

Summary of regulatory frameworks in four selected countries, for the Bailey Review of commercialisation and sexualisation of childhood



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Introduction

Background

This paper has been prepared by the Childhood Wellbeing Research Centre (CWRC) in response to a request by the Bailey review team for factual information on regulatory frameworks (both statutory and voluntary) relating to the commercialisation and sexualisation of children. It covers the following countries:

- Australia
- Canada
- Norway
- South Africa

A brief note is also appended about commercialisation and sexualisation of children in China and India.

Understanding how legislation and codes of conduct operate in other countries is a complex task, since these need to be understood within the country context. The specific frameworks affecting children are often embedded within wider frameworks governing the whole population. There are often differences within as well as between countries, and the wide range of information requested by the Review team – including regulatory frameworks governing advertising, broadcasting, print, film and video, interactive media, the internet and new forms of technology – generated additional complexity. In the short time available for gathering and synthesising information, we have focused on four countries mentioned in a presentation by CWRC to the review group on 4th January 2011, and have provided a separate summary for each in the remainder of this paper.

Methods

Relevant material was identified through use of internet search engines (Google and Google Scholar) and bibliographic databases such as the International Bibliography of Social Sciences (IBSS). Search terms included 'regulation' or 'codes of practice' plus 'children' and [name of country], combined with a range of terms such as 'advertising', 'broadcasting', 'television', 'radio', 'mobile marketing', 'film', 'media', 'commercialisation' and 'sexualisation'. Because of changes in regulation over time, particular attention has been paid to the date of publication to ensure that the information is as up to date as possible. For Norway, where one of the CWRC team was working at the time of undertaking this review, additional sources of information included consultation with key academics and researchers and with members of SIFO (the National Institute for Consumer Research).

It should be noted that much of the literature focuses on the marketing of food and non-alcoholic beverages to children, which is not within the remit of the Bailey review, rather than commercialisation and sexualisation. Literature on regulatory frameworks in relation to the internet focuses mostly on online safety, which again is not within the remit of the review, although it is often difficult to separate privacy issues (which are relevant to marketing) from protecting children from harm.

Selection of the countries

The four countries were selected because they were identified in early scoping work as having a range of practices with potential relevance for developing regulatory frameworks in England. **Australia** has had a recent government inquiry into the sexualisation of children in the media and the implications for advertising regulation. **Canada** was an early pioneer of 'responsible' advertising and control of the media through strong systems for self-regulation, whilst one Canadian province (Quebec) introduced a ban some 30 years ago on advertising to children under 13. **Norway** also bans advertising to children, and has both a Children's Ombudsman and a Consumer Ombudsman who are active in this area. **South Africa** is presented as an example of a country in the global south whose GDP is vastly lower than that in the UK, but where there are marked disparities in wealth and English is a common language, so that access to international media is available to those who have access to technological resources.

Cross national literature

Although the searching focused on specific countries, some of the material identified related to European-wide or international self-regulatory frameworks, such as the Consolidated Code on Advertising and Marketing of the International Chamber of Commerce (ICC)¹, which has a specific section on communicating with children and provides minimum recommended standards for marketing communications worldwide; and the Responsible Advertising and Children Programme, which aims to 'provide global leadership by championing good practice in marketing communications with children'.²

Other studies have reviewed co-regulatory frameworks (which link state regulation and self-regulation) in Europe and selected non-European countries. One such review carried out for the European Commission in 2006, which covered all types of media, concluded that co-regulatory approaches appear to be most widely used in relation to the protection of children, and are probably more appropriate than self-regulation alone.³

A recent draft report for the European parliament⁴ on the impact of new advertising practices and technologies also favours a co-regulatory approach. It calls for more research on advertising via the internet and portable devices, including advertising techniques using social networks (which are frequently used by young people). The report does not focus particularly on advertising to children, but a number of the proposed measures to protect consumers would be relevant, such as:

- prohibiting the sending of unsolicited advertising to mobile phones through Bluetooth technology without prior consent,

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<http://www.iccwbo.org/uploadedFiles/ICC/policy/marketing/Statements/330%20Final%20version%20of%20the%20Consolidated%20Code%20with%20covers.pdf>

² <http://www.responsible-advertising.org/>

³ Hans Bredow Institut (2006) *Study on co-regulation measures in the media sector*.

http://ec.europa.eu/avpolicy/docs/library/studies/coregul/final_rep_en.pdf

⁴ European Parliament Committee on the Internal Market and Consumer Protection (2010) *Draft report on the impact of advertising on consumer behaviour*. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-445.847+02+DOC+PDF+V0//EN&language=EN>

- providing users with clear, accessible and comprehensive information about how their data are collected, processed and used, and
- introducing an EU label for websites that comply with EU data protection legislation.

Regulation in relation to content accessed through mobile phones is addressed in the 'European Framework for Safer Mobile Use by Younger Teenagers and Children', developed by the European mobile phone industry and endorsed by the European Commission. This forms the basis for national voluntary agreements in the form of codes of conduct. The Framework includes recommendations related to classification of commercial content and providing means for parents to control access to content. A review in 2010 (by the industry body) found a high level of compliance with minimum standards among EU member states⁵.

The rest of this report presents information on regulatory frameworks for each of the selected countries in turn.

⁵ GSMA (2010) *Third implementation review of the European Framework for Safer Mobile Use by Younger Teenagers and Children*. http://www.gsmeurope.org/documents/GSMA_Exec_Summary_P011.pdf

Australia

Introduction

A high proportion of Australian households have access to a wide range of media: virtually all households have a television, 72% of all households had access to a mobile phone in 2002, and averaged over 2005 to 2006, 70% of all households had access to a home computer and 60% had internet access⁶.

The approach to media regulation is one of co-regulation involving both self-regulation and statutory requirements. There are, however, slightly different systems of industry regulation for different aspects of advertising and media content though in every case, systems utilise codes developed by the relevant media or service industry such as television, radio, print and advertising on which complaint systems are based. Recently, recognising that media and communication regulations are quickly becoming outdated as content and delivery services that were once restricted to one delivery channel can now be delivered over many different platforms, the government has called for a review of policy and regulatory frameworks for converged media and communications. This will take place in 2011⁷.

In the search for information to inform this paper it was clear that the commercialisation of children, particularly the sexualisation of children, and the role of the media was much more of an issue in Australia than, for example, in South Africa. Publication of two discussion papers by the Australia Institute in 2006 on the sexualisation of children aged 12 and under in relation to different types of media⁸ generated a heated public debate amongst the media, parents, academics and other interested parties. A motion passed in The Senate in 2007 noted the harmful effects of sexualisation of children in the media and in 2008 The Senate Standing Committee on Environment, Communications and the Arts (ECA Committee) led an inquiry (the Senate Inquiry) into the sexualisation of children in the contemporary media environment, the main objective of which was to examine potential changes to the systems of advertising regulation in Australia⁹. The ECA Committee reported in 2008 and the government published their response in 2009¹⁰. Details from both reports are discussed below where relevant to each media type.

Regulation and the sexualisation of children in the media continues to be a focus for the Federal Government as highlighted by two current inquiries into the advertising self-regulation system in Australia. One of these, the effectiveness of the National Classification

⁶ Australian Bureau of Statistics (2007) Trends in Household Consumption. Australian Social Trends <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/0485BB5550FE5799CA25732C00207C77?opendocument>

⁷ Department of Broadband, Communication and Digital Economy, 2010

⁸ Rush, E. and La Nauze, A. (2006a) Corporate paedophilia. Sexualisation of Children in Australia. Discussion Paper No. 90. Australia Institute. October, 2006

Rush, E. and La Nauze, A. (2006b) Letting Children Be Children. Stopping the Sexualisation of Children in Australia. Discussion Paper No. 93. Australia Institute. December, 2006

⁹ The Senate Standing Committee on Environment, Communications and the Arts (2008) *Sexualisation of Children in the Contemporary Media*

http://www.aph.gov.au/Senate/committee/eca_ctte/sexualisation_of_children/index.htm

¹⁰ Australian Government (2009) Government Response Inquiry into the Sexualisation of Children in the Contemporary Media Environment

http://www.dbcde.gov.au/_data/assets/pdf_file/0003/118182/Inquiry_into_the_sexualisation_of_children_in_the_media.pdf

System, includes looking at the effectiveness of the system in preventing the sexualisation of children and the objectification of women in all media, including advertising¹¹.

National community organisations in Australia also play a key role in raising awareness of the sexualisation of children and in keeping the issue on the public agenda. For example, the Australian Council on Children and the Media (ACCM) sets out to support families, industry and decision makers in building and maintaining a media environment that fosters the health, safety and wellbeing of Australian children¹². Another group, Kids Free 2Be Kids, was initially set up by a parent concerned about the increasing sexualisation of children¹³.

Before moving to consider the regulatory frameworks for each media type and the issues they raise, it should be noted that, as with other countries, there has been a shift in Australia towards promoting education and increasing media literacy. This is covered in greater detail at the end of this summary.

Advertising

The [Australian Association of National Advertisers](#) (AANA) represents companies and individuals involved in Australia's advertising, marketing and media industry. The Advertising Standards Board (ASB) is funded by the advertising industry to oversee and administer complaints made in relation to several codes that have been developed by the AANA. There are two AANA codes that relate to advertising to children - the [Code for Advertising & Marketing Communications to Children](#)¹⁴ which provides a set of rules for the content of advertisements that are primarily directed to children under 14 years old and the overarching [Code of Ethics](#), which is currently under review. These codes have no legislative basis and government has no role in their enforcement. Advertising on television is governed by and jointly administered by the [Australian Communications and Media Authority](#) (ACMA) and the broadcasting industry, represented by [Free TV Australia](#) discussed in the next section.

The Code for Advertising and Marketing Communications for Children was revised in 2008 following industry and public consultation and a new code covering sexualisation was introduced. This code specifies that advertising or marketing to children, whether in print, on television or online, must not include sexual imagery in contravention of prevailing community standards, nor state or imply that children are sexual beings or that ownership or enjoyment of a product will enhance sexuality. Another significant change to the Code was that ads must not encourage children to pester their parents to buy a particular product.

AANA define the 'prevailing community standards' as 'the community standards determined by the Advertising Standards Board as those prevailing at the relevant time, and based on research carried out on behalf of the Advertising Standards Board as it sees fit in relation to advertising or marketing communication to children'. The ECA Committee heard evidence

¹¹ ASB (2011) *Government Spotlight on Advertising* <http://www.adstandards.com.au/files/view/?id=205>

¹² <http://www.childrenandmedia.org.au>

¹³ <http://www.kf2bk.com/>

¹⁴ AANA (2008) *The Code for Advertising and Marketing Communications to Children* <http://www.aana.com.au/codes.html>

from the Advertising Standards Board suggesting that on the one hand prevailing community standards cannot be quantified or qualified, yet on the other hand they are clear enough to inform the board's decision making. This led the Inquiry to suggest that more work was needed in terms of determining and applying community standards.

In 2009, responding to increasing concern about inappropriate use of images of children and young people, AANA published a practice guide to assist advertisers across all mediums in ensuring the protection of children and young people¹⁵.

Billboard advertising

Billboard advertising was consistently raised as a source of children's exposure to sex-related messages and concepts in submissions to the Senate Inquiry. Whereas magazines can be left on the shelf and radio and television turned off, billboard advertising is difficult to avoid - by its nature it is highly visible and placed in places where it will be seen by large numbers of people and, the Senate Inquiry Committee argued, was therefore a form of unsolicited material. Although the Senate Inquiry recommended that the Advertising Standards Board (ASB) rigorously apply standards to outdoor advertisements, the government's response noted that ASB was an independent body and that, furthermore, the placement of billboards and other outdoor advertising was under the jurisdiction of local councils and/or state government bodies.

Broadcasting, the internet, and mobile devices

Radio and television (including subscription services) are subject to a system of co-regulation involving broadcasters and the government regulator, the [Australian Communications and Media Authority](#) (ACMA) which carries out a range of functions under the Broadcasting Services Act 1992. ACMA is responsible for the regulation of: broadcasting, the internet, radio communications, telecommunications and mobile devices. According to an analysis of content regulation models for broadcast across thirteen countries¹⁶, Australia was one of two countries adopting a converged content regulation model with statutory responsibility for broadcasting and co-regulatory systems in place for Internet and mobile-delivered content. ACMA is a statutory body under the authority of the Department of Broadband, Communications and the Digital Economy within the Federal Government and works closely with relevant industries to achieve active self-regulation, while ensuring industry compliance with licence conditions, codes and standards.

Television

Children's television content is regulated by the broadcasters and ACMA. Ratings of content give viewers an idea of the suitability of the programme for children or adults. The ACMA has also developed and oversees the Children's Television Standards¹⁷, a set of mandatory regulations, which control the content of children's television programs, including advertising. All advertising screened during, immediately before and after children's programmes must meet the requirements of the Standards, though no advertising is

¹⁵ AANA (2009) *Practice Guide: Managing Images of Children and Young People*

(<http://www.aana.com.au/MediaRelease-PracticeGuideManagingImagesofChildrenandYoungPeople.htm>)

¹⁶ Millward Hargrave Ltd. (2006) *Issues Facing Broadcast Content Regulation*. New Zealand Broadcasting Standards Authority: New Zealand

¹⁷ ACMA (2009) Children's Television Standards http://www.acma.gov.au/WEB/STANDARD/pc=PC_90095

permitted during programmes for pre-school children. The Standards do not have a prohibition on sexualisation equivalent to the advertising code for children, but the Senate Inquiry drew the conclusion that with regard to programme content and advertising during programming classified for children, sexualisation of children was not an issue.

The content of programmes on commercial free-to-air television in Australia is governed by the [Commercial TV Industry Code of Practice](#), a code jointly developed and administered by the [Free TV Australia](#), the industry body, and ACMA. Unlike the Children's Television Standards, which also governs children's programmes on commercial free-to-air television, the Commercial TV Code of Practice is not directly enforceable by ACMA, although compliance with the Code and the Standards is a condition of the license for broadcasting networks.

Radio

Commercial radio broadcasting does not produce programmes aimed specifically at children, thus there is no classification equivalent to television's programme ratings. However, as a general practice radio content that is considered unsuitable for children, particularly because of coarse language or explicit sexual references, is restricted to post-9.00 pm time zones.

Internet

ACMA is also responsible for the control of internet content although the Senate Inquiry acknowledged the difficulties in effectively regulating this area. The Internet Industry Association has developed codes of practice for internet service providers¹⁸. The ACMA can direct an ISP or content service provider to comply with a code if satisfied that they are not already doing so. Failure to comply with such a direction may amount to an offence under the relevant Act.

Since October 2008 the Australian Labour Party has proposed a system of mandatory filtering of overseas websites which are, or potentially would be, "refused classification" in Australia. This would mean that internet service providers would be required to block access to such content for all users. This proposal has generated substantial opposition, with a number of concerns being raised by opponents and only a few groups strongly supporting the policy. A strategy document from the Department of Broadband, Communications and Digital Economy details the requirements necessary for mandatory filtering to come onto the statute books and suggests that the earliest date any new legislation could reach parliament would be mid-2013.

Music video clips

In evidence submitted to the Senate Inquiry, video music clips were one area of programming that was often singled out as contributing to the sexualisation of children. The Senate Inquiry acknowledged the small number of complaints received with regard to music video clips, but noted the high level of concern that was expressed in submissions and accepted that 'some music video clips contain sexually suggestive material which may be inappropriate for children'. The committee therefore recommended that broadcasters

¹⁸ http://www.acma.gov.au/WEB/STANDARD/pc=PC_300106

review their classification of music videos specifically with regard to sexualising imagery. The Government did not endorse this recommendation citing the low level of complaints received by Free TV Australia as indicating a low level of community concern about music videos.

Print, film, video and DVD

Regulation of the print media, principally certain classes of magazine, is the responsibility of the Classification Board, which is also responsible for film, DVD and electronic games content. The Classification Board administers the criteria set out in the *Classification (Publications, Films & Computer Games) Act 1995*, the National Classification Code and published guidelines. The Senate Inquiry received very little evidence that film and DVDs are considered to be sources of inappropriate sexualisation of children.

Children's magazine content

There was considerable concern raised at the Senate Inquiry about the content of magazines marketed specifically to teenage and younger children. The main concern was whether the current classification scheme, under which children's magazines are classed as unrestricted publications, is sufficient to enable parents to make informed choices about what type or amount of sexual content their children are exposed to. Reviewing the evidence the Inquiry drew the conclusion that there were some sound arguments for assisting parents by bringing these publications within the classification system and recommended that publishers consider providing reader advice on magazine covers indicating the presence of material that may be inappropriate for children. The government's response was that implementing such a system would cause publishers considerable practical difficulty.

Effectiveness of the regulatory framework

The Senate Inquiry examined the effectiveness of the regulation of advertising standards and existing complaints mechanisms, particularly the performance of the Advertising Standards Board complaints system as an indicator of the effectiveness of advertising regulation. It was noted that there were very few complaints dealing with advertising directed to children and those complaints that did relate to children concerned issues other than sexualisation, but this was before the introduction of an explicit code relating to sexualisation; the Code for Advertising and Marketing Communications to Children. The Senate Inquiry recommended that the ECA Committee should review the effectiveness of the operation of the 'new' Code in 18 months which was duly noted by the government. Complaints concerning the sexualisation of children relating to advertising targeted at adult audiences but which is easily accessible by children were difficult to quantify due to the coding categories in use. The Inquiry argued that there should be a clear indicator of the number of complaints relating to children and recommended that the Advertising Standards Board should produce a half-yearly list of all complaints relating to children. In their response the government noted this recommendation, but pointed to the fact that the Board was an independent body.

In relation to broadcasting, complaints under the Code of Practice must first be made to the broadcaster of the advertisement or programme and if not dealt with satisfactorily by the broadcaster can then be referred to ACMA. The Senate Inquiry reported that 'complaints

about the premature sexualisation of children either through television advertising or programmes aimed specifically at children are not significant in number'. The principal areas of concern were to do with children viewing material shown in time zones classified as PG (parental guidance) and M (for mature audience) and complaints were to do with issues such as coarse language, violence, sexual and adult themes and nudity and did not specifically refer to the sexualisation of younger children. This led the Senate Inquiry to conclude that the evidence suggests that the system of classification together with additional consumer advice to help parents/guardians to minimise children's viewing of inappropriate material, and time zones is working effectively, although with scope for further refinement such as improving how classifications, time zones and consumer advice operate.

Australia has a variety of regulatory systems as observed in many submissions to the Senate Inquiry and this makes it difficult and complex to make complaints. This results in low numbers of complaints, which mean that they do not adequately or accurately reflect prevailing community standards or concerns about the exposure of children to potentially inappropriate or prematurely sexualising material. This led to the recommendation of an industry complaints clearing house.

The number of complaints will also be affected by whether consumers are able to determine whether there has been a breach in the code of practice based very often on a list of factors to take into consideration, and with no clear definitions. It has been argued in relation to food advertising to children on television (but equally relevant to concerns about commercialisation and sexualisation) that 'in any system which, like Australia, relies on complaints from consumers to alert authorities to possible breaches, the number of complaints is bound to be minimised by maximising uncertainty as to whether a breach has occurred'¹⁹.

Media literacy

A theme throughout the Senate Inquiry report was that informed and assisted parental choice is the best way to reconcile the principles of freedom of choice on the part of adults and the need to protect children from inappropriate or offensive material (SSCECA, 2008). There are several examples at different levels – federal and state government, industry, and community organisations – of providing information to consumers aimed at helping them to take greater control, and hence responsibility, over the content they access.

The Department of Broadband, Communications and Digital Economy has a cybersafety education and media literacy section on their website²⁰ with a link to the ACMA's cybersmart website which was launched in July 2009. ACMA is required by law to raise awareness of the potential risks associated with the internet, and how to manage them. The cybersmart website provides cybersafety information for parents, as well as information and activities specifically designed for children and young people and offers training and

¹⁹ Handsley, E., Mehta K., Coveney J. and Nehmy C. (2009) Regulatory axes on food advertising to children on television , *Australia and New Zealand Health Policy*, 6 (1)

²⁰ http://www.dbcde.gov.au/online_safety_and_security/cybersafety_plan/cybersafety_education

resources for schools and materials for library staff²¹. ACCM also has a section on their website providing information about media and children.

An example of state provided information comes from the Government of Western Australia whose website has a section on the sexualisation of children and young people in the media and a checklist for parents about what they can do²².

The Internet Industry Association offers consumer advice including suggestions as to the sorts of tools that can be used to block inappropriate material. The Internet Industry Association has introduced the concept of a trusted website with the family friendly internet service provider (ISP) programme whereby ISPs who are in compliance with the Association's codes are eligible to apply for 'family friendly ISP' status and can display a ladybird logo indicating their adherence to best practice standards²³.

The community organisations, ACCM and Kids Free 2B kids have produced a brochure for parents (*Too much too soon: guiding your child through a sexualised world*), which provides support on issues related to the sexualisation of children in and by the media²⁴.

In addition to media literacy activities designed to protect children from harmful influences, Australia also has a long tradition of media education in schools that promotes a positive, informed approach to the use of media. The Australian Teachers of Media (ATOM), for example, is a not-for-profit organisation of media educators and industry professionals who aim to develop 'an innovative and diverse screen and media culture in Australia' through debate, analysis, professional development and training.²⁵

²¹ <http://www.cybersmart.gov.au/>)

²²

<http://www.communities.wa.gov.au/childrenandfamilies/parentingwa/parentingresources/Pages/Sexualisationofchildrenaandyoungpeopleinthedia.aspx>.

²³ <http://www.iaa.net.au/>

²⁴ Australian Council on Children and the Media (2010) Annual Report 2009-2010

http://www.youngmedia.org.au/aboutus/annual_report.htm

²⁵ <http://www.atomawards.org/about>

Canada

Introduction

Canada is often cited as a country with a highly developed system of codes and standards for responsible advertising to children²⁶. There are in effect two systems: one in Quebec, where commercial advertising to children under 13 is banned completely, and one covering the other five provinces of Canada, where there is a strong system of self-regulation including pre-clearance of all broadcast advertisements directed at children. Both systems also take a proactive approach to educating children about media literacy.

Quebec was one of the first jurisdictions actually to ban advertising to children, in 1980. The *Quebecois* (French-speaking citizens of Quebec) were officially recognised as a 'nation within a United Canada' in 2006, and have a strong desire to promote their language, culture and values. French-speaking children watch French-speaking television channels, which are broadcast from Quebec and therefore prevented from showing advertisements designed for children, but the restrictions are not enforced in relation to broadcasters and advertisers based outside the jurisdiction (for example in the rest of Canada or the US)²⁷.

A study in 2008 by *Option Consommateurs*, a cross-Canadian not-for-profit organisation that aims to promote and defend the rights of consumers, attempted to compare the effectiveness of state regulation in Quebec and self-regulation in the rest of Canada²⁸. It concluded that there were advantages and disadvantages to both systems. Quebec's strict regulatory system was said to be based on a view of children as vulnerable and was judged to be better at protecting them, although the report notes that the law on its own is not enough and needs to be backed up by proper funding of the body which ensures the law is followed. On the other hand, the Canadian system of voluntary codes is praised for its flexibility, transparency and representativeness, but it still allows advertisements to target children who are 'as yet unable to make enlightened choices'. The report makes a number of recommendations, including a ban on advertising to children under 13 across Canada as in Quebec, better publicity about procedures for dealing with complaints about advertisements, a major public awareness campaign for parents and children on the effects of advertising, and a study of the role of the ombudsman in Norway and Sweden to see if the model could be applied in Canada.

Advertising (broadcast and other media)

In Canada (excluding Quebec), broadcast advertising to children is regulated as a condition of broadcast licence through the Canadian Radio-television and Telecommunications Commission (CRTC). Children's advertising is defined as any paid commercial messages carried during children's programming, and any commercial message that is directed at children (defined as those under 12 years of age), whether during a children's programme or not.

²⁶ Advertising to children in Canada: a reference guide (2006)

http://www.cab-acr.ca/english/social/advertisingchildren/kids_reference_guide.pdf

²⁷ Handsley E., Nehmy C., Mehta K. And Coveney J. (2007) 'Media, public health and law: a lawyer's primer on the food advertising debate', *Media and Arts Law Review* 12,1, 1-20

²⁸ Option Consommateurs (2008) *Advertising that targets children: ensuring the best protection possible*. Report presented to Industry Canada's Office of Consumer Affairs. http://option-consommateurs.org/documents/principal/en/File/oc_advertising_children_execsum_200806.pdf

The CRTC has accepted an industry-developed set of standards, the **Broadcast Code for Advertising to Children** (Children's Code). This has 14 provisions covering such issues as comparison claims, factual presentation, safety, avoiding undue pressure, scheduling (with particular attention to preschoolers e.g. commercial messages broadcast during weekday mornings should be directed to the family, parents or adults and not directly to children), use of programme characters and personal endorsements.

Although 12 minutes per hour of advertising overall are permitted by regulation in Canada, broadcasters have voluntarily restricted themselves to an 8 minute limit within children's programming.

The Canadian regulatory system involves **pre-clearance** of every broadcast advertisement directed to children *before* it goes on air. This is done by a sub-committee of Advertising Standards Canada, a partnership of major advertising industry and media organisations. The panel is made up of advertisers, broadcasters, regulators, parents and educators, and reviews each commercial against the Children's Code. If an ad contravenes the code it is rejected, and even approved commercials must be submitted for re-evaluation after one year to accommodate changing social values. Pre-clearance is required in Canada for broadcast ads (because of the conditions of the broadcaster's licence) but is voluntary for advertisements in non-broadcast advertisements including print. A fee is paid to ASC for this service.

Beyond broadcast, the **Canadian Code of Advertising Standards** provides a complaints-based response system for all advertising to children (not just broadcast media). Compliance is monitored by Advertising Standards Canada. It only takes one complaint to trigger a review of an ad. Hardly any complaints about children's advertising are received and none have been upheld. This is viewed by the ASC as an indication of the success of its pre-clearance system²⁹, but by others as an indication of the weakness of a self-regulatory system especially in relation to food advertising³⁰.

In **Quebec**, the government has legislated, under the Quebec Consumer Protection Act (which came into force in 1980) that it is unlawful to direct commercial advertising to children under 13 years. To determine whether or not an ad is directed at persons under 13, account has to be taken of the context of its presentation, in particular the nature and intended purpose of the goods (so toys, sweets and games would be included); the way in which they are presented; and the time and place of the advertisement. The *Office de la protection du consommateur* (OPC) has established guidelines for cases where advertising is addressed to both children and parents: such adverts may only be broadcast during programmes for which children aged between 2 and 11 account for less than 15% of the audience. There are exemptions to the ban that allow advertising aimed at children under

²⁹ http://www.cab-acr.ca/english/social/advertisingchildren/kids_reference_guide.pdf

³⁰ Jeffery B. (2006) The Supreme Court of Canada's appraisal of the 1980 ban on advertising to children in Quebec; implications for 'misleading' advertising elsewhere. *Loyola of Los Angeles Law Review* 39,1, 237-276
<http://www.cspinet.org/canada/pdf/jeffery.pdf>

13, including in children's magazines, advertising a children's programme or advertisements promoting a product in-store.

The ban does not apply to signals originating from outside Quebec that are retransmitted by cable TV companies, such as advertising from English-speaking Canada and the US.

Broadcasting – programme content

The Canadian Radio-television and Telecommunications Commission (CRTC) regulates and supervises both the broadcasting and telecommunications system in Canada. It has a proactive as well as reactive function, requiring programming for linguistic minorities and encouraging broadcasters to devote time to Canadian content through a system of credits.

The Canadian Association of Broadcasters (CAB) created the Canadian Broadcast Standards Council (CBSC) as a self-regulatory, independent body to administer standards established by its members, Canada's private broadcasters. The CBSC has four codes, covering ethics, violence, sex-role portrayal and journalism ethics³¹. There is also an age-based programme classification system, which includes categories of 14+ and Parental Guidance (not suitable for younger children and may contain elements unsuitable for unsupervised viewing by 8-13 year olds).

Internet and interactive media

Internet and mobile telephony services are not subject to licensing or other regulatory measures under the Canadian Broadcasting Act. Like the UK, Canada operates a voluntary regulatory approach to content on the internet which focuses mostly on preventing child pornography. *Project Cleanfeed* is a voluntary collaboration between the main companies providing internet access. The government was not directly involved but did indicate approval of the system. It works by a member of the public or an authority notifying assessors when questionable images or content are found online. Two analysts assess that content and decide either to reject or approve it. If the site is to become blacklisted, the URL is added to the Cleanfeed distribution list which is sent out to all ISPs who have agreed voluntarily to block sites on the list. This system saves ISPs from having to evaluate the URLs themselves, which would be considered illegal. Controversial issues identified for the project³² are that 1) it has not received authorisation from CRTC, 2) the list needs to be kept undisclosed (because it would be seen as providing access to child pornography), and 3) the procedure for appealing the blocking of a site may have implications for anonymity.

Data collected from children using the internet may be used to target children for commercial purposes. Canadian data protection laws do not expressly deal with children's privacy rights, but do require Canadian organisations (like those in many other countries following COPPA standards) to make their information practices transparent and to obtain parental consent for the collection of information from minors. Parents are also encouraged actively to supervise their children's online activities. However, research by the Canadian Media Awareness Network (2008) suggested that parental supervision alone is insufficient to protect children online, since those children who had most fully integrated the internet

³¹ <http://www.cbcs.ca/english/codes/index.php>

³² Lumby C., Green L. And Hartley J. (2009) *Untangling the Net: the scope of content caught by mandatory internet filtering*. <http://www.saferinternetgroup.org/pdfs/lumby.pdf>.

into their social lives were shown to be the group most likely to continue to display privacy-risky behaviour, even under the highest level of parental supervision³³.

Film, video and DVD

There is no national classification system for films in Canada. The five provincial rating systems (excluding Quebec) now all use the categories and logos derived from the system for rating home videos, but it is possible for a film to receive a different rating depending on the province. There is a unified rating system for home videos, which is produced by averaging the classifications given to the content by the film classification boards in the five provinces. In Quebec, the *Regie du cinema* rates all films and videos and adopts a different classification system from the rest of Canada, with no 'parental guidance' category and additional age ratings (13+, 16+ and 18+). 13+ allows younger children if accompanied by an adult³⁴.

Unlike most other countries offering Video on Demand services (VOD), VOD programming services have to be licensed by the CRTC and are subject to the same regulations as broadcast services in relation to Canadian content, linguistic codes etc. They are not allowed to carry advertising.

Media literacy education

The Canadian system is sometimes described as having four elements. In addition to mandatory advertising standards and pre-clearance there is a strand of media literacy education, and a 'social messaging' service on media and life issues for children. These are largely delivered by a non-profit organisation called **Concerned Children's Advertisers** (CCA) which is made up of toy companies, food manufacturers and children's broadcasters. This was set up in 1990 and has produced over 35 TV public service announcements (PSAs) on issues like substance abuse, child abuse, self-esteem, active living, bullying and media literacy. These are backed up with national educational programmes delivered free to educators, students and parents. The popular 'TV&ME' literacy and life skills programme developed in Canada is a recommended resource in schools across Canada, and was used as a model for the UK's 'Media Smart' initiative.

In addition to the industry body, the **Media Awareness Network** (MNet) is an independent non-profit organisation set up in Canada in 1996 to raise awareness through media literacy and digital literacy programmes. It produces tools and resources in both French and English which are available free through a website³⁵ with sections for parents, teachers and children themselves. An example is translating the Children's Code into child-friendly language, for example 'advertisers are not allowed to exaggerate', 'advertisers can't suggest that using their product will make you better than other kids', 'advertisers are not allowed to recommend that you *have* to buy their product, or that you *should* make your parents buy it for you³⁶'. MNet also conducts research, including a project tracking young people's use of, and attitudes towards, the Internet.

³³ Steeves V. And Webster C. (2008) Closing the barn door: the effect of parental supervision on Canadian children's online privacy. *Bulletin of Science, Technology and Society*, 28,1,4-19

³⁴ http://en.wikipedia.org/wiki/Canadian_motion_picture_rating_system

³⁵ (<http://www.media-awareness.ca/english/index.cfm>)

³⁶ http://www.media-awareness.ca/english/resources/educational/handouts/advertising_marketing/kids_advertising_rules.cfm

As in Australia, media literacy in Canada goes beyond a simply protectionist approach and also aims to increase students' understanding and enjoyment of how different mass media work, how they produce meanings, how they are organised and how they construct reality. The Association of Media Literacy was founded in 1978 and is made up of media literacy teachers, librarians, consultants, parents, cultural workers and media professionals. Although one of its initiatives was to set up the Media Awareness Network described above, the Association has a much broader remit. It has successfully lobbied for a media studies component in the elementary language curriculum as well as a media studies strand in every English course at secondary level.³⁷

Evidence of impact of regulatory frameworks

Some empirical evidence of the effectiveness of the ban on advertising to children under 13 in Quebec comes from a study in 1990 which compared two groups of English-speaking and French-speaking children in the province³⁸. The English-speaking children were significantly more able to recognise toys available in the marketplace and reported more children's cereals in their homes. Correlational analysis suggested that a probable explanation for this difference was the English-speaking children's greater exposure to American TV, which was not subject to the ban, unlike the French-speaking channels broadcasting from Quebec.

³⁷ <http://www.aml.ca/aboutus/>

³⁸ Goldberg, M. (1990) 'A quasi-experiment assessing the effectiveness of TV advertising directed to children', *Journal of Marketing Research* 27, 445-54

Norway

(NB References to the citations in brackets are given in full in the companion paper by CWRC, *Review of recent literature for the Bailey Review of commercialisation and sexualisation of childhood*)

Introduction

Recent Norwegian history involves a shift from being a rural population living in relative poverty to affluence as one of the richest countries in the world in terms of per capita income, with the discovery of oil in the late 1960s and careful management of oil resources by the state. Yet, Norway is also one of the most egalitarian countries. The image of the frugal, responsible consumer was particularly strong in the decades following the Second World War (when many 'luxury' commodities were still rationed), and has seen some resurgence more recently with the contemporary environmentalist movement, although the ready availability of energy, including hydro-electrics, has limited energy economy (Buckingham, 2011). The context is one in which a strong welfare state (as in all the Scandinavian countries), places limits on consumption: There is state-provided childcare for very young children; and a 'good childhood' is typically identified with nature and an active, outdoor life. Work currently under way at the Norwegian Centre for Child Research suggests that the marketing of 'proper' toys, for example, reflects a greater emphasis on educational values (e.g. Korsvold, 2010) than in many other countries; while the marketing of children's clothing focuses more on qualities of nature and physical fitness, for girls as well as boys (Korsvold, in press) and tends to stress functionality rather than qualities of design (Husen, 2009).

The development of children as consumers is closely linked to the development of the Norwegian welfare state since Norwegian wealth trickles down to the children, who are sometimes referred to as 'small emperors' or 'trophy children' (Hagen, 2010b). The issues of affluence and commitment to state intervention come together in Norwegian parents' commitment to state intervention in, and control of, the commercialisation of childhood in a context where the vast majority of parents can afford to provide the things their children might ask for (Brusdal, personal communication). The fact that Norway has both a Consumer Ombudsman and a Children's Ombudsman (and coined the word Ombudsman) signals its support for state regulation of commercialization in childhood (Brusdal, 2006).

At the same time, while there has been a reduction in the visible sexualisation of girls as fashions for low-riser jeans and thongs have passed, Norwegian adults are currently debating whether a programme called *Trekant* (Triangle) on NRK state television symbolises the sexualisation of society since it appears to be designed to teach older children about 'how to' have sex.

Advertising (broadcast and other media)

Norway and Sweden, like Quebec are unusual in having legally banned advertising to children less than 13 years of age. In 1999 the Norwegian government appointed a public committee to consider how best to reduce commercial pressure on children and young people, and to strengthen knowledge and develop critical attitudes among minors towards marketing gimmicks. The committee produced its report, *Adolescence with a price tag* (NOU

2001:6) in February 2001 with conclusions that fit with Norwegian history and state organisation and that have had far-reaching impact. First, they proposed that legislation should be the main tool to counteract commercial influence on children and young people, even though they specifically recognised the difficulty of legislating in an internet age. Second, they proposed that the existing ban on advertising in radio and television to the under 12s should be strengthened. They considered, but did not suggest a general ban on advertising directed at children less than 12 years of age. Third, they advocated that children, young people and parents should be educated to develop skills to help them understand commercial information and withstand commercial pressure. They recommended that children and young people should be systematically taught at school to identify commercial practices and to see through marketing strategies and to develop broader perspective on values and the environmental consequences of consumption. Consumer education should therefore be strengthened as a subject in schools. Fourth, they proposed that children should be protected from commercial pressure at school. Fifth, they advocated that parents and consumers should use their power in the market to influence market practices and business policy directed at children and youngsters by, for example, forming consumer groups. Finally, they stressed the need for business, companies and society to focus more on ethical aspects of marketing practices and for international co-operation on regulations and guidelines.

The Committee identified areas where there is a need for more research, particularly on the scope and effects of marketing and advertising directed at children and young people, and the consequences of such commercialisation for children and young people in the modern society. In addition, the then Ministry of Children and Family Affairs gave financial support to the Consumer Ombudsman to map out business activities on the Internet since he had already found many Norwegian websites that did not follow Norwegian legislation.

The Norwegian government's approach was, therefore, twofold: to reduce the commercial pressure on young people, and to equip children and their parents to withstand commercial pressures. The recommendations were implemented and the legacy of the report is that the Consumer Ombudsman aims to have constructive dialogue with advertisers, the advertising business, the media and relevant organisations in order to initiate debate, influence attitudes and promote guidelines about appropriate marketing to minors. Commercialisation and marketing are institutionalised in school curricula, with attention paid to the intended and actual effects of advertising. In addition, the consumer ombudsman acts as a point of contact for complaints about marketing to children as well as a watchdog for violations of the law.³⁹

Norway is also one of a handful of countries in which all alcohol advertising on television and billboards is banned and the sale of alcohol is state controlled. Norway takes a stricter approach to this than Sweden, which allows the advertising of light beer with a very low alcohol content (although the sale of alcohol is also state controlled).

³⁹ Ministry of Children, Equality and Social exclusion (2003) The Norwegian action plan to reduce commercial pressure on children and the young people. <http://www.regjeringen.no/en/dep/bld/Documents/Reports-and-plans/Plans/2003-2/The-Norwegian-action-plan-to-reduce-comm.html?id=462256>

The legislative context

Three Norwegian Acts relate to the recommendations of the Committee described above:

The Norwegian Broadcasting Act (1992, amended in 2000) enshrines a general ban on advertising to children and applies to the broadcasting of all advertisements aimed at children less than 13 years of age. It applies to: ‘the transmission of speech, music, images and the like by wire or over the air, intended or suitable for direct and simultaneous reception by the public’. Of particular interest for the commercialisation of childhood is Section 3-1, which says that ‘Advertisements may not be broadcast in connection with children's programmes, nor may advertisements be specifically directed at children’. The guidance to Section 3-1 stipulates that ‘Advertisements may not be broadcast 10 minutes directly before or after children's programmes’. Each advertisement thus has to consider whether the marketing is of a product that may be of special interest to children; the timing of the broadcast; whether children under 13 years of age are involved and whether it uses animation or other presentation techniques that children would be particularly interested in.

The Norwegian Education Act (2007) makes schools responsible for ensuring that pupils are not exposed to marketing (Section 9-5) Advertising is not permitted in schools.

The Norwegian Marketing Control Act (2009) makes special provisions related to the protection of children. It states that: “When a commercial practice is directed at children particular care shall be exercised with regard to the impressionability, lack of experience and natural credulity of children”.

Legislation also forbids the under 18s from having cosmetic surgery.

In addition, Norway followed up its commitment to international collaboration in recognition of the impossibility of policing international boundaries in marketing over the internet by being centrally involved in the European Network on reducing marketing pressure on children of ‘energy-dense, micronutrient-poor’ foods and beverages. This network consists of 18 countries and was inaugurated in Oslo in January 2008⁴⁰.

The consumer voice

According to Anja Herzog⁴¹ Norwegians watch television less than other Europeans. There are four major terrestrial broadcasters: the National Broadcasting Company (NRK) is the public broadcaster, which is state owned, financed through a licence fee and independent in questions of programme content. NRK, together with TV2 (which is commercial and privately owned), are watched by almost all the population. Two of the major newspaper owners (Schibsted and A-pressen) are major shareholders in TV2, while the third important shareholder is the Danish multimedia company Egmont. TV2 is a major shareholder in TV Norge, the other commercial broadcaster, watched by more than four fifths of the

⁴⁰ <http://www.helsedirektoratet.no/marketing>

⁴¹ Herzog, Anja (n.d.) ‘Norway’. In Paola Baldi (ed.) *Broadcasting and Citizens: Viewers' Participation and Media Accountability in Europe*. European Association for Viewers' Interests
http://www.eavi.eu/joomla/images/stories/Publications/broadcasting_Citizens/Norway.pdf

population and owned by the American group Scandinavian Broadcasting System (SBS). TV3 is watched by about 58 per cent of the population.

Norway has a self-regulation system which enables complaints to be made directly to the broadcasters, the Press Council or the government body that supervises broadcasting. The Mass Media Authority, the Press Council and the independent Christian organisation *Familie & Medier*, all monitor television output. *Familie & Medier* aims to further good programming based on religious values and on research results. It publishes a newsletter on the Internet and a magazine to inform people about the latest developments as well as weekly commentaries on programmes in newspapers and on websites. It reaches about a quarter of the Norwegian population and also lobbies in the EU, as well as supporting research and creative projects. In 2000, the BarneVakten (Child Minder) organisation was founded, to deal with the protection of minors in the field of new media (Internet, computer games). It has approximately 2,000 individual members and they provide information and practical advice for children and parents.⁴²

In addition, parents do speak out when they do not like commercial practice, as when many recently complained to the Consumer Ombudsman that their children had been drawn into financial transactions on the Habbo website (SIFO, personal communication). This fits with concerns in Norway that new ways of marketing to children on the internet are less understood by children (e.g. the use of games and quizzes as means of getting children's details and viral advertising as well as 'brand ambassadors').

Limitations to legislation

Norway is clearly actively seeking to pursue its goals of protecting children from pressures of commercialisation. In 2010, for example, Forbrukerrådet, the Consumer Council of Norway, filed a complaint with the Norwegian Data Inspectorate about Facebook and Zynga (the company behind some of Facebook's biggest 'freemium' games such as FarmVille) about the selling of personal information about users in a way they cannot control. They argued that this breaks Norway's data protection laws. In an earlier action, the Council raised legal objections to Apple's iTunes online music shop and the fact that it tied music sold there to Apple's iPod music players. The practice was declared illegal by the Norwegian Consumer Ombudsman. Apple later abandoned the technology⁴³ (Outlaw, 2010).

Despite their efforts, however, the Norwegian case illustrates the difficulty of wanting to make national arrangements in a globalized arena. The Norwegian state has not been able to resist commercial pressures that mean that Norwegian channels broadcast from abroad (like TV3 that is broadcast from England) and international channels such as cartoon network and Nickelodeon, broadcast adverts to children in Norway. Satellite television has opened up global competition and global advertising. There is also commercial pressure

⁴² Herzog, Anja (n.d.) 'Norway'. In Paola Baldi (ed.) *Broadcasting and Citizens: Viewers' Participation and Media Accountability in Europe*. European Association for Viewers' Interests
http://www.eavi.eu/joomla/images/stories/Publications/broadcasting_Citizens/Norway.pdf

⁴³ Outlaw News (2010) 'Facebook denies users their basic rights and should be brought into line by privacy regulators, according to Norway's consumer protection organisation the Consumer Council. It has filed a complaint with regulators about the company.' 2 June 2010, <http://www.out-law.com/page-11073>

through spinoff products related to popular programmes, even on the public broadcasting channel, NRK (Hagen, 2010a). The Children's Ombudsman sued TV3 for broadcasting illegal adverts to children, but the action failed in the EFTA courts since it is the laws of the broadcasting, not the receiving country that matter (Hagen, 2010a). As a result, some programme content for children now functions like extended commercials for characters from series such as Postman Pat, Dora the Explorer and many others. The presence of these characters on websites means that children now encounter such implicit commercial pressures on multiple sites and branded environments. With increasing competition, even the state broadcast channel now commercially exploits its popular series (Hagen, 2010a).

Similarly, demands that Norway harmonise with EU legislation (although it is not a member of the EU) has made Norway give in to pressure to allow 'free' gifts in children's magazines over the last year (SIFO, personal communication). Norway has, therefore, not been able to resist pressures for commercialization of childhood as it would have wished and Norwegian children are increasingly engaging in commercial transactions in their media-saturated worlds (Hagen, 2010b). A current concern of the Consumer Ombudsman is that young men are entering into financial contracts online (e.g. for mobile phones) that they do not entirely understand and, as a result are incurring debt (personal communication). It remains to be seen whether Norway can resist current EU pressure to advertise alcohol.

South Africa

Introduction

South Africa has a wide range of media, both print and electronic, but many people living in rural areas do not have access to a diverse range of information. Radio has the greatest reach of all media. Figures for 2007⁴⁴ show that at that time 77% of households owned a radio, 66% a television and 16% a computer, although only 7% had access to the internet. However, 77% of households owned a mobile phone. It is suggested that low literacy levels and cost may account for the low circulation figures for newspapers (48%) and magazines (40%)^{44,45}. Current regulation of the media industry takes the approach of co-regulation combining self-regulation with legislation, much of which dates from the 1994 election which led to significant reforms of the industry⁴⁴.

In the South African Constitution, all citizens under the age of 18 are considered to be children and the regulatory frameworks in the main take this definition except for the Code of Practice for Broadcasters where a child is defined as under the age of 12. This summary does not have the scope to consider how children are understood in South Africa, but it is important to point out that there are those who would argue that children in a post apartheid South Africa ought to be allowed just to be 'children'⁴⁶. However, for many the situation is such that just being 'children' is not so simple. For example, many children are forced to leave school in order to work and sustain families and yet others are faced with becoming heads of households because of the HIV and Aids pandemic.

The search for evidence to inform this summary found very little material on the commercialisation and sexualisation of children in the context of regulation in South Africa, apart from the marketing of food and non-alcoholic beverages, which is excluded from the current review. Within the available material, the major issues appear to be focused on access, coverage, quality, diversity and funding, although there is also some concern about children being able to access 'adult content'⁴⁴.

Advertising

The Advertising Standards Authority of South Africa (ASA), an independent body set up and funded by the marketing communications industry, oversees a self-regulatory approach to advertising. It is a system involving advertisers, agencies and the media and closely mirrors that of the UK⁴⁷. The Code of Advertising Practice developed by the ASA is based on the International Code of Advertising Practice, prepared by the International Chamber of Commerce⁴⁸. The general principles in the Code relating to children are that advertisements aimed at or likely to influence children should not contain anything which may cause them

⁴⁴ Lloyd, L., Duncan, J. Minne, J. And Buisiek, H. (2010) *South Africa: A Survey by the Africa Governance Monitoring and Advocacy Project, Open Society Foundation for South Africa and Open Society Media Program*. Public Broadcasting in Africa Series. Open Society Institute Network: South Africa

⁴⁵ Media Development & Diversity Agency (2009) *Trends of Ownership and Control of Media in South Africa*. www.mdda.org.za/Trends%20of%20Ownership%20and%20Control%20of%20Media%20in%20South%20Africa

⁴⁶ Bulbulia, N. (2007) *Children's Programming on South African Public Service Television: Filling the Gaps in Policy and Practice*. MA Thesis. Faculty of Humanities, University of the Witwatersrand, Johannesburg

⁴⁷ Cassim, S. and Bexiga, D. (2007) *The Regulation of Advertising to Children: A Comparative Assessment*. *Alternation* 14,1, 137 - 165

⁴⁸ www.asasa.org.za

harm mentally, morally, physically or emotionally; that advertisements should not exploit children's natural trust, lack of experience or their sense of loyalty; and should not portray children in a sexually provocative or suggestive manner.

Although tobacco advertising was banned in 2000, other ways to promote cigarettes, such as the Internet, SMS and "buzz" or "viral"⁴⁹ marketing were used instead. In 2009, existing legislation on cigarettes and smoking was strengthened including the regulation of marketing to young people. The new legislation prohibited the tobacco industry from holding 'parties' or using 'viral' marketing to target teenagers⁵⁰.

Regarding alcohol marketing, advertisements and packaging must not use images that uniquely appeal to children. Adverts cannot be broadcast in commercial breaks before, during or after children's programmes and for television, adverts cannot be broadcast during programmes with 30% or more of the audience expected to be children under the age of 18.

There is a general principle in South African legislation with respect to sponsorship, which states: 'that sponsorship which is addressed to or likely to be influential on children and young people should avoid taking advantage of their natural credulity and lack of experience or of harming children and young people mentally, morally or physically or of straining their sense of loyalty toward parents or guardians'⁴⁸.

Broadcasting

South Africa has a tri-partite system with a mix of public, commercial and community broadcasters. The regulator is the Independent Communications Authority of South Africa (ICASA)⁵¹. Broadcasters have the option of either adhering to a code developed by the ICASA or of abiding by their own code administered by the Broadcasting Complaints Commission of South Africa⁵² (BCCSA)⁴⁴. The South African Broadcasting Corporation (SABC) and all commercial broadcasters have opted for self-regulation under the auspices of the BCCSA. Most community stations have chosen to be regulated by the ICASA as they do not have to make any financial contribution to its running⁴⁴.

The BCCSA and ICASA codes are very similar and include a focus on the protection of children and providing viewers with sufficient information prior to and during a programme to alert audiences either to age restrictions or to content that may be offensive to some. They determine a watershed period between 9pm and 5am (or 8pm and 5am for subscription broadcasters) during which 'adult' programming can be aired (including violence and sexually explicit material). Although broadcasters may not transmit material that is unsuitable for children at times when large numbers of them may be expected to be in the audience, the onus is on parents to take decisions on what their children may or may not watch, as long as the broadcaster's obligation to air appropriate advisories is met⁵³.

⁴⁹ 'Buzz', or 'viral' marketing is a marketing technique which utilises social networks to promote a brand or increase sales

⁵⁰ <http://allafrica.com/stories/200909010709.html>

⁵¹ www.icasa.org.za

⁵² www.bccsa.co.za

⁵³ <http://www.sabc.co.za/wps/portal/SABC/SABCFAQ>

Interactive, multi-media and digital

Online media is currently regulated under the Film and Publications Act 1996 as amended. Internet content is not regulated although legal restrictions apply to child pornography. The Internet Service Providers Association (ISPA), an internet industry body, operates a code of conduct⁵⁴. This states that providers must take reasonable steps to ensure subscription services are not available to minors⁵⁵ without written consent from parents and that providers must provide information about procedures and software which can help in monitoring the access that minors have to internet content.

The Wireless Application Service Providers Association (WASPA) is a self-regulatory body for mobile content run by the industry. This has a code of conduct⁵⁶, which includes a framework to protect children from potentially harmful content. Principles include the following: The terms and conditions for children's services must indicate that the service should only be used with the permission of the child's parent or guardian; Children's services must not contain anything that is likely to result in harm to children or which exploits their credulity, lack of experience or sense of loyalty. Children's services must not include anything that a 'reasonable parent' would not wish their child to hear or learn about in this way. Promotional material for children's services must not make use of adult themes or adult material.

Film, video and DVD

Five ratings are issued and certified by the Film and Publication Board, whilst the National Broadcasting Commission regulates films and programs. All television stations, cinemas and distributors of DVD, video and computer games must display the rating for the film or program in a logo displayed on screen. The rating affects the stipulated duration of the display and when the material can be broadcast. For example, the 'Family' rating logo, indicating suitability for family viewing, must be displayed for 30 seconds after each commercial break. Programs with a rating of '18', which children under 18 are prohibited from viewing, must, however, comply with more stringent stipulations. In the case of television this program may only be broadcast from 10pm - 4.30am, the logo must be displayed for the duration of the program and a full-screen warning must be issued before the start of the program and after each commercial break. Pornography is banned from television and cinema by the Film and Publication Board.

Print

Print media regulate themselves through the Press Council/Press Ombudsman set up and funded by the Newspaper Association of South Africa. The only reference to children under this code is that child pornography shall not be published⁵⁷. Media Monitoring Africa (formerly the Media Monitoring Project), a watchdog organisation set up in 1993 to encourage democracy and human rights through the media by promoting ethical and fair journalism, have argued that children are inadequately protected under the code⁵⁸.

⁵⁴ Internet Service Providers Association Code of Conduct <http://www.ispa.org.za/code-of-conduct>

⁵⁵ IAPA use this terminology and do not define the age of a minor

⁵⁶ Wireless Application Service providers' Association (2010) *Code of Conduct*.
<http://www.waspa.org.za/code/codeconduct.shtml>

⁵⁷ <http://www.presscouncil.org.za/pages/press-code.php>

⁵⁸ http://www.mediamonitoringafrica.org/images/uploads/State_of_Media.pdf

A note on China and India

As with Norway, references in brackets are given in full in *Review of recent literature for the Bailey Review of commercialisation and sexualisation of childhood*.

China offers a different type of comparison as a country that has made the transition to a consumer society even more recently and rapidly than has Norway. By comparison with Norway and even with the United States, economic inequalities are more marked. Parents' views of children's consumption reflect some of the same anxieties and ambivalences as Western parents, but they are inflected with very different values – for example about moderation and the difference between 'good' and 'bad' consumption - deriving from Confucianism (Waerdahl, 2010). The 'one child' policy may have led to some children enjoying considerable power as 'little emperors' of consumption within the family (McNeal and Yeh, 2003; Zhao and Murdock, 1996).

At the same time, the things that parents spend money on are predominantly educational. Waerdahl (2010) suggests that children are put in the 'driving seat of development' and so their levels of consumption are greater than those of their parents because preparation for the new society entails greater costs and more spending. At the same time, despite families predominantly having only one child, there is an increasing issue of 'liushou ertong', or 'left behind children', estimated to number 22 million. These children are left behind in rural areas when parents migrate to cities to find work because China's laws make it difficult for migrants to school and care for their children where they find work (Plan UK, n.d). This is in marked contrast to the picture of affluence and spending for many Chinese children.

Against this background, advertisements to children are fast growing since (as elsewhere), children are viewed in three ways: as a 'primary market'; 'influence market' and 'future market' (Chan and McNeal, 2004). The 1995 Advertising Law is vague and has not kept pace with advertising to children. However, access to cheap copies of consumer products makes branded products more accessible than would otherwise be the case.

While not explicitly concerned with children, Ritty Lukose's (2009) ethnographic study of young people in the **Indian state of Kerala** points to some of the complexities that characterise historical transformations. On one level, Lukose provides further evidence of the rise of Western-style 'consumerism' – in the form of fashion, movies, beauty pageants and ice cream parlours – in the global South; but she also refuses any simple view of this as a matter of 'Westernisation' or 'modernisation'. As she suggests, consumption and citizenship have become intertwined, reconfiguring established relations of class (or caste) and gender, forms of public life and notions of national identity. This reconfiguration is visible in reported changes in the drinking of alcohol and in state non-regulation of it. Prasad suggests that there has been a rapid growth in alcohol consumption amongst all sectors of society, including women and young people, so that although India still has amongst the lowest consumption rates in the world (21%), it is proliferating and the "average age of initiation" had dropped from 19 years to 13 years in the past two decades. However, while the Indian constitution prohibits alcohol, alcohol policy is devolved to individual states and, since most states derive around a fifth of their revenue from alcohol taxation they are generally ambivalent about regulating it, particularly since there is a powerful alcohol lobby.