

Children's Advertising Code

Effective 1st August 2024 for new ads
Effective 1st November 2024 for all ads

Every ad a responsible ad
www.asa.co.nz

Advertising Standards Code

The Principles and Rules set out in the [Advertising Standards Code](#) apply to advertising in all media. When applying the Advertising Standards Code to advertising targeting children, a high standard of social responsibility is required.

Children's Advertising Code Introduction

In addition to the Advertising Standards Code, the Children's Advertising Code (the Code) applies to advertising targeting children through content and placement. A high standard of social responsibility applies to all the Principles and Rules in this Code.

Advertising targeted at children must adhere to the Principles and Rules set out in this Code and comply with the Advertising Standards Code where applicable.

This Code is one part of the ASA standards that supports responsible advertising to prevent or minimise harm to children. Attention is drawn to the [Alcohol Advertising and Promotion Code](#), the [Gambling Advertising Code](#) and the [Food & Beverage Advertising Code](#).

Children are exposed to a wide range of advertisements, not all of which are intended for them. Care should be taken to ensure that the content and style of advertising and where it is placed is appropriate for the intended audience. The way in which children perceive and react to advertising is influenced by their age, experience and the context in which the message is delivered.

Purpose of the Code

The purpose of the Code is to ensure that advertising targeted at children demonstrates a high standard of social responsibility and has particular regard to the need to protect children from harm to their physical or mental well-being.

Application of the Code

The Code, along with the Advertising Standards Code, applies to advertising targeted at children placed in any media (including advertiser's own media channels), including but not limited to social media channels (including Meta [Facebook, Instagram], Snapchat, TikTok, Google [YouTube], X [formerly Twitter]) and includes user-generated content, content via influencers and content creators, videos, apps, advergames, out of home (for example, billboards, street posters, bus shelters and buses), streaming services (including subscription-based, on-demand television and radio streaming), digital and digital display, television, connected TV, cinema, radio, print (including newspapers, magazines), native advertising, websites, podcasts, webinars, email, SMS/phone, addressed and unaddressed mail, brochures and point-of-sale material. Visit the [ASA website](#) for an up-to-date list of current media. In determining whether this Code is applicable, the Complaints Board will consider the definition of targeting children.

Ultimately, the responsibility to comply with all aspects of advertising regulation is shared between all the parties to an advertisement, including the advertiser, agencies and media organisations.

The Code is made up of three parts:

- Principles: the standards expected in advertising and promotion
- Rules: how the principles are to be interpreted and applied
- Guidelines: information and examples to explain a rule.

Interpreting the Code

Social responsibility is embodied in the Principles and Rules of the Code. In interpreting the Code, emphasis must be placed on compliance with both the spirit and intention of the Code.

It is possible for advertising to be in breach of one or more of the Principles in the Code without being in breach of a specific Rule.

In determining whether a Principle or Rule has been breached, the Complaints Board will have regard to all relevant matters, including:

- generally prevailing community standards;
- previous relevant Board decisions;
- the consumer takeout from the advertising;
- the context, medium and intended audience; and
- the product, brand or service advertised.

Definitions for the Purposes of this Code

Advertising and Advertisement(s)

means any message, the content of which is controlled directly or indirectly by the advertiser, expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of Children.

This Code does not apply to product labels or packaging, bona fide news, annual reports, reviews, editorial or broadcast programmes, including programme promotions. Visit the ASA website for information on the ASA's [jurisdiction](#).

Children means people under the age of 16 years and **Child** means a person under the age of 16 years.

Moral Harm means harm caused by exposure to indecent, immoral or adult-themed visuals and language.

Advertising targeted at Children is determined by:

- The context of the advertisement
- The extent to which each of the following three criteria targets Children
- An assessment of the relationship between the three criteria.

1. Nature and intended purpose

The extent to which the nature and intended purpose of the product, brand, service or message being advertised is appealing to, popular with and/or consumed by Children.

2. Advertisement content

The extent to which the presentation of the advertisement appeals to Children. Elements of content that may be relevant include:

- interactive applications, games, activities, websites and pop-ups
- purchasing incentives and offers of free gifts
- licensed characters, including from movies, TV programmes and gaming
- individuals, groups or teams, including, but not limited to, cultural and sporting heroes or icons, celebrities, social media influencers and content creators.*
- themes linked to fantasy, magic, mystery, suspense, adventure or virtual worlds
- wording, lettering, colours, special effects, 3D animation, music, songs or jingles
- language commonly used by Children or language directed at Children
- use of cartoons, imaginary characters, including animals, fantasy or virtual creatures
- a Child or Children having key roles or featuring prominently.

3. Expected average audience

The extent to which the expected average audience at the time or place the advertisement appears is likely to include a significant proportion of Children.

Where accurate data exists, a significant proportion of Children is defined as 25% or more of the expected audience.

This may also be assessed by one or a combination of the following:

- The extent to which available tools have been used to:
 - › target Children by age
 - › target Children by channel, topics or keywords
- The use of:
 - › influencers under 16 and whose target audience is New Zealanders
 - › influencers who are 16 years of age or older and whose target audience is New Zealanders where 25% or more of followers are under 16 years of age
- Advertising placement:
 - › in content that is appealing to Children; for example, but not limited to, Children's programmes, artists, playlists, videos, movies, magazines, games, websites and pop-ups that appeal to Children
 - › in designated Children's viewing and listening times
 - › in locations where Children regularly gather; for example, but not limited to, within 300 metres of the sightline to the main entrance to schools (see [OOHMAA placement policy](#)).

* Consumer research by advertisers may be appropriate to determine who or what is 'appealing or popular'.

Principle 1 Social Responsibility

Advertisements targeted at Children must be prepared and placed with a high standard of social responsibility and must not contain anything that is likely to result in Children's physical, mental or Moral Harm.

Rules	Guidelines
Rule 1 (a) Undue influence Advertisements must not urge Children to ask their parents, guardians or caregivers to buy particular brands or products for them.	Factors that may prompt such requests include: <ul style="list-style-type: none">• Limited number of product/service available• Limited time for a set price• Limited time for an additional item "for free".
Rule 1 (b) Peer pressure Advertisements must not suggest inferiority or lack of acceptance for not having the advertised brand or product.	Children must not be made to feel that they are lacking in courage, duty or loyalty if they do not buy or do not encourage others to buy a product.
Rule 1 (c) Body image Advertising must not provide an unrealistic sense of body image or promote an unhealthy lifestyle or create undue pressure to conform.	This includes the: <ul style="list-style-type: none">• Denigration of healthy lifestyles• Depiction or encouragement of unhealthy lifestyles• Pressure to conform to a particular body image.
Rule 1 (d) Sales promotion schemes Use of sales promotion schemes must be undertaken in a responsible manner.	Advertisers should be aware that some sales promotion schemes could be considered gambling activity and are restricted by law. Advertisers should consult the relevant legislation prior to undertaking any form of promotion that may be gambling: Gambling Act 2003 and Department of Internal Affairs . Where permitted, responsible sales promotion schemes may include a product for purchase and/or consumption, providing the amount is age-appropriate.

Additional social responsibility guidelines to those in the Advertising Standards Code when advertisements are targeted at Children

Rules	Guidelines
<p>Rule 1 (a) Privacy</p> <p>Advertisements targeting Children may only portray or refer to personal information that is publicly available. Other personal information may only be collected and used with the consent of the individual concerned.</p>	<p>See full Guidelines for this Rule in the Advertising Standards Code.</p> <p>In addition</p> <ul style="list-style-type: none"> • Advertisers should be aware that collecting and using Children’s personal information is restricted by law. Advertisers should consult the Privacy Act 2020 prior to collecting and using Children’s personal information. • Extreme care must be taken when requesting or recording the names, addresses and other personal details of Children to ensure their privacy rights are fully protected and the information is not used in an inappropriate manner. • If advertising indicates that personal information about a Child will be collected, or is likely to be collected, then it must include a statement that a parent or guardian’s verifiable consent is required. • Advertisers must not require a Child to disclose more personal information than is reasonably necessary to participate in an activity (e.g., play a game, enter a contest, etc.).

Rules	Guidelines
<p>Rule 1 (d) Exploitation of Children</p> <p>Advertisements targeting Children must not portray or represent anyone who is, or appears to be, under 16 years old in any way that is exploitative, or degrading or inappropriate for their age.</p>	<p>See full Guidelines for this Rule in the Advertising Standards Code.</p> <p>In addition</p> <p>Advertisements targeting Children must not:</p> <ul style="list-style-type: none"> • Employ sexual appeal nor include sexual imagery • Portray Children as sexual beings nor state or imply that ownership or enjoyment of a product will enhance their sexuality • Use images and themes that are not age-appropriate for Children.

<p>Rule 1 (e) Safety</p> <p>Advertisements targeting Children must not, unless justifiable on educational or social grounds, encourage or condone dangerous, illegal or unsafe practices, or portray situations which encourage or condone a disregard for safety.</p>	<p>See full Guidelines for this Rule in the Advertising Standards Code.</p> <p>In addition</p> <ul style="list-style-type: none"> • This rule is not intended to prevent responsible advertisements that inform Children about dangers or risks associated with potentially harmful behaviour. • Children must not be encouraged to enter into unsafe situations or strange places or talk to strangers, including, for example, for the purpose of making collections or accumulating labels, wrappers or coupons. • Advertisements must not portray images or events which depict unsafe uses of a product or unsafe situations which may encourage Children to engage in dangerous activities or create an unrealistic impression in the minds of Children or their parents or carers about safety. • Children must not be shown using or in close proximity to dangerous substances or equipment without direct adult supervision. Examples include but are not limited to matches, petrol, gas, medicines and potentially dangerous household substances and electrical appliances and machinery.
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Rules	Guidelines
<p>Rule 1 (f) Violence and anti-social behaviour</p> <p>Advertisements targeting Children must not, unless justifiable on educational or social grounds, contain anything that condones, or is likely to show, violent or anti-social behaviour or damage to property.</p>	<p>See full Guidelines for this Rule in the Advertising Standards Code.</p> <p>In addition</p> <ul style="list-style-type: none">• This rule is not intended to prevent responsible advertisements that inform Children about dangers or risks associated with potentially harmful behaviour.• Anti-social behaviour may include violence, aggression, vindictiveness, bullying or horrific elements that may disturb Children.
<p>Rule 1 (g) Fear and distress</p> <p>Advertisements targeting Children must not cause fear or distress without justification.</p>	<p>See full Guidelines for this Rule in the Advertising Standards Code.</p> <p>In addition</p> <ul style="list-style-type: none">• This rule is not intended to prevent responsible advertisements that inform Children about dangers or risks associated with potentially harmful behaviour.

Principle 2 Truthful Presentation

Advertisements targeted at Children must be truthful, balanced, and must not be misleading.

Additional truthful presentation guidelines to those in the Advertising Standards Code when advertisements are targeted at Children

Rules	Guidelines
Rule 2 (a) Identification	See full Guidelines for this Rule in the Advertising Standards Code .
Advertisements targeting Children must be identified as advertising.	<p>In addition</p> <ul style="list-style-type: none">• It must be clear to and easily understood by Children that the advertising is a commercial communication rather than programme content, editorial comment or other non-commercial communication.• Licensed characters and celebrities popular with Children (live or animated) must not obscure the distinction between commercial promotions and programme or editorial content.• If an advertisement meets these following three criteria, it is likely to require enhanced disclosure:<ul style="list-style-type: none">› It is targeted at Children;› It is highly immersive or significantly integrated into the surrounding editorial content; and› It is unlikely to be identified clearly from the context in which it appears.• Enhanced disclosure should be prominent, interruptive, and sufficient to identify the advertiser and the commercial intent of the advertisement. <p>For example, enhanced disclosure in advertisements should be:</p> <ul style="list-style-type: none">• Within or right next to the advertisement content;• Of significant size and colour to stand out; and• Readily apparent before (if possible) or immediately at the point of engagement with the advertisement.

Rules	Guidelines
<p>Rule 2 (b) Truthful presentation</p> <p>Advertisements targeting Children must not mislead or be likely to mislead, deceive or confuse them, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise.</p> <p>Obvious hyperbole identifiable as such to Children is not considered to be misleading.</p>	<p>See full Guidelines for this Rule in the Advertising Standards Code.</p> <p>In addition</p> <ul style="list-style-type: none"> • Generally, obvious hyperbole describes representations that are exaggerations so obvious they are unlikely to mislead Children. • Whether representations can be considered obvious hyperbole will depend on their context. • If fantasy is used, it should not unduly exploit the imagination of Children, for example, by creating unrealistic performance expectations or exploiting Children's difficulty in distinguishing between real-life and fantasy. • Features of a product or service must not be exaggerated in a way that are likely to lead to Children having unrealistic expectations of that product or service. • If price is referred to in an advertisement: <ul style="list-style-type: none"> › The complete price and payment terms (including automatic rollovers and subscriptions) must be clear to Children, including the cost of the main item and additional items that must be purchased separately. › Prices must be accurately presented in a way that can be clearly understood by Children and must not be minimised by words such as "only" or "just". › Advertising must not imply that what is being promoted is immediately within the reach of every family budget. › Any disclaimers, qualifiers or asterisked or footnoted information must be conspicuously displayed and clearly explained to be easily understood by Children.

Rules	Guidelines
<p>Rule 2 (b) Continued</p>	<ul style="list-style-type: none"> • Where reference is made to a competition, the rules must be clear to Children, and the value of prizes and the chances of winning must not be exaggerated. • Advertisements must clearly indicate if assembly or extra items are required to use the advertised product. • Any methods provided to dismiss or exit an advertisement on digital platforms or other media must be clear and conspicuous to Children. • Advertisements, apps, or games that allow Children to make purchases must make it clear that the purchase involves real currency. • If advertising offers the opportunity to purchase any product or service through a "click here to order" button or other on-screen means, it must include a statement that a parent or guardian's verifiable consent is required to order.

About the Advertising Standards Authority (ASA)

The ASA is the organisation that sets the standards (Advertising Codes) for responsible advertising in New Zealand. The ASA also runs the advertising complaints processes. The ASA is funded by the advertising industry and its member organisations representing advertisers, agencies, and the media.

Making a complaint

Anyone can complain about any advertisement.

All complaints must be received using our online complaints form, via email or via post. Our process requires that we deal with the consumer's concerns in their own words. Our online complaint form is available at www.asa.co.nz. Our email address is asa@asa.co.nz and our postal address is PO Box 10675, Wellington 6140.

Competitor complaints

Competitor complaints are dealt with via a user-pays process with adjudication hearings. More information is available at the [ASA website](http://www.asa.co.nz). The process aims to give fast and thorough consideration to conflicts between competitors.

Responding to a complaint

All parties associated with an advertisement are expected to respond to the ASA following a complaint. This includes the advertiser and may also include the agency and the media where the advertisement was placed. The [ASA website](http://www.asa.co.nz) provides guidance on how to respond to a complaint.

Decisions

The Advertising Standards Complaints Board makes decisions about complaints following responses from parties. Decisions may be appealed and if there are grounds for an appeal, the Appeal Board will re-consider the complaint. The ASA membership has no involvement in the work of the Complaints and Appeal Boards.

Decision outcomes have the following meanings:

No Further Action: This means the Chair of the Complaints Board has reviewed the complaint and has ruled a Code has not been breached, and no further action is required. This outcome may occur when a complaint is based on extreme interpretation or is trivial or vexatious, or if there is a precedent decision that relates to the same or similar advertising.

Upheld: This means the Complaints Board agreed with the issues raised by the complainant and the advertiser is asked to amend or remove the advertisement.

Settled: When an advertiser either withdraws an advertisement or makes immediate changes (that the Chair considers satisfactory) to address the issues raised by the complainant, the complaint can be settled by the Chair.

Not Upheld: This means the Complaints Board does not find the advertisement in breach of the Advertising Codes in relation to the complainant's concerns.

No Jurisdiction: Sometimes a complaint is outside the jurisdiction of the ASA. The ASA deals with complaints about any advertisement that is targeted at NZ audiences. Matters of law or complaints about advertisements from outside of NZ, which are not targeting NZ consumers, are outside the ASA's jurisdiction.

Visit www.asa.co.nz for more information on our jurisdiction.



All ads, all media