[BE] Advertising to Promote Children's Programmes on the Public Broadcaster not Discriminatory

IRIS 2010-1:1/9

Hannes Cannie
Department of Communication Sciences / Center for Journalism Studies, Ghent University

On 14 October 2009, the Belgian *Jury voor Ethische Praktijken inzake Reclame* (Jury for Ethical Practices Concerning Advertising) issued a decision on a complaint, lodged by a member of the public, against the Flemish public broadcasting corporation VRT. The Jury for Ethical Practices Concerning Advertising is the self-disciplinary authority of the advertising and marketing sector in Belgium. It examines the compliance of advertisements with self-disciplinary advertising codes, such as the International Chamber of Commerce's International Code of Advertising Practice, either after a complaint by members of the public or, before an advertisement has actually been made public, at the demand of an advertiser. In addition, the Jury also supervises the compliance of advertisements with legal norms and, although it seldom refers explicitly to the prevailing legislation on audiovisual commercial communications, a large number of its decisions are based on these. The Jury is not authorised to impose sanctions and can only take three types of measures: first, it can decide not to formulate any remarks. Second, the Jury can order a modification or withdrawal of the advertisement. If the advertiser does not react, the media themselves will be advised to stop publishing or broadcasting the advertisement in question. And third, it can advise dealing cautiously with the publication or transmission of an advertisement. In such circumstances, the advertisement is not deemed illegal or unethical as such, yet is found by the Jury to be probing the boundaries of acceptable commercial speech. The advertiser, the advertising agency and the media then decide themselves whether or not to publish or broadcast the advertisement in question.

The complaint concerned the transmission of six commercial radio advertising spots that promote the programme service 'Ketnet', which broadcasts children's programmes on the public broadcaster. The six radio spots in the instant case feature the voices of children trying to convince their parents to stop working earlier, so the children can be seated in front of their televisions in time to watch their favourite programme. According to the complaint, the advertisement exploits the feelings of guilt of women who want to work outside the home (and in many circumstances have to) and who therefore cannot look after their children during working hours. Hence, in order to be good mothers, women are "obliged" to stay at home. Moreover, these spots are discriminatory against women, as they are not directed towards men. The Jury in a very short decision first noted that

© European Audiovisual Observatory (Council of Europe) 2026

there are actually three spots in which a child addresses itself to its father and three spots in which a child addresses itself to its mother; hence a good equilibrium between women and men is preserved. This advertising campaign can therefore in no way be perceived as discriminatory. Second, the Jury observed that the spots feature the voices of children who are attempting to convince their parents to stop working earlier in funny ways. Because of this humorous tone, the jury judged that the spots were neither likely to provoke feelings of guilt in the parents nor reinforce gender stereotypes among the public. As the Jury could find no violation of legal or self-disciplinary norms, it decided not to formulate any remarks.

Jury voor Ethische Praktijken inzake Reclame, 14 October 2009

http://www.jep.be/fr/decisions-du-jep/?decision=2684

Jury for Ethical Practices concerning publicity, complaint against VRT, 14 October 2009

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026