



A Children's Rights Perspective on Self-Regulation of New Advertising Formats

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- Context - New advertising formats
- Societal impact
- Children's digital rights
- Mapping of the existing regulatory framework
- Conclusions of the mapping exercise
- Recommendations

Context - New advertising formats

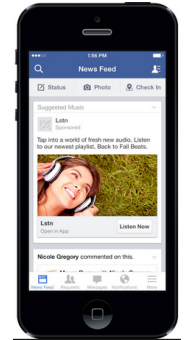
Children are an important target group for advertisers

- Primary market
- Parental market
- Future market




Context - New advertising formats

- Distributed through a variety of emerging platforms
- Highly sophisticated, **interactive**
- Advertising content **integrated** in the non-promotional content
- Collecting minors personal data, **personalised**

A screenshot of the LEGO 'CREATE USER ACCOUNT' page. The page has a blue header with the LEGO logo and the text 'CREATE USER ACCOUNT'. Below the header is a progress bar with three steps: '1. Username', '2. Profile information', and '3. Done'. The main content area is white and contains a 'Welcome' message, a paragraph of text, and a 'To parents' section. There is a yellow button labeled 'SEND ACTIVATION EMAIL AGAIN' and a blue button labeled 'ALREADY HAVE AN ACCOUNT?'. At the bottom right, there are links for 'Privacy Policy' and 'Cookie Policy'. The page is framed by a grey border with a red 'X' in the top right corner.

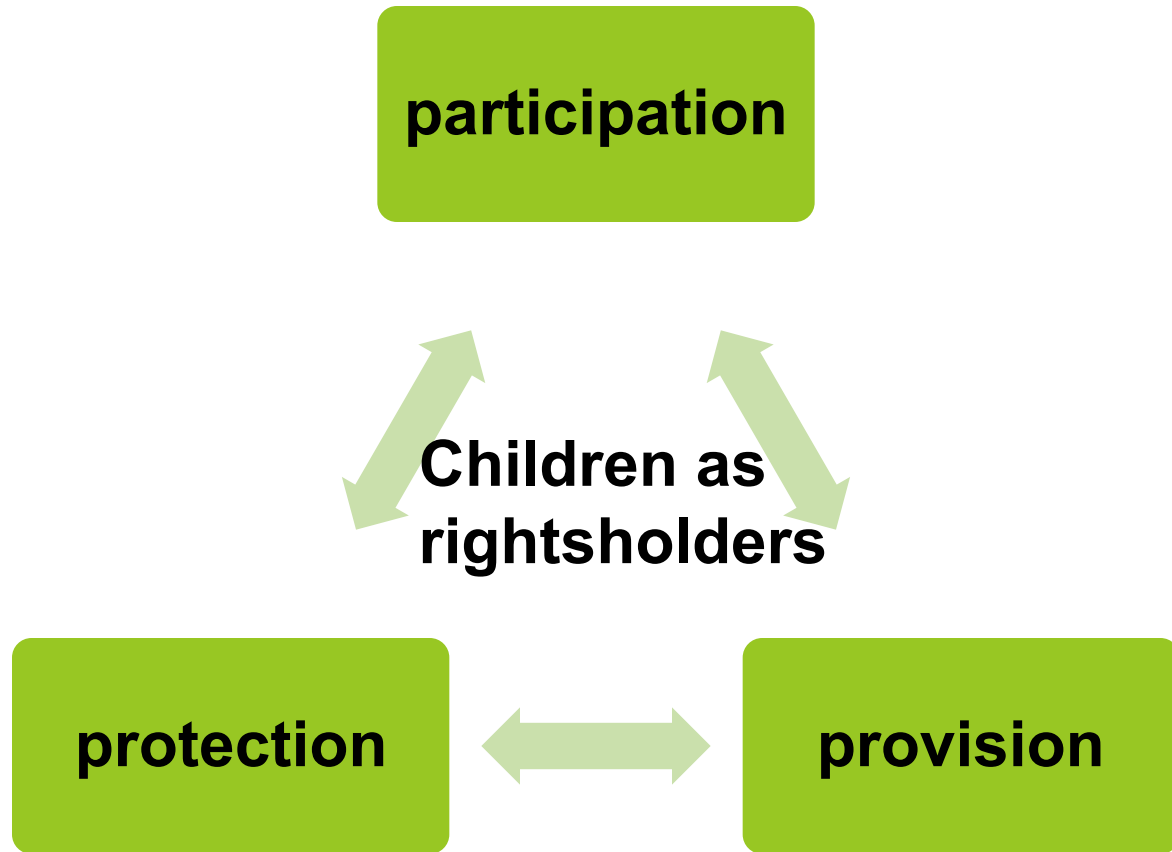
Societal impact

Children often do not recognise or understand the persuasive intent of new forms of commercial communication



- Difficulties applying their advertising literacy skills
- Manipulative effect
- Increased parent-child conflicts

Children's (digital) rights



CONVENTION
ON THE RIGHTS OF THE CHILD

THE EU
CHARTER OF
FUNDAMENTAL
RIGHTS

European Convention
on Human Rights

Children's (digital) rights

- Best interest principle



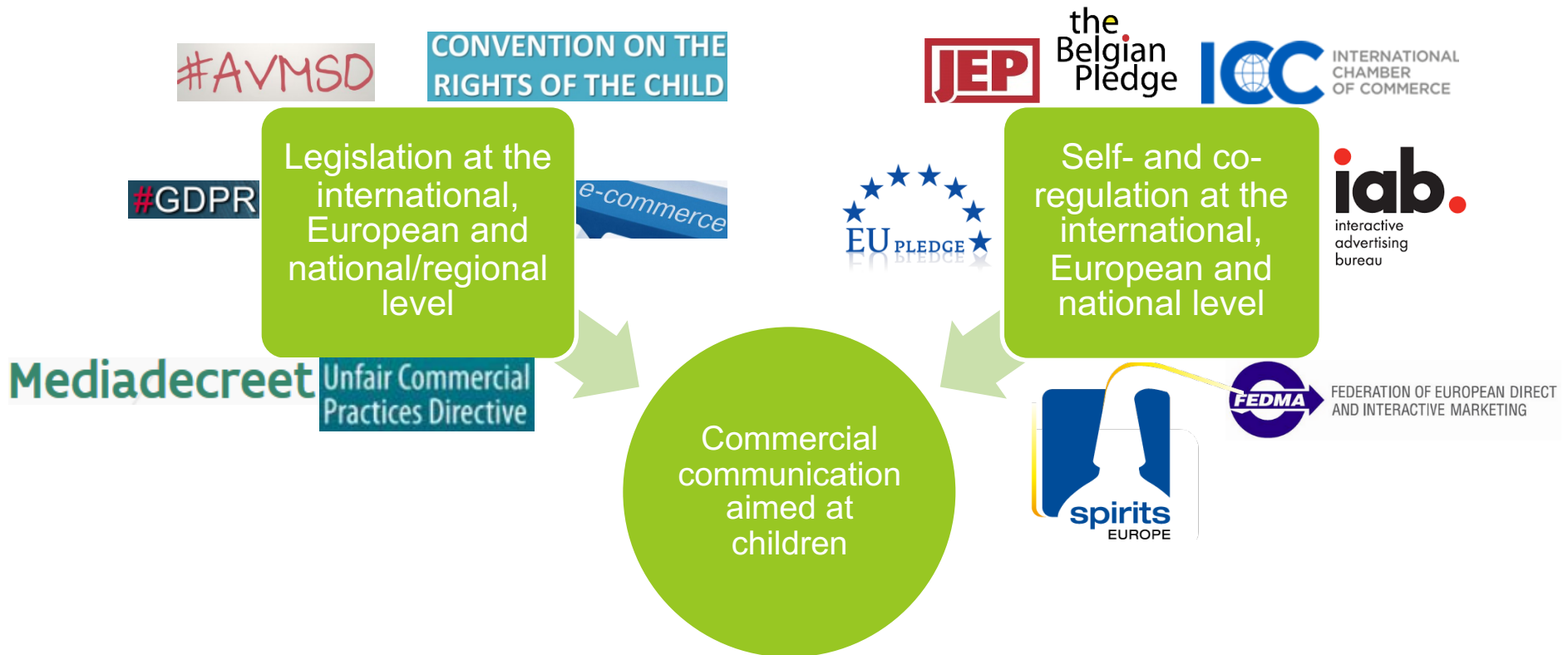
- Rights that enable children to reach their fullest potential, *inter alia*:

- *Protection against economic exploitation*
- *Freedom of thought*
- *Access to information*
- *school and educational goals*
- *Right to participation in leisure and play*
- ...

Children should be educated and empowered to cope with commercial communication (i.e. ad literate),

The regulatory framework on commercial communication aimed at children needs to be evaluated in light of children's rights and principles!!

Mapping of the existing regulatory framework



Conclusions of the mapping exercise

Important rules and obligations for advertisers

→ e.g. *Identification principle, content rules, data protection rules, etc.*

Different rules for different formats

1. All advertising formats
2. Traditional formats (television and on-demand)
3. New formats (advergames, banners, social media, apps etc).
4. Personalised advertising (online behavioural ads)

Complaints: national level, different complaint mechanisms

Conclusions of the mapping exercise

Mapping and analysis of the current legal framework of commercial communication aimed at minors

A research report in the framework of the AdLit SBO project

Mapping and analysis of the current self- and co-regulatory framework of commercial communication aimed at minors

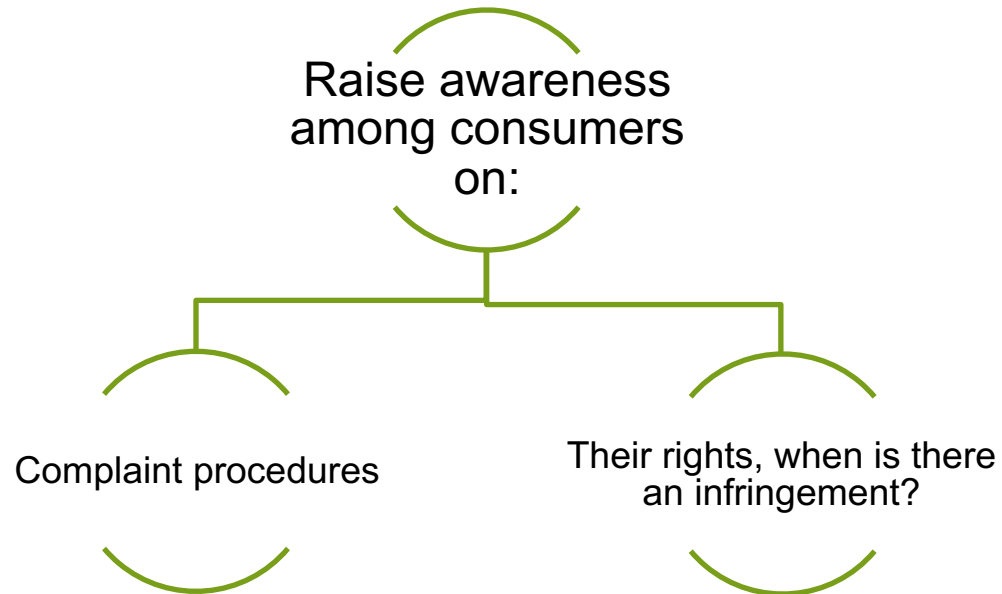
A research report in the framework of the S-RO SBO project

Conclusions:

1. An extensive regulatory framework, however this does not automatically mean that children are empowered or protected!!
 - Rules are often abstract and vague (“identifiable”)
 - No universal definitions
2. Up until now, little case law dealing with new advertising formats and minors
 - Uncertain cause
 - Result: less practical guidelines for advertisers



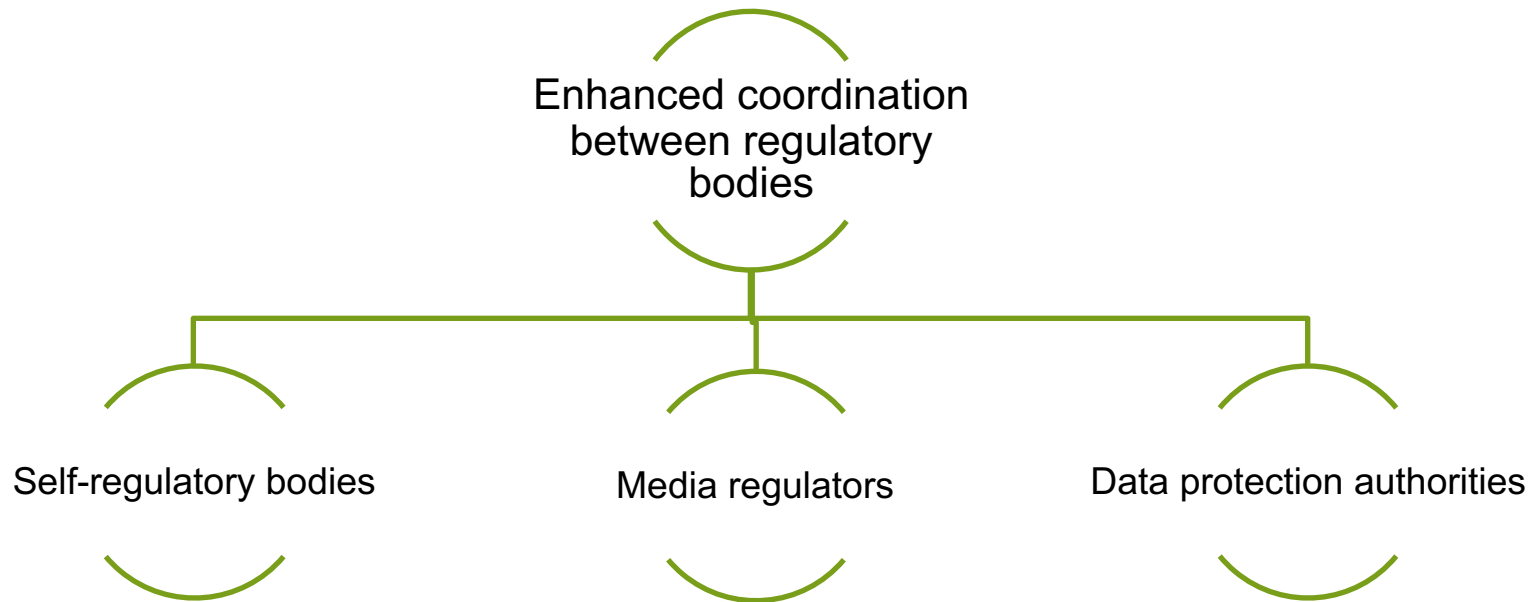
First recommendations



Development of practical legal guides for different stakeholders:

- parents,
- children,
- advertisers

First recommendations



- ✓ More concrete guidance and collaborative recommendations for advertisers.
- ✓ Clarification of the scope and application of the existing regulatory instruments to new advertising formats.

First recommendations

More empirical research is needed on the effect of advertising cues on minors, before any recommendations on the potential embedding of cues in the legislative or self-regulatory framework.



- ✓ Empirical research on the effect/technique/form
- ✓ Research on the potential implementation in the regulatory framework

Thank You!



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