advertising and sponsorship of radio & TV programmes of Statute of the National RTV House (1994).

**Table 14: Self-regulatory codes of advertising practice in participating countries**

<b>Hungary</b>	Hungarian Association of Advertisers Advertising Ethics Code (1997)
<b>Poland</b>	Polish Advertising Council Code of Ethics (1997)
<b>Slovakia</b>	Slovak Advertising Standards Council Ethical Principles of Advertising Practice (1997)
<b>Slovenia</b>	Code of Practice of the Slovenian Advertising Association. (1994)

### 4.3 Advertising to children

Advertising regulations and codes of practice generally recognise children as a special category. A number of the above regulations and all the codes of practice specify measures to safeguard children. Appendix 7 provides more specific details of regulations and codes of practice pertaining to advertising to children for each participating country.

#### 4.3.1 Definition of a child

Article 1 of the UN Convention on the Rights of a Child defines a child as being below the age of 18, unless under the law applicable to the child, majority is attained earlier. For the purpose of advertising regulation there is no universally accepted definition of a 'child'. The International Chamber of Commerce Code of Advertising Practice considers that children are aged 14 or under or whatever age is considered appropriate at the national level. The European Union's Television without Frontiers Directive<sup>23</sup> makes no age definition of a 'minor'.

There is no consistent definition of a child provided within the advertising legislation in participating countries. In Slovakia, the Advertising Act provides for the protection of persons under 18 years while in Hungary the Business Advertising Activity Act (1997) defines a child as those under 14 years of age and juveniles as over 14 and under 18 years. Slovenian advertising legislation refer to 'children and minors' as one category with no mention of age definition. Also Polish regulations make no mention of an age definition.

#### 4.3.2 Legislation

In all participating countries, there is some form of legislation that aims to protect children from unfair or inappropriate

advertising, although the specific requirements and extent of the law vary between countries. In participating countries legislative requirements forbid advertising aimed at children that:

- might take advantage of children's natural credulity, trust, loyalty or lack of experience (Hungary, Poland, Slovakia, Slovenia)
- might jeopardise their safety in any way (Hungary, Slovakia, Slovenia)
- might be harmful to them 'morally, mentally or physically' (Hungary, Slovakia, Slovenia)
- might encourage children to purchase improper products (Slovakia)
- contain direct imperatives to urge adults to purchase the products (Hungary)
- encourage inappropriate behaviour eg violence or aggression (Hungary, Slovenia)

Furthermore legislation:

- places restrictions or bans on advertising of certain products to children eg alcohol and tobacco products (Hungary, Poland, Slovakia, Slovenia).

#### 4.3.3 EU regulatory requirements

The principal European Union framework legislation for broadcasting is enshrined within Directive 89/552/EEC known as the Television without Frontiers Directive<sup>23</sup> which came into force on 3 October 1991. Complementing this is the Council of Europe Convention on Transfrontier Television<sup>24</sup> which came into force on 1 May 1993. There are no significant discrepancies between the

<sup>23</sup> Council Directive of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (89/552/EEC, OJL 298, 17.10.89).

<sup>24</sup> European Convention on Transfrontier Television of 5 May 1989. Council of Europe, Strasbourg.

two, although the Convention gives explicit precedence to the Directive except where the latter is silent on a particular subject<sup>25</sup>.

EU legislation sets minimum standards although member countries are permitted to impose stricter regulations which most do. However there is growing pressure for many national regulations on advertising and other forms of marketing (known as commercial communications) to be dismantled. Differing national regulations in the European Union, in particular controls on advertising to children in Nordic countries, limits on toy advertising in Greece, and French restrictions on alcohol advertising, are regarded by the advertising sector as barriers to trade preventing companies from marketing their products and services freely.

This desire to see the removal of such differing regulations has been the impetus behind the European Commission's Green Paper on Commercial Communications in the Internal Market<sup>26</sup>. The Green Paper has been criticised by consumer organisations for failing to give adequate consideration to consumer protection, particularly that of children.

The EU Television without Frontiers Directive requires advertising to be clearly distinguishable as such and separate from programmes. Subliminal and surreptitious advertising (that is, product placement and similar covert advertising) is forbidden. Advertising for cigarettes, tobacco products and prescription medicines are forbidden and there are limitations on advertising of alcoholic drinks.

There are prohibitions on advertisements which:

- prejudice respect for human dignity
- discriminate on grounds of race, sex or nationality
- are offensive to political or religious beliefs
- encourage behaviour prejudicial to health, safety or the environment.

There are also timing restrictions on advertising (see section 4.4)

The Directive recognises that children require special protection and Article 16 specifies that television advertising shall not cause moral or physical detriment to minors. It must not:

- directly exhort minors to buy a product or a service by exploiting their inexperience or credulity
- directly encourage minors to persuade their parents or others to purchase the goods or services being offered
- exploit the special trust minors place in parents, teachers or other persons
- unreasonably show minors in dangerous situations.

Article 15 prohibits advertising for alcoholic drinks from being aimed specifically at minors and prohibits minors consuming alcoholic beverages within advertisements.

There are also requirements on sponsorship (see section 4.5) although the Directive made little reference to teleshopping, except to include it with advertising under the maximum permissible time limits. Teleshopping has now been brought more fully within the scope of the Directive which effectively bans teleshopping to children.<sup>27</sup>

While legislation in regard to children and advertising in participating countries covers some of the requirements of Article 16 of the Television without Frontiers Directive, only in Hungary does the legislation broadly cover these requirements fully.

#### 4.3.4 Self-regulatory measures

At an international level, the International Chamber of Commerce (ICC) International Code of Advertising Practice<sup>28</sup> provides a widely adopted framework for self-regulation and also regulatory procedures in many countries.

<sup>25</sup> Jeremy Mitchell, *New Audiovisual and Information Services and the Protection of Children: The European Dimension*, *Journal of Consumer Policy* 21: 3-44, 1998.

<sup>26</sup> *Commercial Communications in the Internal Market*, Green Paper from the European Commission, 8.5.96.

<sup>27</sup> Council of European Union, *Common Position*, C4-0380/96, 10.7.96.

<sup>28</sup> *International Chamber of Commerce International Code of Advertising Practice Guidelines for Advertising Addressed to Children* (1986).



The stated aim of the ICC Code is to promote high standards of ethics in marketing by self-regulation against the background of national and international law. It refers to children and advertising both within its general and specific provisions. Within its general provisions, Article 13 states that advertisements should not exploit the natural credulity or lack of experience of children and should not strain their sense of loyalty. Nor should advertisements addressed to children or young people contain any statement or visual presentation which might result in harming them mentally, morally or physically.

The Code includes Guidelines for Advertising Addressed to Children which apply to advertisements for products, whether paid or given free, in all media, not just television, addressed to children under 14 years of age, or whatever age is considered appropriate at the national level.

The Guidelines state that:

- Because of the particular vulnerability of children, if there is any likelihood of advertisements being confused with editorial or programme material, they should be clearly labelled 'advertisement' or identified in an equally effective manner.
- Advertisements should not appear to condone violence in situations or actions which might contravene the law and/or generally accepted national standards of social behaviour.
- Advertisements should not undermine social values when suggesting that possession or use of a product alone will give the child a physical, social or psychological advantage over other children of the same age, or that non-possession of this product would have the opposite effect.
- Advertisements should not undermine the authority, responsibility, judgement or tastes of parents, taking into account the current social values.
- Advertisements should not contain any statement or visual representation that could have the effect of bringing children into

unsafe situations or of encouraging them to consort with strangers or to enter strange or hazardous places.

- Advertisements should not include any direct appeal to children to persuade others to buy the advertised product for them.
- Special care should be taken to ensure that advertisements do not mislead children as to the true size, value, nature, durability and performance of the advertised product. If extra items are needed to use it (eg batteries) or to produce the results shown or described (eg paint), this should be made clear. A product which is part of a series should be clearly indicated, as should the method of acquiring the series.
- Advertisements should not understate the degree of skill required to use the product. Where results of product use are shown or described, the advertisement should represent what is reasonably attainable by the average child in the age range for which the product is intended.
- Price indication should not be such as to lead children to an unreal perception of the true value of the product, for instance by using the word 'only'. No advertisement should imply that the advertised product is immediately within reach of every family budget.

In all participating countries there are self-regulatory codes of practice for advertising with specific codes relating to advertising to children. Although clearly based on the International Chamber of Commerce Code of Advertising Practice, only the Polish Advertising Council Code of Ethics fully covers all the ICC guidelines. The Hungarian self-regulatory code is also comprehensive in that it covers all those aspects of the Code not covered by legislation.

In other minor respects some of these codes go beyond the ICC guidelines. For example, the Hungarian Advertising Ethics Code includes a provision restricting in-school marketing, permitting it only with the permission of the head of the institution. And the Slovakian self-regulatory Code of Practice includes more

detailed guidance on child safety than the ICC code.

For each participating country, Appendix 7 provides fuller details of the regulatory and self-regulatory requirements relating to children and advertising.

#### 4.4 Timing restrictions

The EU Television without Frontiers Directive sets maximum limits on advertising time which cannot exceed 15% of daily transmission time with a limit of 12 minutes in any hour. This limit may be increased to 20% by including teleshopping. Member States are free to set stricter requirements.

In addition, children's programmes of less than 30 minutes are not permitted to be interrupted by advertisements, and there must be at least 20 minutes between two breaks in the same programme.

Hungary, Poland and Slovenia restrict the amount of advertising that is permitted to a maximum of 12 minutes per hour. Hungarian legislation takes on board the full EU requirement by also stating that advertising may not exceed 15% of daily broadcast time, 20% when teleshopping is included. Additionally in Hungary, non profit stations are only permitted to broadcast three minutes of advertising an hour.

In Slovakia, from 19.00 to 22.00 hours on the state channel (STV) advertising is limited to six minutes per hour and the Slovakia the Radio & Television Broadcasting Act (1991) limits advertising to no more than 3% of all broadcast time for state television and 10% for privately-owned channels.

In Slovenia the 12 minute rule applies only to state television and advertising may not exceed 15% of daily broadcast time. On local non-commercial channels advertising of 20% is permitted including direct marketing (teleshopping). Regulations also state that film broadcasts longer than 45 minutes can only be interrupted once every 45 minutes. Advertisements should be broadcast in blocks and with at least 20 minutes between breaks.

No country has restrictions on the amount of advertising during children's programming beyond the general requirement. Although in all countries children's programmes of 30 minutes or less may not be interrupted by advertising, a requirement in line with EU legislation.

#### 4.5 Sponsorship

Children's programmes are permitted to be sponsored in all participating countries. In Hungary and Slovenia, manufacturers of products which are not permitted to advertise cannot sponsor programmes. In Slovenia, rules also state that sponsors must not exert editorial influence and sponsored programmes or broadcasts may not explicitly encourage sales of a sponsor's products, especially not by advertising these products during sponsored programmes.

In Slovakia, while sponsorship is permitted (the first sponsored children's programme was in November 1998) there are no specific rules or guidelines on sponsorship to children. The Association of Slovak Consumers has raised concerns about inappropriate sponsorship of sports events which children will watch eg West Extra Hockey League and Mars Soccer League (both are tobacco companies) and also the way in which sponsorship is being used to circumvent bans on alcohol and tobacco advertising. The ASC cites the examples of Marlboro cigarette brand which sponsors the Marlboro Rodeo Show, broadcast on TV and popular with young people. Marlboro also use billboards and TV advertising to promote the show, and hence, indirectly, their brand. Also companies including Marlboro and Bacardi are 'sponsoring' transport maps in stations and city maps in the streets of the capital, Bratislava, using images of the company logo and a product as an 'eye-catcher'.

EU requirements on TV sponsorship (Article 17 of the Television without Frontiers Directive) requires sponsored programmes to meet the following requirements:

- Their content and scheduling must not be influenced by the sponsor in any way

affecting the responsibility and editorial independence of the broadcaster.

- They must be clearly identified as such by the name and/or logo of the sponsor at the beginning and/or end of the programme.
- They must not advertise or promote either the sponsor's or anyone else's goods or services. Also companies whose main activity is making or selling goods or services which cannot be advertised on television eg tobacco products, are not allowed to sponsor programmes. Pharmaceutical companies are only permitted to sponsor programmes which promote the name or image of the company but not specific medicines or treatments.

News and current affairs programmes are not permitted to be sponsored but there are no special sponsorship rules concerned with children or children's programmes. The survey carried out for this report found sponsorship of children's programmes in all participating countries primarily by food companies. In Poland, some children's programmes were sponsored by a pharmaceutical company, Glaxo Wellcome, featuring its children's medicine, Calpol, apparently contravening Polish legislation (see section 3.9).

## 4.6 Rules for advertising specific products

### 4.6.1 Tobacco products

In all participating countries no tobacco advertising is permitted on TV and no other form of direct advertising of tobacco is permitted to be advertised to children. In Hungary, tobacco products are not permitted to be advertised within 200 meters of public education and health care institutions.

Slovenia and Slovakia have outlawed all tobacco advertising in all media, not just to children. However, there are some exemptions. In Slovenia for example, the brand or logo may be advertised on tobacco-accessories (ashtrays etc) and on premises of the tobacco industry and tobacco shops. The tobacco industry may also run single 15 day

advertising campaigns to inform consumers about new 'light' tobacco products. And in Slovakia sponsorship of sports and cultural events by the tobacco industry continues which the ASC fears is being used to circumvent the advertising ban (see 4.5).

### 4.6.2 Alcohol

All participating countries have restrictions which prevent advertising of alcohol to children. In Slovenia this includes a prohibition on the use of children in alcohol advertisements and prohibition of alcohol advertising addressed to children. In Poland alcohol advertising to the public is not permitted except in certain restricted circumstances.

- In Hungary alcoholic drinks cannot be advertised before, during or after programmes for children nor are they permitted to be advertised within 200 meters of public education and health care institutions.
- Poland prohibits the advertising of alcoholic drinks with more than 1.5% alcohol to the general public. Consumer organisations have raised concerns about advertisers attempting to circumvent this restriction by promoting a low alcohol brand with virtually the same name and appearance as its alcoholic counterpart. Cross border advertising of alcoholic drinks has also raised concerns.
- In Slovakia, the Advertising Act prohibits advertising of all alcoholic drinks except beer. Furthermore permitted alcohol advertising is not allowed in media for those underage or nearby schools, playgrounds or similar institutions designed primarily for those underage.
- In Slovenia the law only allows alcohol producers to inform consumers through media about quality awards granted for certain products, and to inform about their business achievements, without naming individual products. They may also advertise their products at fairs, exhibitions, catering facilities and shops if alcohol is served or sold there.

#### 4.6.3 Toys

Advertising legislation and self-regulatory codes of practice refer, directly or indirectly to toy advertising in all countries except Slovenia. In general these lay down requirements that toy advertising should not mislead as to the actual nature and possibilities of the toy (Hungarian legislation); mislead as to the actual size, value, nature, durability and technical capabilities of advertised products (Polish self-regulatory code); should distinguish the true dimensions, characteristics and appearance of any product for children so they can easily distinguish between real scenes and fantasy (Slovakian self-regulatory code).

Furthermore, the Polish Code takes on board the full wording of the ICC code and states that if extra items are necessary eg batteries or paint this should be clearly stated; a product which is part of a series should be clearly identified as such and show how the entire series may be acquired; and advertisements should not understate the proficiency required to use the products and results of the product should be attainable for the average child in the age group for which the product is intended.

In no participating country is there a requirement to indicate the price of advertised toys. While not an EU requirement, the UK requires adverts for expensive toys (currently more than £22), games and similar products to indicate the price in a way that is clearly legible. When parts, accessories or batteries which a child might reasonably suppose to be part of a normal purchase are available only at extra cost, this must be made clear. UK advertising requirements apply to cable and satellite channels which broadcast out of the UK, such as the Cartoon Network.

The Polish self-regulatory Code (based on the ICC Code) refers to toy prices, stating that these should not be shown in such a way as to lead children to an unreal perception of the true value of a product eg by using the word 'only'. No advertisement should suggest that the advertised product is immediately within the reach of every family budget.

#### 4.6.4 Foods

There is little specific mention of particular considerations in respect of food or

confectionery advertising in the participating countries. In Slovakia, under the Food Act (1995), health claims for foods are considered misleading if the claim cannot be scientifically substantiated, or if other foods have the same attributes. Furthermore it is not permitted to make a 'function' claim or a general claim to feeling good by eating the product.

In Hungary, the Act on Food (1995) places no special restriction on food advertising other than the requirements for the provision of information on foods generally. These principles include:

- all information should be valid
- information should be given about any modifications to known products, such as the use of genetically modified ingredients etc
- no claim should be made about the superiority of a product when these claims are not justified.

The Slovenian Advertising Association's self-regulatory code contains the provision that advertisements for foods should not include presentations which could mislead the consumer with regard to the composition, properties, importance or efficacy of these products (§23). It is this provision which ZPS believes that adverts such as those for Nutella and other food products found in this survey and described in section 3.10.1, contravene.

#### 4.7 Advertising in schools

Advertising in schools is included in the Hungarian self-regulatory Ethics Code which permits commercial activities with the permission of the school Principal. In Slovenia advertising in schools is indirectly regulated by the law, which in effect means that school principals are responsible for deciding on commercial activities within the school. Consumer organisations consider this to be inadequate.

#### 4.8 Cross-border advertising

Participating consumer organisations in Poland and Slovakia indicate that there have been problems associated with cross-border

advertising. In Poland, where advertising of alcoholic drinks is prohibited, problems have arisen over transmissions from other countries eg German or Dutch channels, which permit alcohol advertising. Slovakia has also experienced problems with cross-border broadcasts particularly from the Czech Republic where there is no prohibition on advertising of tobacco products and alcohol on Czech channels. The very similar languages ensure that these channels are easily understood and are often watched by children and adults.

Consumers in all countries are able to receive English language channels such as the Cartoon Network and MTV which are popular with children and teenagers. The extent to which children understand the language will vary although images and brands will be clearly recognised.

#### 4.9 Enforcement of advertising regulations and codes

To be effective, regulations or codes of practice need to be adequately enforced with effective sanctions and consumer redress. As part of this survey, consumer organisations identified enforcement of regulations and sanctions as being key to an effective regulatory system.

In participating countries the monitoring and control of advertising is the responsibility of a

range of government bodies, independent institutions and business organisations. Table 15 details these.

##### 4.9.1 Advance monitoring of advertisements

One effective way of ensuring that advertising meets required standards is for advertising to be pre-vetted, this is, checked in advance before being broadcast. In none of the participating countries are there legal requirements for pre-broadcast monitoring of advertisements. Advertisers may submit adverts to the self-regulatory bodies prior to broadcast/publication but this is not obligatory.

##### 4.9.2 Complaints procedures

Procedures for registering complaints about advertising exist in all participating countries. However, participating consumer organisations identified the lack of effective enforcement powers of the investigating bodies and the low awareness of the existence of such bodies by consumers, as areas for improvement.

##### Hungary

In Hungary the Bureau of Consumer Affairs (BCA) and the county-level consumer protection inspectorates are charged with observing compliance of advertising with the legal requirements. Proceedings may be initiated before the consumer protection inspectorates in the first instance while

**Table 15:** Institutions involved in the monitoring and control of advertising

	<b>Government body</b>	<b>Independent institution</b>	<b>Business organisation</b>
<b>Hungary</b>	Bureau of Consumer Affairs; Competition Office; Market Inspectorate; National Council of Radio & Television.	Arbitration Boards at regional Chambers of Commerce & Industry	Ethics Committee of the Hungarian Association of Advertisers
<b>Poland</b>	Competition and Consumer Protection Office National Council of Radio & Television	Polish Consumer Federation	Polish Advertising Council
<b>Slovakia</b>	Radio & Television Broadcasting Council, Ministries of Culture, Health, Agriculture and Food Inspection; Slovak Commercial Inspection.	Association of Slovak Consumers and their 12 local clubs.	Slovak Advertising Standards Council
<b>Slovenia</b>	Market Inspectorate	Viewer and Listeners' Board within the National Radio and TV Station (RTV)	Slovenian Advertising Association (SAA)

appeals can be taken to the Director of the Bureau of Consumer Affairs. Cases can go to Court and consumer organisations and individual consumers may take proceedings. As the BCA system is still being set up consumer organisations say it is too early to determine the effectiveness of this complaints procedure.

The Competition Office has ruled in a number of cases of unfair advertising but the main problem identified by consumer bodies is that fines are extremely small and do not act as a disincentive. The National Radio and Television Council has also banned a few advertisements but it has been criticised for its decision-making processes lacking transparency.

The self-regulatory Hungarian Advertising Ethics Code does not specify a complaints procedure but the Hungarian Association of Advertisers operates an Ethics Committee which issues a recommendation on every complaint they receive. These are usually accepted by advertisers but the body has no enforcement powers.

### **Poland**

The Competition and Consumer Protection Office is required to investigate charges of unfair or unacceptable advertising. If a reasonable outcome cannot be achieved by negotiation with the company, the body has the power to go to Court. Procedures can be initiated by individual entrepreneurs or organisations on behalf of consumers, although court procedures can be slow.

Under Polish legislation consumer groups are given the right to act before national courts to obtain an injunction or cease-and-desist order. However individual consumers are not granted the right to take legal action.

The self-regulatory Advertising Council also operates a complaints procedure. The Polish Consumer Federation says that the low level of complaints is likely to reflect the low awareness of the procedure.

### **Slovakia**

The Radio & Television Broadcasting Council regulates legal requirements for advertising

such as the amount of advertising. This body can impose fines or in the last resort take away a licence to broadcast. The Commercial Code provides for legal action in cases of misleading advertising and offers consumers and consumer organisations the right to go before a court to stop false or misleading advertising. The consumer may also claim appropriate redress which may be provided in money, compensation for damage and surrender of unjustified enrichment.

The self-regulatory Slovak Advertising Standards Council (SASC) operates a complaints procedure through its Arbitration Commission. The SASC says there are few complaints although the Association of Slovak Consumers (ASC) says this does not mean that there are few problems, rather than the general public are poorly informed about the SASC and its work. Furthermore the ASC believes the SASC procedures to be unsatisfactory in that the body is not independent and its decision-making process is not transparent.

The ASC cites the case of the complaint against the lottery advertiser 'Tipos Bingo' (see section 3.11) which it was claimed unfairly used emotion (a happy/unhappy baby) to encourage parents to engage in a risky activity (gambling). The complaint was not upheld by the SASC, although it subsequently changed its Ethical Principles of Advertising Practice to include the statement that advertising for games and lotteries should not promise to bring good luck to consumers who participate, and conversely should not imply bad luck to those who do not participate.

### **Slovenia**

Redress procedures in the area of advertising are covered by two laws. The Consumer Protection Act grants consumer organisations, but not individual consumers, the right to take legal action in court. However, the Law on the Protection of Competition allows both legally constituted bodies as well as individuals who suffered damage to take legal action in the courts or before administrative authorities to prohibit an advertisement. If it is proven that an act of unfair competition was committed by the advertiser, the law provides for considerable fines for transgressors and the court may prohibit the contentious advert.

Formally, the Market Inspectorate as a public body is in charge of monitoring advertisements that do not comply with the rules. However, in practice the Market Inspectorate does not carry out any systematic monitoring of TV advertising (neither state or private channels), nor does it carry out any pre-vetting.

The self-regulatory Slovenian Advertising Association (SAA) also operates a complaints procedure. An individual or legally constituted body may file a complaint with the Court of Honour established within the SAA. SAA may impose sanctions against advertisers; prohibit publication or broadcast; may terminate the advertising campaign; request to amend or correct the advertisement, or may report an act to the competent authorities.

According to its own information, the SAA, which was established in 1994, has handled approximately 30 cases to date. The SAA also claims that in the majority of cases where a complaint was upheld, the advertiser withdrew the disputed advertisement immediately, thereby fully observing the decision of the SAA.

The Slovene Consumers' Association (ZPS) says it does not have any statistical data to objectively assess the effectiveness of the complaints procedures run by either the Market Inspectorate or the SAA, but it has provided the following observations of what it sees as weaknesses of the current system:

- ZPS has reported four cases to the Market Inspectorate of what it considered to be misleading advertising. None of these cases have been resolved so far, which says ZPS appears to be indicative of the low awareness of the issue and/or slow response of public authorities in preventing misleading advertising practices
- the SAA complaints procedure is operated by a business and not by an independent organisation
- the small number of complaints is indicative of the low level of awareness of the complaints procedure among the general public.

#### 4.10 Consumer organisation involvement in the regulation of advertising

The extent to which consumer organisations are involved in advertising regulation, beyond submitting complaints to the appropriate body, is generally limited, although in Hungary consumer organisations appoint half the members of regional Arbitration Boards which aim to settle consumer disputes including those relating to advertising. In Poland, consumer organisations are members of the self-regulatory Advertising Council.

In Slovakia, the Association of Slovak Consumers (ASC) has criticised the Arbitration Commission of SASC (Slovak Advertising Standards Council), which settles disputes according to its self-regulatory code, for its lack of independence in having no consumer representation. Only members from the advertising industry are represented on its Council.

#### 4.11 Consumer education

All participating countries recognise the need for greater consumer education to raise awareness of consumers rights about advertising and means of complaint and redress where these exist. Consumer organisations recognise that such education should also be part of children's formal school education.

In Hungary and Slovenia the need for consumer education is recognised within legislation although in very general terms. In Hungary, the Consumer Protection Act (1997) states that consumer protection education shall be included in the National Basic Curriculum and that consumer organisations shall be consulted. In Slovenia there is a broad requirement within the Consumer Protection Act (1997) that consumer education should be included in the school curriculum.

The National Association for Consumer Protection in Hungary recognises the need for greater monitoring of advertising, particularly to children and the need for greater awareness of the issues among regulatory bodies, teachers, parents and the media. It intends to

set up a body of representatives to include the Ministry of Education, Ministry of Industry, teachers and consumer representatives to initiate a monitoring system of advertising in Hungary and to produce leaflets for different target audiences, to raise media and consumer awareness and to seek to strengthen the law.

The Association of Slovak Consumers (SCA) also underlines the importance of consumer education. The SCA has been working to help children (and parents and teachers too) to develop the ability to understand the purpose of advertising. The SCA believes there is a lack of awareness by consumers and it can help by providing advice and information for parents and teachers. This is important not only for school-age children but for pre-school age children. The SCA has prepared a programme of consumer education for use in schools in conjunction with Consumers International within the Phare programme. The next stage of this project will be to prepare school books on the subject.

In co-operation with the Ministry of Education and the Centre for Consumer Education in Lille, France, the ASC has also designed competitions such as 'Consumption for Life'. As part of a programme in 15 European countries, young people (aged 13-17 years) compete to prepare a magazine for young consumers which helps to raise awareness of consumer rights.

Furthermore, 12 consumer centres have been set up in Slovakia providing advice to consumers and information on how to settle their complaints including those relating to advertising.

#### 4.12 Discussion

This report acknowledges the considerable steps that have been taken to set up regulatory and self-regulatory requirements in respect of advertising generally, and advertising to children more specifically, in participating countries since the introduction of market reforms in the last decade. However none of the participating consumer organisations considers that their country's existing

advertising rules and regulations, and their enforcement, are yet adequate.

This is a view supported by the results of the research for this report. None of the regulatory or self-regulatory requirements in respect of advertising and children, in participating countries fully meets the minimum requirements of EU legislation or the International Chamber of Commerce self-regulatory guidelines. Furthermore, participating consumer organisations have identified weaknesses in the enforcement procedures and means of consumer redress.

This is not just an issue for the four participating countries. An analysis of the regulations on misleading and comparative legislation in ten Central and Eastern European countries by the Centre de Droit de la Comsumation (CDC)<sup>29</sup>, as part of the same Phare programme, finds that generally advertising legislation in these countries is not yet fully compatible with EU advertising legislation. All participating countries have formally applied for membership of the European Union and recognise the importance of harmonising national legislation with EU law.

EU law in respect of children and advertising sets only a minimum requirement and participating consumer organisations consider that it is vital for there to be more detailed legislative provisions with regard to advertising to children in all participating countries. Self-regulatory measures are acknowledged to be a valuable adjunct to legislative provisions but participating consumer organisations consider that self-regulation should be an addition to, not a substitute for, legislative measures.

This report makes a number of specific recommendations regarding the regulation of advertising to children. These include the need for regulatory bodies to impose stricter interpretation and enforcement of existing legislation and for the introduction of more specific requirements for advertising directed to children than exist at present. In particular there is considered to be a need to introduce specific rules for advertising of 'children sensitive' products such as toys, sweets and



food and for restrictions on promotions such as lotteries, premium rate phone services and teleshopping being directed towards children or shown when large numbers of children are watching.

The broader issue of whether it is right to advertise to children at all is one that is currently being debated in the European Union. Sweden does not permit advertising to children under the age of 12 and is likely to use its Presidency of the European Union in 2001 to push for this restriction to be extended to the whole of the EU. Such a move is already being fiercely resisted by advertising and trade interests who are working with the European Commission to find ways of removing what they consider to be such 'barriers to free trade'.

Effective enforcement procedures are necessary to ensure advertising standards are maintained but all participating consumer organisations identified the lack of effective enforcement of advertising regulations and codes of practice as a matter of concern. Bodies charged with enforcing advertising rules, whether regulatory or self-regulatory were generally not held in high regard by participating consumer organisations. Reasons included lack of effective powers to enforce standards and demand appropriate redress, inadequate consumer representation, lack of transparency of decision-making and few

requirements to pre-check or monitor advertisements to ensure compliance with regulations. In addition the lack of awareness by consumers of existing complaints procedures was cited as a major problem in all participating countries.

These findings are supported by the CDC survey which also concluded that the powers granted to enforcement bodies in the participating countries are inadequate, firstly to prohibit an inappropriate advertisement prior to its broadcast or publication and secondly to require the publication of decisions and the power to require publication of a corrective statement.

In addition to the need for effective legislative and enforcement measures, participating consumer organisations were united in their agreement on the need for greater education, not just for children, but to assist all consumers to develop a more critical and questioning attitude towards advertising and other forms of marketing. The report highlights some of the initiatives that are underway in participating countries and the scope for greater work in this area.

Finally, this report recognises the need for strong consumer organisations, both at national and international levels, with the resources and expertise to be able to lobby effectively for consumer rights.

# Appendix 1

## Details of participating consumer organisations

### **National Association for Consumer Protection in Hungary**

Balaton u.27.I.em  
1055 Budapest  
Hungary

Director: Istvan Garai

Tel: +36 1 111 70 30

Fax: +36 1 153 13 38

Email: ofebp@matavnet.hu

### **Polish Consumer Federation**

Plac Powstancow W-WY 1/3  
00-030 Warsaw  
Poland

Director: Malgorzata Niepokulczycka

Tel: +48 22 827 1173

Fax: +48 22 827 9059

Email: biuro@federacja-konsumentow.org.pl

### **Association of Slovak Consumers**

Palisady 22  
811 06 Bratislava  
Slovakia

Director: Pavel Hrasko

Tel: +421 7 544 111 48, 544 13 108

Fax: +421 7 544 111 48

Email: zss@zss.sk

### **Slovene Consumers' Association (ZPS)**

Frankopanska 5  
1001 Ljubljana  
Slovenia

President: Breda Kutin

Tel: +386 61 132 1297

Fax: +386 61 133 33 71

Email: zveza.potrosnikov-slo@guest.arnes.si

# Appendix 2

## Product categories

**Alcoholic drinks**

**Clothes/shoes**

**Entertainment** (eg music, films, video.  
Products aimed at children see Toys)

**Financial** (including banks, insurance)

**Food** (all food including soft [non-alcoholic]  
drinks)

**Household cleaners/detergents** (eg washing  
up liquid, washing powders, cleaning fluids)

**Household equipment** (including electrical  
appliances)

**Motoring** (including cars and petrol)

**Pet products** (including pet food)

**Pharmaceutical** (including medications,  
vitamin pills, breathfreshners)

**Photography**

**Public information announcements**

**Publishing** (eg magazines, books, newspapers.  
For children's publications see Toys)

**Retailing & mail order** (including  
supermarkets, catalogues)

**Toiletries** (eg soap, hair shampoo etc including  
cosmetics, nappies, sanitary protection)

**Toys** (including video games, videos and CD  
for children, children's magazines)

**Travel/transport/holidays**

**Utilities** (eg telephone [including telephone  
equipment], gas, electricity)

# Appendix 3

## Food and toy categories

### Food categories:

#### Baby food

**Breakfast cereals** (including sweetened and unsweetened)

#### Cakes and biscuits

**Confectionery** (all sweets [candy] and chocolate including chewing gum)

**Dairy products** (including cheese, milk, cream, yoghurt)

**Desserts** (eg mousse, creme caramel)

**Fats/oils** (including butter, margarine, low fat spreads, oils)

#### Flour

**Fruit/vegetables** (including fresh, frozen and tinned)

**Hot beverages** (tea, coffee, hot chocolate)

#### Jam/sweet spreads

#### Meat products

**Ready prepared foods** (eg TV dinners, frozen, chilled ready meals, soups)

**Restaurants** (including fast food eg McDonalds, Burger King)

**Sauces/seasoning** (including mustard, ketchup)

**Savoury snacks** (eg crisps, extruded snack products, nuts)

**Soft drinks** (all non-alcoholic drinks including fruit juice, mineral water, diet drinks)

### Toy Categories:

**Books/magazines** (including CD roms)

**Construction toys** (eg Lego, building bricks)

**Dolls** (eg Barbie, Action Man, baby dolls and associated equipment)

**Entertainment** (movies, videos, CDs aimed at children)

**Equipment** (including climbing frames, swings)

**Games** (eg board games, quiz games)

**Models** (eg model cars, train sets, planes including electronic versions)

# Appendix 4

## Type of foods advertised

### Monitoring period 1

<b>Hungary</b>	<b>no of ads/10 hours</b>	<b>% of food ads</b>
Savoury snacks	33	39
Confectionery	23	27
Breakfast cereals	14	17
Soft drinks	8	10
Ready prepared foods	3	4
Dairy products	2	2
Seasonings	1	1

<b>Slovakia</b>	<b>no of ads/10 hours</b>	<b>% of food ads</b>
Confectionery	19	50
Hot beverages	7	18
Soft drinks	5	13
Breakfast cereals	3	8
Dairy products	2	5
Fats & Oils	1	3
Cakes & Biscuits	1	3

<b>Poland</b>	<b>no of ads/10 hours</b>	<b>% of food ads</b>
Confectionery	19	21
Breakfast cereals	18	20
Savoury snacks	15	17
Spreads/oils	7	8
Hot beverages	6	7
Ready prepared food	5	6
Soft drinks	5	6
Dairy products	4	4
Cakes and biscuits	4	4
Desserts	3	3
Restaurants	2	2
Baby food	1	1

<b>Slovenia</b>	<b>no of ads/10 hours</b>	<b>% of food ads</b>
Confectionery	25	71
Meat products	2	6
Spreads/oils	2	6
Desserts	2	6
Soft drinks	2	6
Sauces	1	3
Ready prepared foods	1	3

**Monitoring period 2**

<b>Hungary</b>	<b>no of ads/10 hours</b>	<b>% of food ads</b>
Confectionery	26	55
Breakfast cereals	14	30
Sauces/savoury spreads	3	6
Soft drinks	2	4
Savoury snacks	1	2
Sugar	1	2

<b>Poland</b>	<b>no of ads/10 hours</b>	<b>% of food ads</b>
Breakfast cereals	15	24
Confectionery	14	22
Savoury snacks	7	11
Spreads/oils	5	8
Hot beverages	5	8
Soft drinks	4	6
Fruit and vegetables	4	6
Dairy products	2	3
Restaurants	2	3
Flour	2	3
Baby food	1	2
Ready prepared food	1	2
Sauces & savoury spreads	1	2

<b>Slovakia</b>	<b>no of ads/10 hours</b>	<b>% of food ads</b>
Confectionery	7	43
Soft drinks	4	25
Savoury snacks	3	19
Jam/sweet spreads	2	13

<b>Slovenia</b>	<b>no of ads/10 hours</b>	<b>% of food ads</b>
Confectionery	18	41
Savoury snacks	9	20
Meat products	6	14
Soft drinks	4	9
Spreads/oils	3	7
Dairy products	1	2
Pasta	1	2
Cakes & biscuits	1	2
Desserts	1	2

# Appendix 5

## Type of toys advertised

### Monitoring period 1

<b>Hungary</b>	<b>no of ads</b>	<b>% of toy ads</b>
Entertainment	6	67
Dolls	3	33

<b>Poland</b>	<b>no of ads</b>	<b>% of toy ads</b>
Children's magazines	15	58
Entertainment	6	23
Dolls	4	15
Construction toys	1	4

<b>Slovakia</b>	<b>no of ads</b>	<b>% of toy ads</b>
no toy advertising		

<b>Slovenia</b>	<b>no of ads</b>	<b>% of toy ads</b>
Childrens equipment	7	58
Construction toys	2	17
Games	2	17
Publishing	1	8

### Monitoring period 2

<b>Hungary</b>	<b>no of ads</b>	<b>% of toy ads</b>
Dolls	25	37
Entertainment	15	22
Models	10	15
Construction toys	10	15
Children's books/ magazines	5	7
Games	2	3

<b>Poland</b>	<b>no of ads</b>	<b>% of toy ads</b>
Games	26	46
Construction toys	17	39
Dolls	8	14
Entertainment	5	9
Books/magazines	1	2

<b>Slovakia</b>	<b>no of ads</b>	<b>% of toy ads</b>
Construction toys	13	48
Entertainment	6	22
Books/magazines	4	15
Dolls	4	15

<b>Slovenia</b>	<b>no of ads</b>	<b>% of toy ads</b>
Construction toys	35	49
Dolls	22	31
Games	6	8
Models	5	7
Children's equipment	4	6

# Appendix 6

## Advertised food and toy brands

### Monitoring 1

Food Brands	Hungary	Poland	Slovakia	Slovenia
<i>Confectionery</i>	Nestle Chokito Chocolate bar 8			
	Orbit Gum for Kids 3	Orbit Gum for Kids 2	Orbit Gum for Kids 2	
	Danone Super Rudi Chocolate with curd 2			
	Ferrero Kinder Surprise 2	Ferrero Kinder Surprise 1	Ferrero Kinder Surprise 3	Ferrero Kinder Surprise 10
	Kinder chocolate 2		Kinder chocolate 5 Kinder Bueno 4	Kinder chocolate 8
	Milky Way 2			
	Bounty 1			
		Gold chocolate 2		
		Boomer chewing gum 2		
		Bubbaloo chewing gum 1		
		Mr Rou 3		
		Chupa Chups 1	Chupa Chups 2	
		Fruitella 1		
		Nestle Lion Bar 1		
		Alpen Gold chocolate 1		
			Figaro chocolate 2	
			Mentos 1	
			Bonpari 1	
				Gorenjka confectionery 2
				Alpia chocolate 1
				Mam bars Gorenjka 1
				Milka chocolate 1
<i>Breakfast cereals</i>	Nestle Nesquik 7	Nestle Nesquik 1	Nestle Nesquik 1	
	Nestle Cheerios 2			
	Nestle Chocapic 1	Nestle Chocapic 3	Nestle Chocapic 2	
	Nestle Snowflakes 1	Nestle Snowflakes 1		
	Carbena cereal 3			
		Kellogg's cereals 1		
		Smacks, Frosties, 1		
		Chococrispies 3		
<i>Savoury snacks</i>	Frito Lay Cheetos 19			
	Wolf Pom Bar 11			
		Pringles 1		
		Chio chips 2		
		Star Foods Nut Snacks 3		



	<b>Hungary</b>	<b>Poland</b>	<b>Slovakia</b>	<b>Slovenia</b>
<i>Soft drinks</i>	Sio Fruit Drinks 2			
	Nestle Nesquik Instant Cacao 2			
	Frucht Tiger 2			
	Milky Way drinks 1			
	Pepsi 1	Kubus soft drink 3		
		Dr Witt soft drink 3		
		Fanta		Fanta 2
			Flavoured milk 5	
<i>Dairy products</i>	Danone Fjord yoghurt 1			
	Maove cheese 1			
		Petit Danone Frutti 2		
		Bakoma yoghurt		
			Majovit 2	
<i>Ready-prepared foods</i>	Knorr Instant Soup 2			
	Knorr Spaghetti 1			
		Winiary instant soup		
<i>Baby food</i>		Milupa infant food		
				Pecjak pasta products 1
<i>Sauces/seasoning</i>	Knorr Delikat seasoning 1			
				Heinz tomato ketchup 1
<i>Desserts</i>		Monte Zott 3		Zott-Monte 1
				Podravka pudding 1
<i>Hot beverages</i>		Lipton tea 1		
		Tetley tea 1		
		Puchatek hot chocolate 2		
		Maxwell House coffee 1		
			Granko Orion 6	
		Nesquik 1		
<i>Cakes &amp; biscuits</i>		Balsen Hit 2		
		McVities Kiks 1		
		Danone Prince 1		
<i>Restaurants</i>		Pizza Hut 1		
<i>Fats/oils</i>		Rama margarine 1		
		Kasia margarine 1		
		Bolero margarine 1		
			Perla margarine 1	
<i>Meat Products</i>				Kras salami 1
<i>Jams/sweet spreads</i>				Nutella chocolate spread 2
<b>Toy brands</b>	<b>Hungary</b>	<b>Poland</b>	<b>Slovakia</b>	<b>Slovenia</b>
<i>Construction toys</i>				Lego 2
<i>Dolls</i>	Ghostbusters dolls 3			
	Men in Black dolls 3			
		Barbie doll 2		
<i>Entertainment</i>	Hercules Disney video 2	Hercules Disney video 3		
		Magiczny miecz movie 3		
<i>Books/magazines</i>		Barbie magazine 6		
				Cicido, Ciciban 1
		Ciuchcia magazine 3		
<i>Games</i>				Tomy
				Megasketcher 2
<i>Equipment</i>				Ariel toys 7

**Monitoring 2**

<b>Food brands</b>	<b>Hungary</b>	<b>Poland</b>	<b>Slovakia</b>	<b>Slovenia</b>
<i>Confectionery</i>	Two-to-one lollipop 4			
	Frutti Candies 8			
	Bubbaloo Chewing gum 4			
	Geszti candies 7			
	Sport candies 3			
	Airwaves chewing gum 1			
		Werther's Original 1		
		Milky Way 2		
		Kinder Surprise 4	Kinder Surprise 4	
			Kinder Chocolate 2	
		Twix 2		
		Mynthon candies 1		
		Tango Kopernik cakes 1		
		Rafaello Rocher 1		
		Milka Chocolate 1		
		Alpen Gold 1		
			Karamelo candies 1	
				Milka chocolate 16
				Alpia chocolate 2
<i>Breakfast cereals</i>	Nestle Cine-Minnies 5			
	Nestle Nesquick 3	Nestle Nesquick 8		
	Nestle Cheries 4			
	Nestle Chocapic 2	Nestle Chocopic 1		
		Nestle Kangus 6		
		Nestle Cornflakes 1		
<i>Savoury snacks</i>	Chio Chips 1	Chio Chips 2		
		Pringles 5		
			Monster Munch 2	
			Schmackos 1	
				Wolf Gold Fischis crisps 7
<i>Soft drinks</i>	Pepsi 2	Pepsi 2		
				Coca Cola 1
		Hortex fruit juice 2		
				Fructal fruit juices 1
				Jamaica mineral water 1
<i>Hot beverages</i>		Maxwell House coffee 1		
		Tchibo Gran Cafe 2		
		Lipton Tea 2		
<i>Sauces/seasoning</i>	Hellman's mayonnaise 3			
				Thomy mayonnaise 1
<i>Jam/sweet spreads</i>		Ferrero Nutella 1	Ferrero Nutella 2	
<i>Sugar</i>	Dr Oetker vanilla sugar 1			
<i>Baby food</i>		Milupa 1		
<i>Dairy products</i>		Almette cottage cheese 1		
<i>Fats/oils</i>		Bolero Olvit margarine 2		
		Fraszka margarine 1		
		Almette Hochland 1		
		Kasia margarine 2		
				Cekin oil 1
<i>Ready prepared foods</i>		Knorr Hot Spot 1		
				Own-brand pasta/ cakes/cheese/oil 1
<i>Fruit/vegetables</i>		Hortex frozen vegetables1		
		Krakus Agros boiled vegetables 3		

	Hungary	Poland	Slovakia	Slovenia
<i>Restaurants</i>		KFC 1		
		McDonalds 1		
<i>Flour</i>		Puszysta flour 2		
<i>Meat products</i>				Jata meat products 1
				Kras smoked ham 4
				Miz meat products 1
<i>Desserts</i>			Monte 4	Yoviland dessert 1
<b>Toy brands</b>	<b>Hungary</b>	<b>Poland</b>	<b>Slovenia</b>	<b>Slovakia</b>
<i>Construction toys</i>	Knex			
	Lego System/Scala/ Technic 17	Lego 3	Lego scala/system/ technic 13	Lego system/ technic/scala 23
		Rewia Mody 4		
		Playmobil 6		Mega Blocks 5
		PlayDoh modelling clay 5		
				Fila modelling clay 6
<i>Dolls</i>	Barbie doll 10	Barbie doll 3	Barbie doll 4	Barbie doll 11
	Ghostbuster dolls 2			
	Godzilla dolls 1			
	Polly Pocket Happy Holidays 1			
	Polly Pocket Princess Polly 1			
	Zorro dolls 2			
		Action Man 3		Action Man 2
				Power Rangers 2
		Baby Born Zapf creation 2		
				Kuko baby doll 3
				My Little Pony 4
<i>Games</i>	Ravensburger Ramses board game 2			
		MB Parker various games 25		
				SpectraTwister 4
				Puzz 3D puzzle 2
<i>Models</i>	Rebound car 10			Tyco Rebound car 3
				Majorette 2
<i>Entertainment</i>	Smurf CD 7			
	Disney videos 1			
	The Borrowers movie 7			
		Beauty & the Beast 1		
		Scooby-Doo video 2		
		Batman & Mr Freeze Warner Bros movie 1		
		Addam's Family Warner Bros movie 1		
			Mulan Disney film 6	
<i>Books/magazines</i>	Do You Know? Books 2			
	Dormogo Domotor book 2			
	Smurfs multimedia CD ROM 1			
		OK Magazine 1		
			Cocoa book 4	
<i>Equipment</i>				Ariel children's equipment 4

# Appendix 7

## Appendix VII: Legislation and codes of practice pertaining to advertising to children in participating countries.

### 1. HUNGARY

**Business Advertising Activity Act (1997)** – covers all media.

§ 2 defines a children as those under 14 years of age, juveniles as over 14 and under 18 years old.

§ 5 refers to unfair advertising aimed at children. It states it is forbidden to publish advertisements to children that:

- might harm their physical, mental or moral development, especially those which might use images of children or juveniles in dangerous or aggressive situations or in situations where sexuality is emphasised
- taking into account their inexperience and credulity, contains direct imperatives to urge adults to purchase the product.

§ 12 states it is forbidden to advertise tobacco products or alcoholic drinks:

- in media which addresses children
- in movie theatres before 8pm
- directly before, after and during shows made for children or juveniles
- on toys and their packaging
- in public educational and public health care institutions and within 200 metres from their entrance.

**Radio and Television Act (1996)** covers TV and radio:

§ 13 Advertisements for alcoholic drinks:

- must not address children and cannot picture children as consumers
- must not be broadcast directly before or after programmes for children.

§ 14 Toy advertising must not mislead as to the actual nature and possibilities of the toy; Advertisements must not picture children in aggressive situations and must not encourage children towards aggression. Advertisements addressing children must not exploit their trust in parents or teachers.

**Consumer Protection Act 1997:**

§17 Consumers shall be educated in and outside the school system with regard to the regulations governing enforcement of their claims. In school, consumer protection education shall be included in the National Basic Curriculum. Consumer organisations shall be consulted.

**Hungarian Advertising Ethics Code (1997)**

published by the Ethics Committee of the Hungarian Association of Advertisers (self-regulatory Code of Practice).

§12: Protection of Children and Juveniles:

(1) Advertisements made for children or juveniles or in which children or juveniles act, must not contain statements, visual appeals or

sound effects that might harm them morally, mentally or physically or that exploit their credulousness, inexperience or feelings.

(2) Advertisements must not make children believe that if they do not buy the advertised product, then they should be ashamed or will get into a disadvantageous situation.

(3) Advertisements directed to children and juveniles must not offend their respect for parents, teachers and educators and must not encourage them to be disobedient to them.

(4) Advertisements must not use children's and juveniles' trust in parents, teachers and educators in an unfair way.

(5) Advertisements directed to children must not for any reason encourage them to seek or to establish relationships with people unknown to them.

(6) Children and juveniles must not act in advertisements for products which are not suitable for them.

(7) Products harmful to health must not be advertised to children and juveniles and children and juveniles must not act in such advertisements.

(8) Advertising in public education institutions is allowed only with the permission of the head of the institution. The obligation for permission equally applies to the nature of the advertised product or service, the content, the method and the place of the advertisement.

## 2. POLAND

### **Radio and Television Act (1992)**

This sets out the principles of advertising between programmes.

A broadcaster is not allowed to interrupt:

3) programmes addressed to children, lasting less than 30 minutes.

§10.1 It is not permitted to use the voice and/or image of persons in advertisements who appear on the broadcaster's information programmes or in children's programmes.

### **Unfair Competition Act (1993)**

§16.1 An act of unfair competition in the field of advertising, in principle, is:

3) An advertisement referring to customers' emotions by instilling fear, or by overuse of superstition and/or children's naiveté.

### **Health Protection Act**

§8 Advertisement and/or promotion of tobacco products, tobacco accessories and products imitating tobacco goods or tobacco accessories, or symbols connected with usage of tobacco are not allowed on television, radio, in cinemas or in youth and children's press.

### **Polish Advertising Council Code of Ethics (self-regulatory Code of Practice)**

§8. In the case of advertisements addressing children, special efforts should be exercised to prevent children from being misled as to the actual size, value, nature, durability and technical capabilities of the advertised product. If extra items are necessary to use the product (eg batteries) or to achieve the effect depicted or shown (eg paint) this should be clearly stated. A product which is part of a series should be clearly identified as such and show how the entire series may be acquired. Advertisements should not understate the proficiency required to use the product. Where the results of product use are shown or described, these should be attainable for the average child in the age group for which the product is intended.

§20. Advertisements should not exploit the natural trust of children or the lack of experience of young people, or create in them a conflict of loyalty.

§21. Advertisements addressed to or likely to influence children or young people should not contain any statements or visual representations which might harm them mentally, morally or physically. Specifically, they should not appear to condone violence in situations or actions, which violate the law or commonly accepted standards of social behaviour.

§22. Advertisements should not undermine social values by suggesting that possession or use of a product alone will give a child a

physical, social or psychological advantage over other children of the same age, or that not possessing this product will have the opposite effect. Advertisements should not undermine the authority, responsibility, judgement or tastes of parents, taking into account current social values.

§23. Advertisements should not contain any claims or visual representations, which could bring children to find themselves in dangerous situations, encourage them to consort with strangers or to enter strange or hazardous places.

§24. Advertisements should not contain any direct appeal to children to persuade other people to buy the advertised products for them.

§25. Prices should not be shown in such a way as to lead children to an unreal perception of the true value of a product, for instance by using the word 'only'. No advertisement should suggest that the advertised product is immediately within the reach of every family budget.

### 3. SLOVAKIA

#### **Commercial Code 1991:**

§44 states that misleading advertising is forbidden to the extent it is considered as an act of unfair competition.

§45 outlaws false advertising 'any dissemination of information...which may cause a false impression... to the detriment of other competitors or consumers.' Information which as such is true, but which, in view of the circumstances and the context in which it is presented, may be misleading shall also be considered to be false.

#### **Advertising Act 1996:**

§4(1) provides for the protection of persons under 18 years. Advertising shall not misuse their confidence, and it may not in particular:

- a) Incite behaviour which may endanger the health, psychic or moral development of a child
- b) Represent persons under 18 in dangerous situations

c) Incite persons under 18 to purchase improper products

d) Incite persons under 18 to stay in an improper environment, have conversation with unfamiliar persons or go in unfamiliar places.

§6 the advertising of any of the following products is prohibited:

- a) Tobacco products and alcoholic drinks except beer on TV and radio broadcasting, during the production and presentation of audiovisual products, on billboards and in the press
- b) Other controlled drugs
- c) Medicinal products, which contain opiate, psychotropic and controlled substances, and medicinal products available only on prescription.

#### **Radio and Television Act 1991**

§6, item 1. Broadcasters are prevented from broadcasting:

- a) Advertising which can stimulate behaviour likely to undermine morals, the interests of consumers or the prevention of health, safety or the environment
- b) Advertising aimed at children or in which children are used, if it encourages behaviour detrimental to their health, physical or moral development.

§6, item 2. Broadcasters are required to ensure that advertising

- a) Should be identified with a clear break from other programmes, using visual and auditory signals
- b) Should be broadcast between programmes, except where programmes comprise a number of independent parts.

**Ethical Principles of Advertising Practice, Slovak Advertising Standards Council (1997)**  
(Self-regulatory Code of Practice)  
**Section B: Children and Youth**

### General Principles

Children react and absorb advertising in a way conditioned by their age, experience and circumstances on which concrete advertising news are absorbed. It is necessary to devote special attention also to advertising in which children and youth are presented as actors or models. Advertising shall not abuse natural trust of children and their lack of life experience.

The Arbitration Council of the SASC takes into consideration when judging advertising the following general factors:

- Advertises for medicines and household cleaning products shall not be depicted within easy reach of children without parental control and children are not permitted to handle products
- Advertising is not permitted which might encourage children into unknown places or to speak to strangers
- Advertisements should not lead children to believe that they will fail in duty, or be inferior to other children if they do not possess an advertised product
- Adverts must not encourage children directly to ask others to buy a product or service for them
- Rules for competitions included in advertisements must be publicised in an adequate way
- It should be possible to distinguish the true dimensions, characteristics and appearance of any product for children so they can easily distinguish between real scenes and fantasy
- Advertising should not lead children to believe that their parents or other family members failed in their duty to them
- Using children in advertisements should not exploit the natural feelings of adults.

### Safety

- In all advertisements where children appear the need for safety must be considered carefully

- In street scenes which depict children must be supervised, unless it is clear that they are mature enough to take responsibility for their own safety
- Children must not appear in advertising while playing in the street unless it is clear the area of allocated for children's games or that it is a safe area
- In advertisements where children appear where there is traffic, they must be clearly seen to behave in accordance with safety precautions, legal regulations and policy of traffic operation
- Children may not be depicted in hazardous or dangerous situations, except if the message of the advertising is to promote safety and observation of safety precautions.

### Alcohol Advertising

Alcohol advertising shall not be placed in media for those underage, nearby schools, playgrounds and similar institutions, designed primarily for those underage.

## 4. SLOVENIA

**Law on Public Media (1994)** refers to all public media which include daily and periodical newspapers and magazines, but excludes bulletins and promotional material, leaflets etc.

§26 states that commercials directed at or showing children should take special account of children's susceptibility and should not propagate violence, pornography or any thing else which might harm their minds or bodies, or impair their mental or physical development.

§60 states that adverts should be recognisably audio-visually separated and thus clearly distinguishable from other parts of the programme.

§61 states that advertisements should be broadcast in blocks and with at least 20 minutes between breaks.

§62 states that children's programmes of less than 30 minutes are not permitted to be

interrupted by advertisements. Film broadcasts longer than 45 minutes can only be interrupted once every 45 minutes.

There are no special sponsorship rules concerned with children's programmes, however a number of requirements apply to sponsored programmes in general which ZPS says are in line with EU requirements.

§63 requires sponsored programmes to meet the following requirements:

- They must be clearly identified as such at the beginning and/or at the end of the programme
- Their content and scheduling must not be influenced by the sponsor in any way affecting the responsibility and editorial independence of the broadcaster.

§64 requires sponsored programmes not to promote explicitly the sale, purchase or rental of sponsor's or anyone's else's goods or services, especially not by advertising these products and services during sponsored programmes.

According to §65 companies whose main activity is making or selling goods or services which can not be advertised are not allowed to sponsor programmes. News and current affairs programmes are not permitted to be sponsored.

With regard to advertising to children, the **Consumer Protection Act (1996)** contains a similar provision to the Law on Public Media.

§15 states that any advertising addressed to children should not harm children mentally or physically, or contain elements which exploit or could exploit their natural credulity or inexperience. More generally the Act also prohibits advertising which is contrary to the law, indecent or misleading. Advertising must use the Slovenian language, but additionally it can also be in other languages, though not solely in a foreign language. Courts may impose fines on an offender.

Relatively high fines/penalties are stipulated by the Consumer Protection Act for

advertising contrary to these requirements. The CPA covers advertising in all media.

**The Law on the Protection of Competition (1993)** prohibits misleading advertising and unfair advertising if it is proven as an act of unfair competition. This is modelled on the German law.

**Rules on Advertising and Sponsorship of Radio and TV (RTV) programmes (part of the Statute of the National RTV House).**

This legislation imposes more time restrictions on advertising to children than the Law on Public Media.

§IV/4 states that children's programmes are not permitted to be interrupted by advertisements whatsoever.

§VI/2 includes all the provisions contained in the Law on Public Media, Consumer Protection Law, and the Code or Practice of the Slovenian Advertising Association. In addition it states that advertisements should not show children and young people in situations and actions which might encourage and condone violence. Programmes directed to children and minors under 18 should not include advertisements containing pornography or advertisements which might encourage violence.

**Code of Practice of the Slovenian Advertising Association** (self-regulatory Code of Practice).

The Code covers all media. §12 provides guidelines on advertising to children and young people. It requires that special attention should be devoted to creating and communicating advertisements aimed at young people or those in which young people appear as actors or models. Advertisements should not:

- Exploit the inherent credulity of children or their lack of experience in life
- Directly influence children to persuade their parents or guardians to buy a product except for products that they are interested in and which they could reasonably be expected to afford



- Lead children to believe that they will be inferior to other children if they will not buy a particular product, or have it bought for them by their parents or guardians.

There is also an extensive provision in relation to the safety of children including road safety

and their home environment, in the sense that advertisements should not have the effect of depicting children in unsafe situations. Such situation can only be shown in an educational context ie warning children of dangerous behaviour or situations.



## **The Consumer Institutions and Consumer Policy Programme II (CICPP II)**

The Consumer Institutions and Consumer Policy Programme II (CICPP II) is intended to provide the various participants in the consumer policy-making process in central and East European countries and the New Independent States - Albania, Bulgaria, Bosnia-Herzegovina, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Macedonia, Poland, Romania, the Russian Federation, Slovakia, Slovenia, Ukraine – with technical assistance in adjusting to a market economy. It is funded by the Phare/Tacis programmes, and is under the supervision of DG I/A and DG XXIV of the European Commission.

### *CICPP falls into three segments:*

- Technical assistance for legislative and institutional reform with regard to consumer law and policy
- Training and education, study visits in EU countries and institutions, regional seminars and publications
- Direct support to consumer institutions.

Professor Thierry Bourgoignie, Director of CDC, is responsible for overall management of CICPP.

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The programme is implemented jointly by AgV, CDC and CI.

### *AgV is responsible for:*

- Direct support for consumer organisations
- Training in all aspects for consumer organisations.

### *CDC is responsible for:*

- Technical assistance for legislative /institutional reforms
- Training in all legislative and institutional aspects
- Overall co-ordination and supervision of programme components.

### *CI is responsible for:*

- Direct support to consumer organisations
- Training in all aspects for consumer organisations.