

Recognition of advertising: online marketing to children under 12

Advertising Guidance

Legal, decent, honest and truthful



Foreword

The Committee of Advertising Practice (CAP) offers guidance on the interpretation of the UK Code of Advertising (the CAP Code) in relation to non-broadcast marketing communications.

The Broadcast Committee of Advertising Practice (BCAP) offers guidance on the interpretation of the UK Code of Broadcast Advertising (the BCAP Code) in relation to broadcast advertisements.

The CAP Code rules on the recognition of advertising require that marketing communications must be obviously identifiable as such. This guidance identifies situations where marketing communications directed at under-12s are likely to require “enhanced” disclosure to ensure recognition. It provides marketers with advice on how to comply with the Code.

Marketing communications that do not adequately make clear their commercial intent, either through the context in which they appear or through disclosures, are likely to breach the Code. Younger children pose a particular challenge to marketers. Cognitive development is in its early stages, meaning they sometimes cannot recognise more integrated online marketing communications. While much marketing is obvious by its nature and/or format, some formats need further, “enhanced” disclosure to help younger children understand their commercial intent.

Advertising Guidance is intended to guide advertisers, agencies and media owners on how to interpret the Codes but is not a substitute for those Codes. Advertising Guidance reflects CAP’s and/or BCAP’s intended effect of the Codes but neither constitutes new rules nor binds the ASA Councils in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404 or you can log a written enquiry via our [online request form](#).

For advice on specific TV advertisements, please contact [Clearcast](#).

For the full list of Advertising Guidance, please [visit our website](#).

1. Guidance

1.1. Scope

The CAP Code applies to marketing in paid for space online and to marketing communications appearing in marketers' own space that are directly connected to the supply of good or services. For further advice on the Code's remit, see the [Scope of the Code](#) and CAP's [Advice Online Database](#).

This guidance applies to instances where such marketing communications meet all three criteria listed below.

Marketing communication is:	Detail	Examples of media meeting criteria (a), (b) and (c):
a) directed at under-12s;	Through the selection of media and/or the content of the marketing communication.	<ul style="list-style-type: none">• paid and controlled product endorsements by an influencer (e.g. a vlogger or blogger);• branded video content on third-party sites (where the video has the effect of promoting products or a brand);• marketing communications appearing in virtual online worlds and other games;• display advertising or other types of advertising that is, by its nature or design, not clearly separated from the surrounding content; and• advertiser-created games appearing on third-party websites.
b) highly immersive or significantly integrated into the surrounding editorial content; and	A "highly immersive" marketing communication features prolonged or in-depth interactivity, principally, game-play or narrative such as that of a story in audio-visual content. A "significantly integrated" marketing communication is visually or otherwise integrated into the surrounding editorial content or context, for example, a display ad that looks as if it is part of the surrounding content. The usual separations between advertising and other content – spatial and/or thematic – are absent.	
c) unlikely to be identified clearly from the context in which it appears.	The guidance mainly concerns marketing communications appearing in third-party space where the marketing content might be confused with the surrounding editorial or other first-party content. Marketing communications in first-party space or involving user journeys where the identity of the marketer is made clear are unlikely to require further disclosure.	

1.2. Enhanced disclosure

The requirements of enhanced disclosure will vary for different types of marketing and across platforms.

Enhanced disclosures should be:

i) prominent;	The disclosure should be within or directly next to the marketing communication and of significant size and colour to make it stand out.
ii) interruptive; and	The disclosure should be readily apparent to the child, ideally, if the medium permits it, before engagement with the communication. If limited by time and/or space, the disclosure should appear as the communication is activated.
iii) sufficient to identify the marketer and the commercial intent.	The disclosure should identify the marketer, if that is not otherwise clear, and adequately indicate the commercial intent.

The use of common and recognisable company branding is likely to be sufficient to identify the marketer. The disclosure should also make clear the marketer’s commercial intent in a way likely to be understood by under-12s; for instance, “Created by X”. Marketers may use product and/or company branding as part of their disclosure, if they can satisfy the ASA that the branding is sufficiently well known so that under-12s understand the identity of the marketer.

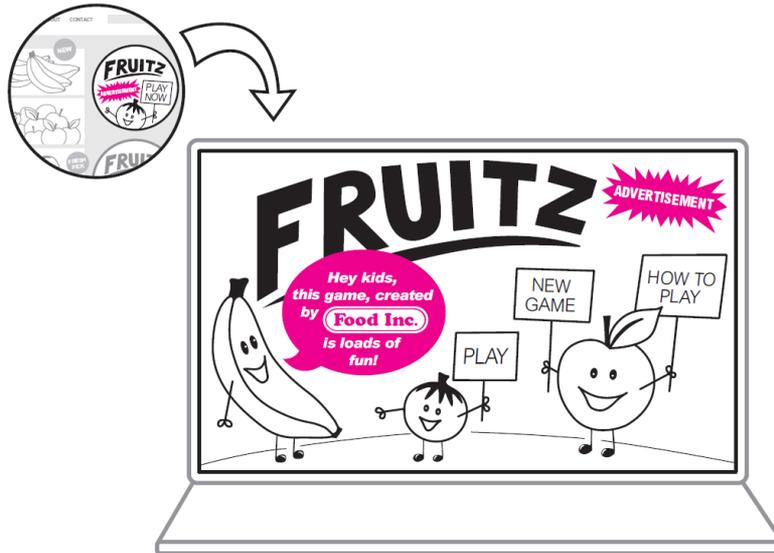
CAP considers that less clear terms such as “in association with X” or “sponsored by X” are unlikely to satisfy the ASA that adults can identify a marketing communication. They are therefore highly unlikely to satisfy the ASA in relation to younger children.

Longer-form advertising, where the marketer or paid content-creator has significant control, allows for the straightforward provision of information to meet the criteria above.

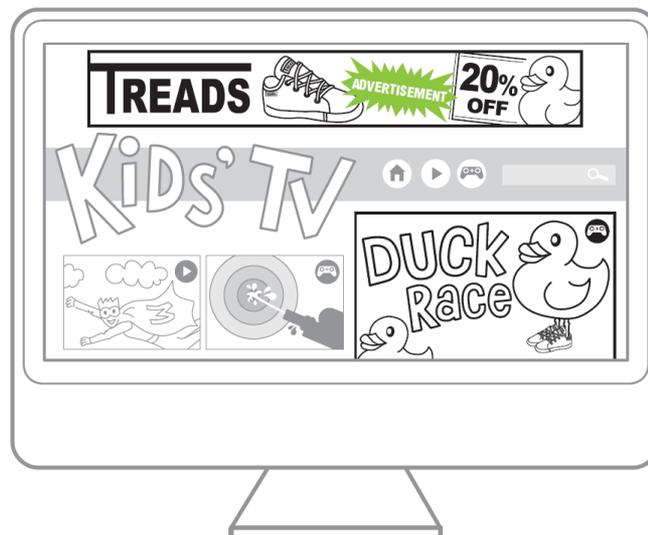


For example, beyond the general level of disclosure required for general audiences, a vlogger might introduce a paid endorsement piece directed at under-12s by explaining that they have been incentivised to produce the content by a particular marketer.

An advertiser-created game could include a disclosure in the thumbnail or click through and the information (i, ii and iii) listed in the table above on the introductory screen of the game.



There are some scenarios where the advertising format is more limited by time or space; principally, display advertising. A briefer statement or label (e.g. “advertisement”) in conjunction, for instance, with recognisable branding is likely to be acceptable. However, it must be sufficiently prominent and immediate to ensure that younger children realise from the point they engage that the content is distinct from the non-advertising content around it.



1.3. Role of media owners

In some circumstances, media owners exert a significant degree of control in how advertising is presented in online environments, for instance on children's activity and gaming websites or more dedicated online worlds. Although the marketer is ultimately responsible for compliance with the Code, media owners can take steps to ensure that marketing communications appearing in their online spaces are identifiable.

Action by media owners can lessen the burden on individual marketers advertising in their online spaces to take steps to identify their marketing communications. At a simple level, this may involve providing appropriate spatial and/or visual separation from the surrounding content. Alternatively, the media owner can take steps to explain to the audience that they will encounter marketing communications. For example, in longer-form, rich media content, the media owner might:

- include an educational character that ties into the themes of the website to explain the present of third-party commercial content; or
- employ a labelling scheme for ad space under their control with links to media literacy information (for example, the [Media Smart](#) scheme).

The ASA is likely to take steps taken by media owners into account when considering complaints.

2. Understanding this guidance

2.1. What does the CAP Code say?

Section 2 of the CAP Code (Recognition of Advertising) requires that marketing communications must be obviously identifiable as such. Specifically, rule 2.3 states:

Marketing communications must not falsely claim or imply that the marketer is acting as a consumer or for purposes outside its trade, business, craft or profession; marketing communications must make clear their commercial intent, if that is not obvious from the context [emphasis added].

2.2. CAP's intention in publishing this guidance

Marketers are urged to exercise caution; protection of children is one of the central purposes of the Code. Marketers should assess what (if any) additional disclosure is necessary for their range of marketing communications. This may mean taking a different approach for communications that are targeted at under-12s than for other ads.

The guidance is not intended to mandate narrow or one-size-fits-all approaches. Online environments are diverse and dynamic; CAP wants to encourage marketers, practitioners and media owners to create innovative solutions to ensuring that younger children recognise that they are being marketed to.

2.3. What is the ASA's likely approach?

This guidance does not provide an exhaustive list of scenarios. The ASA will assess marketing communications on a case-by-case basis deciding whether it requires enhanced disclosure. In the event of a complaint, marketers will be expected to make a case to satisfy the ASA that under-12s are likely to understand that they are being marketed to; for instance, by making reference to the provisions and concepts outlined in this guidance.

2.4. Does the guidance apply to first-party content?

In practical terms, the guidance applies primarily to marketing communications directed at under-12s appearing in third-party space. It is also likely to be of relevance to media owners providing ad-funded content for that age group.

First-party content is unlikely to be within the scope of this guidance. The user journey and context of marketer's own websites are usually sufficient to make clear the commercial intent. However, marketers should exercise caution as there may be some narrow instances where that is not the case; for instance, where first-party content that highly immersive or significantly

integrated into the surrounding editorial content is likely to be accessed directly, for instance, a microsite.

2.5. How does this relate to other CAP guidance on recognition?

Some advertising formats already require additional disclosure to make them obviously identifiable that would be recognised by audiences of any age; a simple example is the need to disclose advertorial content. CAP has also produced general guidance on recognition of advertising in various online environments; [Recognising ads: Advertisement features](#), [Recognising ads: Social media](#), [Video blogs: Scenarios](#) and [Contextually targeted branded content](#).

This guidance is intended to complement that above, but give specific focus to the needs of younger children. In some cases, disclosure requirements for audiences in general will be sufficient for marketing communications targeted at under-12s. However, CAP urges marketers publishing marketing communications covered by this guidance to ensure that they have satisfied the enhanced disclosure requirements outlined in section 2.2 above.

2.6. Why do advertisers need to take action?

Critical understanding allows people to properly assess commercial messages contained in marketing communications. Broadly, it is an individual's ability to:

- recognise a marketing communication (its format and appearance); and
- understand the commercial intent behind it (the attempt to persuade them of something).

On the whole, children begin to develop the ability to recognise marketing at a very young age and have reasonably well-developed levels of critical understanding from the age of around 8 years. By the age of 12, children approach adult levels of critical understanding. However, younger children still struggle with significantly integrated and highly immersive marketing in online environments. Online platforms provide opportunities for editorial and marketing content to converge in ways and to degrees that are often not possible in traditional media. Importantly, such communications, often by their nature, may lack more traditional signifiers of commercial intent, such as clear separation from the surrounding editorial content, which younger children rely on to trigger their critical understanding.

2.7. Where can I get further information?

Guidance and advice are available on CAP's website. CAP also offers a free and confidential Copy Advice service.

Committee of Advertising Practice

Mid City Place, 71 High Holborn

London WC1V 6QT

Telephone 020 7492 2200

Textphone 020 7242 8159

Email: enquiries@cap.org.uk

 @CAP_UK

Legal, decent, honest and truthful

