[SI] Potentially Harmful Content in Advertising and the Survey of Related Complaints in 2008

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At the beginning of March 2009 *Tržni inšpektorat* (the Slovenian Market Inspectorate) published a report on its activities in the year 2008.

The report does not mention the problematic issue of advertisements for “porno chic” content on the internet, accessed via mobile phones and targeted at children, which could on their own or indirectly, by the promoted internet content, impair the physical and mental condition of children. But, in the report there is reference to a provision on misleading and indecent advertising of the *Zakon o varstvu potrošnikov* (Consumer Protection Act); concerning which no data on complaints and related proceedings are available. The *Oglaševalsko razsodišče* (Advertising Arbitration Court-AAC), part of the *Slovenska oglaševalska zbornica* (Slovenian Advertising Chamber), the self-regulatory body of advertisers, received eight complaints from consumers on indecent and/or potentially harmful content from the protection of minors perspective. All except one were declared unjustified by the AAC.

In February 2008 two Slovenian non-governmental organisations, the Association for the Promotion of Equality and Plurality, Vita Activa, and the Association of Parents and children, Sezam, contacted the Market Inspector with a complaint about “porno chic” advertisements for mobile portals aimed at children, one of them containing child pornography. In June 2008 the Market Inspectorate replied that the advertisements were, in the inspector’s opinion, not contentious. Besides, it was stated that the AAC had been consulted and no violations of the *Oglaševalski kodeks* (Advertising Practice Code) were detected. In the report there was no mention of the case, so the issue of the protection of children from potentially harmful content in advertising is, as already argued, absent.

In 2008 the AAC received seven complaints from consumers about jumbo posters advertising women’s underwear, a men’s magazine (Playboy) and a Slovenian women’s journal. The complaints were all primarily based on the decency provision of the Advertising Practice Code. The case of Playboy related to the protection of minors provision also. Both posters for magazines displaying half-naked and sexualised female bodies were also considered inappropriate because of their location near an elementary school. The court declared the enumerated

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complaints irrelevant and the argument did not tackle the problem of the location of the posters.

One complaint was addressed in the court of the self-regulatory advertising body on the basis of the provisions on decency and the protection of minors of the Advertising Practice Code (Articles 3 and 12). The content of the advertising campaign for the advertising agency was considered inappropriate in the complaint, since it consisted of the picture of a very young girl as being pregnant. The court declared the complaint justified and ordered the campaign to be stopped.

Poslovno poročilo Tržnega inšpektorata Republike Slovenije za leto 2008

http://www.ti.gov.si/fileadmin/ti.gov.si/pageuploads/TIRS2008.pdf

Business Report of the market Inspectorate of Republic Slovenia for the year 2008

Zakon o varstvu potrošnikov (ZVPot-UPB2)

http://www.uradni-list.si/1/objava.jsp?urlid=200498&stevilka=4288

Act on Protection of Consumers (ZVPot-UPB2)

Oglaševalski kodeks

http://www.soz.si/oglasevalsko_razsodisce/slovenski_oglasevalski_kodeks/

Code of Advertising Practice

Oglaševalsko razsodišče

http://www.soz.si/oglasevalsko_razsodisce/

Advertising Arbitration Court

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