

Media placement restrictions: protecting children and young people

Advertising Guidance

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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.

Advertising Guidance is intended to advise advertisers, agencies and media owners on how to interpret the Codes but is not a substitute for them. Advertising Guidance reflects CAP's and/or BCAP's view on the their likely interpretation but it 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. Background

Protecting children and young people is one of the core purposes of the CAP Code. It is a general responsibility of all marketers to ensure that they are appropriately protected from marketing that includes sensitive content – for instance, violent, sexual or frightening imagery – and from being targeted with marketing for unsuitable products. This guidance addresses the second of these requirements.

Media placement restrictions prohibit age-restricted marketing communications from appearing in media:

- for children or children and young people; and
- where children or children and young people make up a significant proportion of the audience.

Age-restricted marketing communications are those for products subject to legal restrictions on their sale or that are otherwise unsuitable. This guidance is intended to support marketers in demonstrating that they have taken reasonable steps to limit exposure. It also includes an introduction to industry resources that can support in complying with media placement restrictions as they affect different non-broadcast media (see Annex 1).

CAP will shortly publish additional, dedicated guidance for certain types of online media; *Children and age-restricted ads online*. It will provide marketers with more advice on how interest-based targeting can be used to help reduce children's exposure to age-restricted marketing communications in online environments such as social media platforms. The relevant parts of this guidance should be read alongside that document.

NOTE: publication of the guidance is expected in May 2017. Follow CAP on Twitter to receive updates on publication – @CAP_UK.

2. Who should use this guidance?

The CAP Code includes media placement restrictions protecting:

- children (under-16s) from being targeted with marketing for products such as lotteries (rule [17.14](#)) and food or soft drinks high in fat, salt or sugar¹ (rule 15.18); and
- children and young people (under-18s) from being targeted with marketing for products such as alcohol, (rule [18.15](#)), gambling (rule [16.3.13](#)) and electronic-cigarettes (rule [22.11](#)).

The guidance is primarily directed at marketers of the above products. However, parts of this guidance may also be useful to others involved in media placement of non-broadcast marketing communications; for instance:

- media owners wishing to provide marketers using their platform with necessary audience information to satisfy the requirements of the Code;
- marketers seeking to ensure that marketing with age-sensitive content or themes is appropriately targeted; or
- marketers of other products that might be inappropriate for certain age categories.

¹ CAP [announced new restrictions](#) on HFSS product advertising in December 2016. The new media placement restriction for such products, rule 15.18, will come into force on 1 July 2017.

3. Approaches to placement

In a simple sense, marketing communications can be targeted:

- i) on the basis of the audience composition of the media or specific piece of content around which a marketing communication appears; and/or
- ii) through the use of data, when creating the audience for a marketing communication, to include or exclude individuals on the basis of their age or other relevant criteria.

Examples of method (i) in offline media include use of information on audience composition for magazines, cinema and press. This method could also be used in online media environments where marketing is targeted at the whole audience for a given piece of content; for example, display ads on a website or paid-for endorsements in vlogs.

Examples of method (ii) include direct mailings, email and SMS text marketing, as well as marketing communications in online environments such as social networking platforms, where the marketing communication is targeted at a specified audience group or groups that include individuals on the basis of account data or inferred data that provides a reasonable expectation of their age.

4. Guidance

General principles

Marketing communications for the products listed in “Who should use this guidance” above and other age-restricted marketing communications must not be directed (in other words targeted) at people within the stated age category through the choice of media or the context in which they appear. Marketers should take appropriate steps to understand the likely composition of the audience of their marketing communications prior to placement.

There are three general requirements:

- In relation to method (i), age-restricted marketing communications must not be placed in or around media that are obviously directed at the protected age category.
- Also in relation to method (i), age-restricted marketing communications must not be placed in other media where the protected age category makes up more than 25% of the audience.
- In relation to method (ii), marketers must show that they have taken reasonable steps to reduce the likelihood of those who are or are likely to be in the protected age category being exposed to age-restricted marketing communications.

It is for marketers to satisfy themselves – and, in the event of a complaint, the ASA – that they have taken appropriate steps to comply with the relevant media placement restriction before placing the marketing communication. Marketers themselves are responsible for compliance with the Code; it is not an acceptable defence to argue that intermediaries or affiliates failed to target or direct a marketing communication appropriately.

Compliance with the Code’s media placement restrictions does not remove the need to comply with other specific rules on the content of marketing communications for sensitive product categories. Marketers must also comply with relevant data protection laws, including those of the Data Protection Act and the Privacy & Electronic Communications Regulations – both of which are due to be replaced in May 2018 – and, to the extent applicable, with [section 10](#) of the CAP Code on Database Practice.

a) Placement in media obviously directed at the protected age category

Age-restricted marketing communications must not be placed in or around media that are obviously directed at the protected age category. In many cases, such media are easy to identify, for instance, a

- games website for young children; or
- teen interest magazine.

The ASA is very likely to find marketing communications subject to media placement restrictions placed in or around such media in breach of the Code.

b) Placement in media of general appeal

The 25% audience threshold applies where the likely audience of a medium cannot reasonably be determined from a simple assessment.

For example, the medium is of:

- general appeal across all or most age ranges (as with family-oriented content); or
- appeal to young adults but may also be of appeal to young people and/or older children.

In such instances, the primary means of complying with a media placement restriction is by reference to comprehensive audience measurement data for the intended medium showing the relevant protected age category comprises 25% or less of the total audience. Advertisers could also provide data to show that over 75% of the audience is outside the relevant protected age category.

CAP and the ASA do not specify particular types of audience data that marketers should use. In the event of a complaint, submissions will be assessed by the ASA on a case-by-case basis. Data might be proprietary, from a third party or a combination of the two (see Annex 1 below for examples of resources available in different media).

CAP acknowledges that the extent, nature (e.g. first vs third party data) and precision of the audience data available to marketers varies between media. Advertisers are nevertheless encouraged to make best use of what data is available to them – either directly or through the publisher or media owner – to develop as clear a picture as possible of the likely audience of a medium or specific piece of content.

This may, for instance, involve using data:

- related to the audience of significantly similar content; or
- drawn from signed-in users where marketers can satisfy the ASA that it is likely to reflect the wider audience in media that can also be viewed without sign-in.

The ASA has determined that media directed at the general population – for instance, outdoor media or circulars distributed to households in a particular area – are unlikely to be regarded as being directed at a protected group because none of the age categories protected comprises more than 25% of the population. However, if the placement or distribution of the age-restricted marketing communication skews the likely audience towards a particular group significantly – for instance, an outdoor advertisement placed near a school – the marketing communication is likely to breach the Code.

Where audience data is unavailable or is to a significant extent unreliable, the ASA is likely to rely on other factors to assess likely appeal and therefore likely audience composition. Principally, this is likely to involve an assessment of the media content – including themes, imagery and the like – and the context in which it appeared.

Marketers of age-restricted marketing communications are strongly advised to exercise caution in scenarios where they are not confident of likely audience composition of the media or specific content around which they intend to place the marketing communication.

c) Using data to construct the target audience

In certain media, marketers can use data on age or other criteria to select recipients of a communication as a means of excluding the age category protected by the relevant media placement restriction.

The ASA is likely to expect marketers to demonstrate that they have taken all reasonable steps to ensure that ads that attract a media placement restriction are placed appropriately. Where they are available, for instance, in media that can only be viewed by signed-in users, the ASA is likely to expect marketers to use more dedicated data-based age-targeting mechanisms.

As a basic principle, age data – held on a direct marketing list or through a user's account on an online platform – should be used to exclude the protected age categories under the relevant rule.

Failure to appropriately administer a marketing list – for direct mailings, email marketing or SMS text marketing – to exclude those of the relevant protected age category is almost always likely to breach the Code. However, in exceptional circumstances, there may be a defence if the marketer can demonstrate that they procured and used marketing data in good faith and that a data error beyond their control occurred.

In online media, many platforms allow for more sophisticated targeting techniques, for instance, through the use of inferred data for users that are not signed into an account that includes a date of birth.

As noted above, CAP will shortly produce additional, dedicated guidance on the use of targeting in online environments such as social media platforms. Marketers are encouraged to read that guidance alongside this section of the document.

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Annex 1 – Audience measurement and compliance resources

The following lists examples of advertiser resources for different non-broadcast media. It includes bodies which can provide pre-clearance services or advice and sources of audience measurement data. It is not exhaustive and implies no CAP endorsement or guarantee that using the resources available will satisfy the ASA in the event of a complaint.

Audit Bureau of Circulation (ABC) (www.abc.org.uk) is the industry body for media measurement, which agrees reporting standards and provides independent audit and compliance services.

BPA Worldwide (www.bpaww.com) provides independent, third-party circulation [audits](#) for newspapers and magazines.

Cinema Advertising Association (CAA) (www.cinemaadvertisingassociation.co.uk) represents cinema operators and operates a pre-clearance system for cinema advertising.

Clearcast (www.clearcast.co.uk) is the pre-clearance body for TV advertising (covered by the BCAP Code) but they also offer advice on video on demand advertising.

Direct Marketing Association (DMA) (www.dma.org.uk) represents companies involved in direct marketing via mail, phone and online. It has a Code of practice and provides guidance and advice to members.

Institute of Practitioners of Advertising (IPA) is a professional trade body, incorporated by Royal Charter, which represents the interests of advertising agencies in the UK. It offers a consumer-centric media planning tool, Touchpoints (www.ipa.co.uk/touchpoints), which includes the monitoring of people's media consumption.

Internet Advertising Bureau (IAB) (www.iabuk.net) represents media owners and advertisers involved across the range of online marketing disciplines. It provides guidance and advice on its website.

Joint Industry Committee for Regional Media Research (JICREG) (www.jicreg.co.uk) is the currency for local media, providing audience data for Britain's local newspapers and their online platforms.

Joint Industry Committee for Web Standards (JICWEBS) (www.jicwebs.org) is intended to ensure independent development of standards for measuring performance online and benchmarking best practice for online ad trading.

News Media Association (NMA) (www.newsmediauk.org) represents national, regional and local news media organisations in the UK. The NMA provides guidance for members, including Advertisement Points to Watch, an online A to Z. It also offers an individual advice service to NMA local media members only.

Newsworks (www.newsworks.org.uk) is the marketing body for national newspapers in all their forms.

Publishers Audience Measurement Company (PAMCo) oversees audience measurement for the published media industry (national news media and magazines). It publishes the National Readership Survey NRS PADD (www.nrs.co.uk) providing the combined print and online audience and Audience Measurement for Publishers (www.ampdata.co.uk).

Radio Joint Audience Research (RAJAR) (www.rajar.co.uk) produces quarterly Measurement of Internet Delivered Audio Services (MIDAS) [reports](#).

Target Group Index (TGI) [TGI data](#) is common currency in the media industry, providing audience data for media including UK national and local media.

UK Online Measurement Company (UKOM) (www.ukom.uk.net) is an industry governed, multi-platform audience measurement provider. It covers a variety of online platforms and environments.

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