[IE] Developments Regarding BAI's General and Children's Communication Codes

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The Broadcasting Authority of Ireland (BAI) has published a revised General Commercial Communications Code and a revised Children's Commercial Communications Code. The two revised Codes came into effect on Monday, 2 May 2011. The codes replace the BCI General Advertising Code and the BCI Children's Code respectively (see IRIS 2010-1/30).

The codes update the standards that must be met by radio and television advertising, sponsorship, product placement and other forms of commercial communications broadcast within the jurisdiction of the Republic of Ireland. The new codes give legal effect to the provisions in the Audiovisual Media Services Directive (AVMS). Section 42 of the Broadcasting Act 2009 requires the BAI to introduce codes governing standards and practice to be observed by all broadcasters.

The Codes originally came into effect on 10 June 2010: however, under those codes paid product placement was prohibited. The Codes have been revised to allow paid product placement for the first time on Irish television and set out the terms and conditions on which it will be allowed. Sponsors of television programmes will be permitted to place their products and services in the programme that they sponsor, but broadcasters will be obliged to notify viewers before and after the programme that it contains product placement (see IRIS 2011-5/27). Paid product placement is still prohibited from children's programming.

The Children's Commercial Communications Code is comprised of a number of key sections with the following headings: social values, inexperience and credulity, undue pressure, special protection for children in advertising, general safety, violence, diet and nutrition, parental responsibility, programme characters, children's advertising, sponsorship and product placement and prohibitions and restrictions. Under this Code, Children's Commercial Communications are defined as being related to products or services deemed to be of particular interest to children and/or broadcast during and between children's programmes. The Ccode works on the basis that children of different ages require different levels of protection and accordingly each provision has an age marking beside it for children under 18, under 15 and under 6.

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The Children's Communications Code is mindful of the special susceptibilities of children and aims to ensure that commercial communications do not exploit these susceptibilities. The Code outlines even more specifically the precautions advertisers should take when targeting children. For example, they must "not take advantage of the natural credulity and sense of loyalty of children" by omission, exaggerated or misleading claims. Expensive toys must state the price in children's commercial communications. A toy is deemed expensive if it, plus any essential accessories, has a retail price over EUR 30. The language used in presenting the price must not minimise its cost, e.g., through the use of words such as "only" or "just". Communications may not feature celebrities or sports stars save in public health or education campaigns. Broadcasters must be responsible in the manner in which food and drink are portrayed. They must not encourage an unhealthy lifestyle or unhealthy eating or drinking habits, such as immoderate consumption or excessive or compulsive eating. Fast food advertisements must display an acoustic or visual message stating that their products "should be eaten in moderation and as part of a balanced diet". Confectionary products must also display an acoustic or visual message stating that "snacking on sugary foods and drinks can damage teeth".

The BAI is currently undertaking further review of the Children's Commercial Code with a particular emphasis on Section 11, which addresses commercial communications for food and drink (except alcohol). The review will invite opinions as to whether the rules should be amended to include specific regulation of food and drink that are high in fat, trans-fatty acids, salts and sugars (so-called HFSS foods). The Irish Heart Foundation, for example, is calling for a 9 p.m. watershed ban on adverts containing foods high in fat, sugar and salt in order to protect children's health.

An expert Advisory Group was set up to advise the BAI on this matter and a copy of its report will be circulated in conjunction with the public consultation due to begin at the end of June 2011.The consultation will elicit views on whether there should be specific regulations for HFSS foods and if so, the type of regulation that is considered preferable. The BAI will publish, if they deem it necessary, a revised code for further consultation and take account of responses to that, with the objective of implementing a new code by June 2012.

BAI's General Commercial Communications Code 2011 and BAI's Children's Commercial Communications Code 2011

http://www.bai.ie/publications_codestandards.html

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