

[PT] Irregularities in advertising targeting children and adolescents in Portugal

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The Portuguese Media Regulatory Agency has published a report on advertising targeting children and commercial communications in children's channels and/or programs, suggesting a lack of compliance by TV channels. Advertising forbidden food due to nutritional composition is among the most irregularities found in the report. In that matter, TV channels present a highly diverse performance, with the public broadcasting service showing that, in the period analysed, there was no advertising or commercial communications in the block programming aimed at children.

The study, conducted in the last months of 2023, analysed free-to-air channels, their respective internet site and streaming platforms, and a popular children's subscription channel. The purpose of this research was to identify gaps and existing measures to ensure compliance with the provisions of the television law (which includes the revised AVMSD) and of the Advertising Law in the context of advertising and other commercial messages aimed at children and adolescents up to 16 years of age.

As for commercial television, the study reports difficulty defining what programming targets children and adolescents since TV channels do not tend to separate them from general programming. Thus, although some ads for food with forbidden nutritional composition were found during breaks and programmes that young audiences could watch, administrative procedures can be challenging. The study has, nonetheless, found some irregularities, pointing out that the free-to-air channel TVI has during the break shows, for instance, some cases of advertising food with high sugar and fat levels. The other free-to-air channel, SIC, also has some product placement of foods suspected of not complying with the regulatory nutritional composition. However, that product placement occurred in reruns of shows produced before new regulations entered into force.

The document also mentions gaps that may impair the purpose of a media free of harmful content because sponsorship is not considered in the legal framework; some sponsored shows are not subject to administrative procedures, even though they represent brands and/or products that would not be allowed in traditional advertising time. For instance, the agency has detected a case of sponsorship of a product containing alcohol in a program that is targeted at juvenile audiences.

The lack of coherence this brings to the legal framework has led the Media Regulatory Agency to suggest legislative power that an amendment to the law should be considered. The document states, “this report seeks to demonstrate the importance of reviewing and possibly strengthening the current regulations in this matter, to allow commercial communication delimited by the value of health and healthy eating for young audiences”.

Comunicação Comercial dirigida a menores em serviços de programas televisivos

<https://www.flipsnack.com/ercpt/comunica-o-comercial-dirigida-a-menores/full-view.html>

Commercial communication targeted at children and young people

