



Advertising that targets children:

Ensuring the best protection possible

Report produced by Option consommateurs
and presented to
Industry Canada's Office of Consumer Affairs

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OPTION CONSOMMATEURS

MISSION

Option consommateurs is a not-for-profit association whose mission is to promote and defend the rights and interests of consumers and ensure that they are respected.

HISTORY

Option consommateurs has been in existence since 1983, when it sprang from the *Mouvement des associations coopératives d'économie familiale* (ACEF), more particularly, the ACEF of Montreal. In 1999, it merged with the *Association des consommateurs du Québec* (ACQ), which had already pursued a similar mission for over 50 years.

PRINCIPAL ACTIVITIES

Options consommateurs' team of approximately 30 employees work in five departments: Budgeting, Energy Efficiency, Legal Affairs, Press Room, and Research and Representation. Over the years, *Option consommateurs* has developed special expertise in the areas of financial services, health, agrifood, energy, travel, access to justice, trade practices, indebtedness, and the protection of privacy. Every year, we reach 7,000–10,000 consumers directly, conduct numerous interviews in the media, participate in working groups, sit on boards of directors, carry out large-scale projects with key partners, and produce research reports, policy papers and buyers' guides, including the annual *Toy Guide* in *Protégez-vous* magazine.

MEMBERSHIP

In its quest to bring about change, *Option consommateurs* is active on many fronts: carrying out research, organizing class action suits, and applying pressure on companies and government authorities. You can help us do more for you by becoming a member of *Option consommateurs* at www.option-consommateurs.org

ACKNOWLEDGEMENTS

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EXECUTIVE SUMMARY

Young people constitute a very important segment of the consumer population and businesses are outdoing themselves to win them over, through Internet advertising, product placements, use of logos, derived products and so on. But what about the effects of such advertising on the children themselves? Do they really understand the motives behind the advertisers' tactics of persuasion? What is the best way to protect them? Is the voluntary code of practice applied in Canada sufficient to protect children from advertising that targets them directly? Would it be better to go for a system of legal controls like the one adopted in Quebec? This study addresses this increasingly important issue by examining political and legislative measures put in place in the rest of Canada and in certain other countries to protect children against advertising aimed exclusively at them. More precisely, it attempts to compare two types of controls: legal controls (state regulation) and voluntary controls (self-regulation), and to determine their impact.

With this aim in view, we first of all consider the ability of children to understand advertising and its effects. We then describe the legal instruments and voluntary undertakings (self-regulation) current in Canada and present the opinions of various key players on this topic, i.e. representatives of the advertising industry, government and various groups (e.g., the Alliance for Children and Television, the Canadian Advertisers' Association, and the media education resource centre at the *Office de la Protection du consommateur*).

To better understand the two control mechanisms that exist in Quebec and Canada, we have decided to compare them with the measures in force in a number of other countries. This study therefore presents the international statutory basis with regard to children and advertising. We then describe the situation in the United States, the European Union, Sweden, Norway and France. We also refer briefly to certain measures adopted in Germany, Greece, Great Britain and Denmark.

In conclusion, we give examples of advertisements directed at children that were launched recently in Quebec, including some that were the object of complaints to the *Office de la protection du consommateur*.

In order to better identify the best way of protecting children against the advertising targeting them and to find answers to our questions, we reviewed the Canadian, American and European literature on the subject, and conducted semi-directed interviews with key players.

All things considered, the system of voluntary codes and the current system of legal controls both have their advantages and disadvantages. As for the legal system of controls, its sole objective is to protect children. Seeing children as vulnerable, Quebec availed itself of a strict regulatory instrument that has won recognition throughout the world. On the other hand, having a law that protects the children is not everything. One still needs a body to ensure that it is respected. With this aim in view, it is absolutely necessary that the *Office de la protection des consommateurs* be accorded the necessary financial resources.

On the other hand, the Canadian system of voluntary codes is interesting for its flexibility, its transparency and its representativeness. This model created by the industry is effective and is strictly respected by the majority of advertisers. However, it nevertheless happens that there are advertisements that target children and attempt to sell products to these consumers, who are as yet unable to make enlightened choices.

Following our analysis, we make the following recommendations:

Recommendation 1

Option consommateurs recommends that the Government of Canada take the legislative measures necessary to prohibit advertising aimed at children and to protect them in the best manner possible.

Recommendation 2

Option consommateurs recommends that the Government of Quebec provide the *Office de la protection du consommateur* with the resources and the means necessary to enforce Sections 248 and 249 of the *Consumer Protection Act* (CPA) respecting advertising aimed at children.

Recommendation 3

Option consommateurs recommends that the *Office de la protection du consommateur* update its guide to the application of Sections 248 and 249 of the CPA as soon as possible. This update will have to take into account new forms of advertising and marketing.

Recommendation 4

Option consommateurs recommends that the Canadian Advertising Standards and l'*Office de la protection du consommateur* rigorously examine the advertising disseminated via the Internet and on-line “advergames” as well as new marketing methods, and that this be done as soon as possible.

Recommendation 5

Option consommateurs recommends that the current procedures for dealing with complaints in Quebec and Canada be better publicized and emphasized to consumer associations, parents' groups and the population in general.

Recommendation 6

Option consommateurs recommends that a major public awareness campaign on the effects of advertising and the role played by the media in the consumer choices be organized for parents and children. This campaign should inform people of the regulations and voluntary codes that exist in Quebec and the rest of Canada and of the complaints procedures available to them.

Recommendation 7

Option consommateurs recommends that the government of Canada conduct a study on the operations of the ombudspersons in Norway and Sweden to see whether their model could be applied here.