



**Consumer  
Focus**  
Campaigning for a fair deal

# **Consumer Focus response to the Bailey review on sexualisation and commercialisation of childhood**

**March 2011**

## About Consumer Focus

Consumer Focus is the statutory consumer champion for England, Wales, Scotland and (for postal consumers) Northern Ireland.

We operate across the whole of the economy, persuading businesses, public services and policy makers to put consumers at the heart of what they do.

Consumer Focus tackles the issues that matter to consumers, and aims to give people a stronger voice. We don't just draw attention to problems – we work with consumers and with a range of organisations to champion creative solutions that make a difference to consumers' lives.

## Executive summary

Consumer Focus makes the following recommendations in response to the review of the commercialisation and sexualisation of childhood:

With particular emphasis on the marketing and advertising of goods and services to children we would wish to see:

- simplification of the marketing process and for trade associations to relate their member's guidelines specifically to the Advertising Standards Authority (ASA).
- alignment the definition of a child as under 16 years for all codes
- greater transparency of how all the codes work – both regulatory and self-regulatory
- development an age verification system that parents can trust
- the onus on industry to make it clear to parents and children which marketing techniques are used and what they are designed to do

## Introduction

Consumer Focus welcomes the opportunity to respond to the independent review on the commercialisation and sexualisation of childhood conducted by Reg Bailey, CEO Mother's Union at the request of Department for Education (DfE). We consider the impact the commercial world has on children's wellbeing and the pressure parents and children feel under to navigate through this world, are extremely important areas for policy-makers to debate. We welcome the DfE reviewing this important area and responding to the concerns of parents that many children are being pressurised to grow up too quickly. It cannot be understated that marketing has an impact on children's choices of clothes, food and drinks, games and, more recently through social networking, friends.

Consumer Focus has been working in this important policy area for over two years. Previous to 2008, one of our predecessor organisations, the National Consumer Council (NCC) conducted groundbreaking research into how advertising and the use of the internet affects children's wellbeing. NCC also collaborated with children's charities and consumer groups to campaign on issues such as the promotion of food to children. We were part of a strong consumer lobby that campaigned for Ofcom to lessen the exposure of high fat, salt and sugar (HFSS) foods advertised to children during TV broadcasting.

In summer 2009, we were invited by the then Department of Children, Schools and Families (DCSF) to comment on the initial findings of the Buckingham Report<sup>1</sup>. We have submitted well-considered consultation responses on the review of the advertising codes implemented by the ASA through both broadcast (BCAP) and non-broadcast (CAP) codes with a particular emphasis on how these codes can better protect children from irresponsible advertising. Consumer Focus is an active member of Sustain's Children's Food Campaign – a body that challenges any imbalance in the promotion of HFSS foods to children.

In October 2010, Consumer Focus published a report, *A tangled web*<sup>2</sup> where we used research on the regulatory landscape to propose recommendations on how children can better be protected from irresponsible marketing. We also highlighted the gaps and inconsistencies where children were not adequately protected by either the law or industry self-regulation.

Our particular concerns lie within the regulatory framework which is intended to protect children and for that reason we are responding to three of the four key issues:

- Some products are inappropriate for children, and others in dubious taste: parents are anxious about what is appropriate
- Businesses sometimes treat children too much as consumers and forget that they are children too, particularly concerning the kinds of marketing techniques associated with digital media
- How to tell advertisers, broadcasters and retailers about the things parents are unhappy about and how to make an effective complaint

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<sup>1</sup> DCSF (2009) *The impact of the commercial world on children's wellbeing: report of an independent assessment*

<sup>2</sup> Jillian Pitt (2010) *A Tangled Web: Marketing to children*

## Some products are inappropriate for children and others in dubious taste: parents are anxious about what is appropriate.

Many of the comments from anxious parents stem from the marketing of inappropriate clothing aimed at young girls. There is disagreement among parents about what is appropriate and who ultimately has the responsibility for selling these products. Companies should comply with Unfair Trading regulations<sup>3</sup> which clearly state that marketing communication should not include any direct appeal to children and young people to persuade their parents or other adults to buy products for them. Therefore companies should not be in any way encouraging 'pester power'.

The social networking site for parents – Netmums<sup>4</sup> contains many comments including:

*'What I don't like are the slogan T shirts saying 'WAG in training' or 'spoilt princess'... don't know why anyone would want their child to aspire to that?? Also don't like the tacky, cheap, adult looking clothes for girls, there is a difference between what a 6yr old should wear and what a 16yr old should wear so why do shops make this the age bracket??'*

*'Well it's all pretty complicated and I expect there's a lot of pressure being placed on parents by children to buy them particular things and the children are getting these ideas from various marketing sources.'*

*'I think a review of marketing to children is well overdue but has to extend to all areas of marketing. The child market (the child as a young consumer) is a growing sector of the market and one way or another, parents are buying into it.'*

Parents are also concerned about the rise in obesity and the increased marketing of HFSS foods and drinks, particularly online. In their recent report, Consumers International<sup>5</sup> found many companies which produce HFSS food items were promoting their products to children using cartoons, free wallpapers and downloads which would appeal to children as young as 12 years. The report found that companies attempted to have small print warnings on advertisements and commented that this was a poor attempt to meet parents' concerns. Offline the promotion of HFSS foods causes concerns with parents. Recent Which? research found that 80 per cent of respondents thought supermarkets should do more to promote healthier options.<sup>6</sup>

Research conducted by Consumer Focus in 2008<sup>7</sup>, found that parents were fairly cynical about online advertising and more aware than children that advertising pays for free sites. Many were disturbed by the high volume of gambling adverts on games sites and the promotion of other items which they did not believe were suitable for children.

*'Half of the free sites can only be run by having advertising on them. Sports betting – that shouldn't be on a child's thing...' (Father of 11–16 year olds)*

*'There's too much poker. Cars and mobile phones. You'd be disappointed if it was a child's site...' (Father of 7–11 year olds).*

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<sup>3</sup> Consumer Protection from Unfair Trading Regulations 2008

<sup>4</sup> Netmums: <http://bit.ly/ftIWzB>

<sup>5</sup> New media, same old tricks: <http://bit.ly/hOxqPZ> (PDF 1.4MB)

<sup>6</sup> Which? Barriers to healthy eating: <http://bit.ly/h7V3ZC>

<sup>7</sup> Anna Fielder, Will Gardiner, Agnes Nairn, Jillian Pit (2007) *Fair game? Assessing commercial activity on children's favourite websites and online environments*

## Marketing Techniques

These comments made by parents echo many opinions voiced in Ed Mayo's report, *A shopping generation*<sup>8</sup> where children aged 9 to 19 years talked about how the commercial world affects them.

The vast majority (80 per cent) of 'tweens' (those aged between 8–14 years) and older teenagers enjoyed shopping and 71 per cent cared about their games and 'other stuff'. But this rise in commercialism also brought with it concerns that worried children, including feeling pressured into buying things they didn't want or need. Children also felt that they were being ripped off and being given shoddy service by a number of companies. As a result the young people concerned came up with a four-point children's agenda on commercial life.

### Children's four point agenda

1. Be honest and upfront about products and services
2. Treat young people with respect and take them seriously
3. Curb the use of inappropriate advertising aimed at younger people
4. Put tighter controls on the marketing of products that are bad for younger people

There was also a degree of cynicism from young people who were aware that adverts were trying to sell them things they didn't want. One 14 year old girl mentioned that she had been approached by a mobile phone company while walking down the street. A boy, aged 13, complained there were 'a lot of rude things' in a weekly magazine he collected.

Far from being passive consumers to marketing techniques, children are more aware of what is being promoted to them and are not always at ease with it, with online sales being high on the list of intrusive advertising techniques. Children interviewed about their most-used websites in 2007<sup>9</sup> said they were able to distinguish ads by their position on the web page. Most children found many forms of online advertising irrelevant and complained that it interfered with their internet use. However, children's views on what constitutes an advert can markedly differ from an adult's perception.

Since the publication of *Fair game?*, the ASA has now extended its online remit. From March 2011, companies own marketing claims on their websites will be under the jurisdiction of the UK Code of Non-broadcast Advertising.<sup>10</sup> This code includes rules to make sure advertisements do not mislead, harm or offend and will be applied to all UK based company websites regardless of the sector or size of the business or organization.

Consumer Focus welcomes this enhanced protection particularly for children, but still has concerns that there remain exclusions outside the remit of the CAP code such as marketing communications contained within editorial content and foreign media, ie websites which originate from countries outside the UK.

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<sup>8</sup> Ed Mayo (2004). *A Shopping Generation*

<sup>9</sup> Anna Fielder, Will Gardiner, Agnes Nairn, Jillian Pit (2007) *Fair game? Assessing commercial activity on children's favourite websites and online environments*

<sup>10</sup> Committee of Advertising Practices code (CAP code)

<http://www.cap.org.uk/Media-Centre/2011/UK-ad-industry-extends-its-commitment-to-responsible-advertising.aspx>

Rather than being the online-savvy natives the media would have us believe, children are particularly vulnerable when it comes to using the internet. For that reason, a core principle which protects children from advertising that may exploit their inexperience and credulity is embedded for that reason in the International Chamber of Commerce (ICC) Consolidated Code. This reflects the UNCRC<sup>11</sup> in that children do have particular rights because they are more vulnerable than adults.

Consumer Focus outlined in our report<sup>12</sup> that the marketing industry includes a multitude of diverse activities such as sponsorship, point-of-sale promotions and printed media. Advertising can also now be transmitted across an array of platforms. This increased use of converging media platforms, known as 360 degree marketing, makes it more difficult to offer consistent and harmonised protection of children. There are over 20 different codes that relate to marketing and advertising practices, data protection, research, privacy and parental involvement.

Consumer Focus is calling for greater transparency of the marketing process and greater consistency in aligning the definition of the age of a child as under 16 years for all codes.

There are many examples where companies which operate globally deem it acceptable to market to children aged 12–13 years. It is likely that these organisations are following the lead of a key piece of US legislation which came into effect in 2000: Children's Online Privacy and Protection Act (COPPA) which defines children as under 13 years.

Consumer Focus wishes to see the definition of the age of a child to be standardised as up to 16 years across all codes.

## **How to tell advertisers, broadcasters and retailers about the things parents are unhappy about and how to make an effective complaint**

There are formal avenues of consumer protection, ie if an advertisement is found to be misleading, citizens can complain to the ASA who will consider their case and decide whether to uphold that particular ad. Consumers are increasingly voicing their concerns via the internet. Social media networking sites such as Facebook and Twitter allow individuals to divulge personal information and commentary about goods and services. This is in response to the fact that advertisers recognise the main currency for companies is data which can be used to target advertising which companies consider is of interest to that individual, also known as online behavioural advertising (OBA).

A growing number of parents articulate their concerns via sites such as Netmums, Mumsnet and other relevant blogs. Others are using more interactive forms of complaining such as video footage via YouTube or photographic evidence via Flickr.

Consumer empowerment must be seen in tandem with greater consistency and transparency of the regulatory landscape. It would be a missed opportunity for a Government which is committed to 'the cracking down of irresponsible marketing to children' to solely rely on media literacy as a the solution to ensuring the UK's children are fully protected from inappropriate advertising and products.

Consumer Focus wishes to encourage consumers to express their concerns informally to those they believe are continuing with misleading promotions. We suggest that the ASA could collate these complaints and add them to its case histories, and expand the remit of its advertising codes if deemed necessary.

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<sup>11</sup> UNCRC – United Nations Convention of the Rights of a Child 1990

<sup>12</sup> Jillian Pitt (2010) *A Tangled Web: Marketing to children*



## **Consumer Focus response to the Bailey review on sexualisation and commercialisation of childhood**

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