



THE SELF-REGULATION CODE FOR COMMERCIAL COMMUNICATION ON FOOD AND BEVERAGES DIRECTED TO CHILDREN

The new Code of Self-Regulation on Commercial Communication of Foods and Beverages directed to Children, which replaced the previous Code issued by the Civil Institute for the Self-Discipline of Commercial Communication (ICAP), now ARP - Association of Advertising Self-Regulation, has recently entered into force.

The importance of this Code is related to the increase of childhood obesity which is considered a public health problem, largely due to a globalizing context of new habits and life-style such as physical inactivity, lack of physical exercise and nutrition.

Given the influence of commercial communications on children, the role of self-regulation for the implementation and development of the self-discipline system in Portugal is of major relevance.

This new Code, revised by the Association of Advertising of Self-Regulation (previously ICAP), maintains, for the most part the principles that were already in place, focusing its changes on what is meant by “commercial communication directed at children”.

There is an increase in the number of contents or programs considered “commercial communication directed to children” (under 12 years old), namely when:

- The general concept of communication, through its content, language and / or images used, is specially designed to attract the attention and interest of the children;
- The communication is transmitted in time periods, programming blocks, sessions or spaces directed mainly to children (35% of average audiences);
- The promoted product is intended for children;
- Children who have a participation / determinant behavior in commercial communication;
- The use of fictional characters / or people are mainly intended for a children’s audience; and
- The award of prizes derived from contests, sweepstakes and the like, which are mainly intended for children.

As for the remainder of the regulatory framework, namely the ethical standards established by the previous Code, it has been maintained, i.e. commercial communications directed at children must comply with the following ethical standards: legality, veracity, social responsibility, health, safety, identifiability and intervention of characters and programs in the advertisement, sales promotion, marketing in schools and substantiation of the message that is being advertised.

In short, the current review intends to follow up the new ways of advertising, and the constant technological development of society by raising the standards of practice, thus addressing the expectations of companies which core business involves commercial communications directed at children.

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