

**Call for evidence on children’s recognition of advertising
– Annex A: Evaluation of responses**

Overview

The evaluation table summarises significant points made by respondents and provides CAP’s evaluations. It should be read in conjunction with the [CAP’s statement](#) on the outcome of the call for evidence.

There were seven responses to the call for evidence; from the Betting and Gaming Council (BGC), the British Toy and Hobby Association (BTHA), Cancer Research UK (CRUK), Facebook, Media Smart, Super Awesome and Sustain.

Evaluation table

	Respondent	Summary of significant points	CAP evaluation
1	BTHA	A respondent representing the toy sector said the guidance provided clear direction and consistency to marketers and other parties involved. They said they had contributed to CAP’s work in developing the guidance and carried out work to train their members on compliance requirements.	CAP notes the respondent’s view on how the guidance has been used by industry. It notes the toy industry is a key sector producing products for younger children, in particular.
2	BTHA	They said the toy industry had a range of marketing models. Many were targeted at adults, often the key purchasers.	CAP notes other standards, both statutory and standards within industry, that are likely to limit children’s exposure to certain types of marketing or restrict certain practices (for instance, around the use of personal data). However, CAP consider there is still a clear need for guidance to help improve recognition of advertising. Younger children are still exposed to a range of forms of online marketing presenting a risk that in some scenarios they might not recognise that they are being advertised to with additional efforts

			by marketers to provide enhanced disclosure as specified in CAP's guidance.
3	BTHA	The respondent said many brands only worked with GDPR-K providers when marketing to under-12s. Such providers do not collect data on children and ensure that the advertising content is clearly labelled.	See comment 2 above.
4	BTHA	The respondent set out the measures taken to train members and ensure standards are maintained; they highlighted a responsible marketing declaration signed annually by all members.	See comment 2 above.
5	BTHA	The respondent pointed out that their members had received no complaints relating to the issues covered by the CAP guidance.	See comment 2 above.
6	Super Awesome	The respondent explained how their ad-serving technology, which allowed brands to reach under-13 audiences, complied with relevant data law and involve policies such as pre-moderation and watermarking of all ads delivered.	See comment 2 above.
7	Super Awesome	The respondent provided a summary of consumer research they had commissioned with younger children and parents supplemented by qualitative research amongst 12-year olds. The respondent considered the findings showed, broadly, that under-12s understand the purpose of advertising as a commercial communication, are often capable of identifying an advertisement from its content, and in nearly all cases could identify an ad when it was clearly labelled as an 'ad' or with their 'SafeAd' watermark.	CAP notes the respondent's research and considers that, broadly, it aligns with the evidence base upon which the guidance was developed.
8	Super Awesome	The respondent considered that CAP should continue to enforce existing guidance. However, they suggested that more	CAP notes the respondent's view of the effectiveness of the guidance. The guidance already includes a visual example on

		examples could be included, in particular, around influencer marketing.	page 4 that is relevant to enhanced disclosures that should be used by paid-for content creators, including influencers. CAP is nevertheless aware of wider concerns around influencer marketing and recognition issues. As the ASA makes rulings on relevant cases, CAP will consider whether they can usefully improve the examples presented in the guidance.
9	Facebook	The respondent explained how their social media network based its policies on the requirements of US data law meaning users had to be at least 13. In other products they offered specifically aimed at children, there were no ads.	See comment 2 above.
10	Facebook	The respondent set out how their branded content policies aimed to increase general transparency around paid or incentivised content for all audiences.	See comment 2 above.
11	Media Smart	The respondent considered the guidance up to date and effective. They did not believe changes to it were required. They provided a summary of the media literacy program they offered to schools to help children with issues such as recognising different kinds of advertising with a particular focus on online environments like social media.	<p>CAP notes the respondent’s view of the effectiveness of the guidance. The CAP guidance references Media Smart in its provisions on the role media providers can play in assisting marketers</p> <p>When it developed the guidance, CAP noted the evidence base pointing to the potential utility of media literacy.</p>
12	Media Smart	The respondent provided research to illustrate the positive impact of their programs.	See comment 11 above.
13	Sustain	The respondent called into question the degree of protection afforded by children’s ability to recognise advertising. They considered that, whilst recognition was a cognitive function, the purpose of most marketing aimed at children is more about creating an emotional connection between the product/brand and the child. They provided links to an academic study (Binet & Field, Marketing Effectiveness in the Digital Era) in support.	<p>CAP notes the respondent’s concerns relating to the impact of the advertising of food and soft drink products on children. This is outside the scope of the call for evidence. The focus of this call for evidence is on compliance with the CAP Code’s rules on recognition, in particular, as they relate to marketing communications directed at children.</p> <p>CAP addressed the issue of food and soft drink advertising to children in its 2016 consultation. It is important to also note the framework for regulating online food and soft drink advertising is</p>

			presently subject to an ongoing government consultation that explores the question of whether further restrictions on online advertising are necessary to reduce children's exposure.
14	Sustain	The respondent also cited a study (Coates et al) that found where children were exposed to a version of a food ad involving an influencer that included a disclosure, it resulted in greater calorie intake than children seeing an ad without the disclosure. They considered that enhanced disclosure did not therefore provide any additional protection for children.	Although the study involved commercial disclosures, its focus was on issues related to the impact of food and soft drink marketing on children rather than the question of recognition. See comment 13 above.
15	Sustain	The respondent also cited a social experiment involving young people and their response to subliminal food advertising.	See comment 13 above.
16	Sustain	The respondent believed the focus of child protection should go beyond disclosure and avoidance of deliberate targeting to measures that further reduce actual exposure by children to HFSS and other forms of harmful advertising.	See comment 13 above.
17	CRUK	The respondent considered that the power of advertising is independent from whether children can fully recognise marketing.	See comment 13 above.
18	CRUK	The respondent cited Ofcom's 'Children and parents: Media use and attitudes report 2017' as evidence of the problems children can have in recognising advertising leaving them more open to harm.	CAP noted Ofcom's research in the call for evidence document and took previous iterations (which reached similar findings) of the media literacy tracker into consideration when developing the guidance. Although its findings relate to older children, CAP considered that the weight of the evidence of problems pointed to younger children (under-12s) requiring enhanced disclosures in certain, more integrated online media environments. It should nevertheless be noted CAP's recognition rules apply to all age groups and require disclosures to be included where audiences in general, including older children, might have difficulties in recognising marketing.

19	CRUK	The respondent cited research on the influence of food and soft drink marketing on children; specifically, although children recognised advertising, they still felt negatively influenced by it. The respondent said that indicated that recognising advertising was not a protection.	See comment 13 above.
20	CRUK	The respondent cited research that found inclusion of a disclosure did not decrease the impact of digital influencer marketing on children’s consumption.	See comments 13 and 14 above.
21	BGC	The respondent made several point relating to age-gating and targeting restrictions for gambling advertising and shared its recent submission to Competition and Markets Authority’s recent Online Platforms and Digital Marketing Study.	<p>CAP notes the respondent’s concerns relating to controls on targeting of gambling advertising in online media. This is outside the scope of the call for evidence. The focus of this call for evidence is on compliance with the CAP Code’s rules on recognition, in particular, as they relate to marketing communications directed at children.</p> <p>The issue of protecting children from gambling advertising is presently being considered as part of work by CAP in response to GambleAware’s research into the impact of gambling advertising in the UK.</p>
22	BGC	The respondent recommended that CAP Guidance should include engagement with social media platforms to strengthen age-gating and de-targeting to ensure that gambling advertising online is only available to those over 18 years of age and not exhibiting problem gambling traits and/or not self-excluded.	See comment 21 above.