

Advertising Association's Response to Ofcom's Protecting Children from Harms Online Consultation

Consultation title	Consultation: Protecting children from harms online
Organisation name	Advertising Association

Introduction

1. The Advertising Association is the tripartite industry body representing advertisers, agencies and media across the UK. The advertising and marketing industry directly employs 366,000 people and supports 1 million jobs across the UK and boasts one of the most advanced online advertising marketplaces in the world, relative to its economic size.¹
2. As the organisation that promotes the role and rights of responsible advertising – trusted, inclusive and sustainable – and its value to people, society, businesses, and the economy, we welcome the opportunity to provide feedback on these proposals. We agree that children should be able to freely navigate the internet in a way that enhances their lives and enriches their childhood – including having the option to use the internet for social and educational purposes, without worrying about the types of content they may encounter.

¹ Ad Pays 7, Advertising Association, [Ad Pays 7: UK advertising's digital revolution - Advertising Association \(adassoc.org.uk\)](https://www.adassoc.org.uk/ad-pays-7-uk-advertising-digital-revolution)

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3. In the UK, the industry acts in accordance with the non-broadcast CAP (Committee of Advertising Practice) and BCAP (UK Code of Broadcasting) codes. The advertising industry is highly regulated and compliance levels are high. The public has an easy and well-known right of recourse through the ability to complain to the Advertising Standards Authority (ASA). The advertising industry is committed to ensuring that the self-regulatory system remains fit for purpose and that advertisers market responsibly to children in digital as well as traditional media.
4. The advertising codes, as a matter of principle, ensure that care is taken when featuring or addressing children in marketing communications. They also fully recognise that the way in which children perceive and react to marketing is influenced by their age, experience and context of the message. Advertising age-restricted products on children's websites currently falls foul of the advertising codes and the ASA has remit to intervene.
5. Furthermore, commercial organisations already take great care over brand safety and prevent where possible the placement of advertising adjacent to harmful content. GARM is the Global Alliance for Responsible Media, a cross-industry initiative established by the World Federation of Advertisers to address the challenge of harmful content on digital media platforms and its monetisation via advertising.
6. GARM was launched at Cannes in the summer of 2019 and its members have been working hard to highlight the changes needed for advertisers to feel more confident about advertising on social media. In November 2019, GARM became a flagship project of the World Economic Forum Platform for Shaping the Future of Media, Entertainment and Culture.
7. In addition, the Internet Advertising Bureau (IAB) UK has been leading the mission to create a safe online advertising environment via its Gold Standard. The Gold Standard is a certification for buyers and sellers of digital media to improve the digital advertising experience, through upholding brand safety, and strengthening supply chain transparency among other areas.
8. Ultimately, advertisers and platforms are likely to only be part of the solution, therefore it is important for the government and regulators to consider what role those outside of the advertising ecosystem should play.
9. If you have any questions regarding this submission please contact konrad.shek@adassoc.org.uk.

Volume 2: Identifying the services children are using

Children's Access Assessments (Section 4).

10. The Advertising Association and its members unanimously agree and support the broad goal of protecting children. We are keen to work with Ofcom to refine the approach to ensure it achieves this goal without creating undue burdens or unintended consequences for online services and the UK's advanced digital advertising ecosystem.
11. We acknowledge that there are positive aspects to this particular aspect of the proposal, in particular we welcome flexibility afforded for services in how they conduct their assessment and what

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evidence they consider; the detailed guidance and examples do provide clarity on Ofcom's expectations, which can help services understand how to comply; and the approach does align with the Online Safety Act's intent to provide strong protections for children online. However, we do have some potential concerns that we would like to articulate in this submission.

12. We are concerned that paragraph 4.10 (vol 2, page 6) sets an unhelpful precedent in that the proposal, via an imprecise but maximalist interpretation of a "significant number of children", means that even a relatively small number or percentage of children could be considered "significant". This could increase the likelihood of many more services being classified as "likely to be accessed by children", even if children are not their primary audience. This could create compliance burdens for services not primarily aimed at children, as well as for new start-up services where cost of compliance is prohibitive relative to their small size and financial resources.
13. As paragraph 4.63 (vol 2, page 16) and 4.66 (vol 2, page 17) states most service providers will reach the conclusion that a service is likely to be accessed by children and will therefore be required to carry out a children's risk assessment and comply with the children's safety duties. But given the imprecise interpretation of a "significant number of children", it seems highly likely that all of the service providers that have concluded that their services are likely to be accessed by children will also meet the child user condition too. This would be an example of tautological reasoning where it is difficult not to meet both conditions in the two-stage test.
14. Therefore, we would argue that this sets a stricter standard than the one laid down by Section 123 of the Data Protection Act 2018 which states that the ICO's Age appropriate design code applies to

*"relevant information society services which are **likely** to be accessed by children."* [emphasis added].
15. While child protection is crucial, given that the approach seems to err strongly on the side of classifying services as "likely to be accessed by children" it could lead to over-regulation of services not primarily aimed at or used by children. The likelihood is that many service providers, to mitigate against legal risk, could end up adopting age assurance solutions by default.
16. In addition, we believe that the inclusion of factors related to advertising and commercial strategies in determining whether a service is likely to be accessed by children could have implications for advertising-supported services and business models.
17. If a service is deemed "likely to be accessed by children" advertisers and agencies may need to adjust their advertising practices to comply with stricter regulations around advertising to children. This could limit the types of advertising that can be shown, potentially reducing the service's advertising revenue and making it less attractive to certain advertisers.
18. Similarly, advertisers may become more cautious about placing advertising on services that are deemed likely to be accessed by children, even if those services also have a substantial adult audience. This could reduce the pool of potential advertisers for these services.

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19. In addition, the guidance suggests that the nature, design or content of the adverts on the service (para 5.20, vol 2, page 24) could also be a factor in determining if a service is likely to attract children. Determining the appeal of the advert to children based on the nature, design or content would be a highly subjective and speculative exercise, particularly as there are examples of cartoon and even stop-animation characters for products that are clearly being marketed to adults². This could impact the design of the advertising, potentially reducing their effectiveness or appeal to advertisers.

20. Finally, paragraph 5.26 (vol, page 25) states “that advertising-related data can be a factor in assessing whether the service is likely accessed by children. For example, if child-focused advertisers seek out the service, or if the service actively markets itself to child-focused advertisers”. However, the proposal should also recognise that such data is necessary to target age-inappropriate advertising away from children.

21. Based on the above we would make the following recommendations:

- Set clearer thresholds: Consider providing more specific thresholds or examples of what constitutes a "significant number", to provide more certainty for services.
- Create a simplified assessment for lower-risk services: Consider a simplified assessment process for services that are clearly not primarily aimed at children. This would align with the spirit of proportionality.
- Balance approach with adult users' rights: It is important that the approach does not unduly restrict services for adult users in an effort to protect children.
- Consider the implications for advertising: We invite Ofcom to work more closely with industry to ensure that factors related to advertising and marketing strategies are assessed in a way that does not unfairly penalise ad-supported business models.
- Conduct regular reviews: we would advocate for a commitment to regularly review and refine the guidance based on real-world implementation data and feedback from services.

Volume 3: The causes and impacts of online harm to children

Draft Children’s Register of Risk (Section 7)

22. While Volume 3 extensively covers harmful content, we think it could benefit from a clearer distinction between user-generated content and advertising. This would help clarify how the proposed regulations might (or might not) specifically impact the advertising industry.

23. Additionally, Volume 3 would benefit from direct consultation between Ofcom and the advertising industry to understand current practices, self-regulatory measures, and potential positive contributions to online safety i.e. WFA’s GARM, TAG’s Brand Safety Tools, IAB Tech Lab’s Supply Chain Validation etc.

24. We note that advertising is reference in Volume 3, Section 7 as a potential online harm through its link to pornographic content. However, we are somewhat concerned that the consultation does not distinguish clearly between bad actors and standard advertising practices. For example, Section

² See Wallace & Gromit and DFS: ‘The Great Sofa Caper’. Available from <https://www.youtube.com/watch?v=naGQrNetxQQ&list=PLSD4QfyS1DxXKb42VE571EC1PCHBtWuG&index=3>

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7.1 cites pornographic adverts directed at children, but such adverts would clearly fall foul of the Advertising Codes. 5.1 of the CAP Code states

“Marketing communications addressed to, targeted directly at or featuring children must contain nothing that is likely to result in their physical, mental or moral harm.”

This rule also applies to on-demand and video-sharing platforms.

25. The Revealing Reality study (paragraph 7.1.74, page 49) cites an 18-year old girl reportedly seeing ‘pornographic advert’ pop-up when she was 14 years-old. Again, as mentioned earlier if this advert originated from a bona-fide advertiser it would be a clear breach of the Advertising Codes and subject to sanctions. From this example, it was not clear whether the device used to view the video streaming site was being shared by other adult users in the household, or whether the video streaming site visited was a bona fide legal site.

26. Similarly, we would also reiterate that many of the harms mentioned, such as body image and ‘eating disorder content’, are mostly user-generated content as opposed to paid for advertising.

27. Finally, we also think that the report could acknowledge the potential positive roles advertising can play, such as funding free content and services that benefit children, or delivering messages that promote social responsibility.

Draft Guidance on Content Harmful to Children (Section 8)

28. We note that paragraph 8.9.5 (Vol 3, page 346) refers to advertising which promotes harmful substances such as alcohol and tobacco-products.

29. Our concerns centre around the fact that this presents a misleading representation. Firstly, the advertising of alcoholic beverages is regulated by both statutory regulation, such as the Audiovisual Media Services Directive (AVMSD) and the ASA’s CAP Code. 18.14 -18.16 of the CAP Code states:

“18.14 Marketing communications must not be likely to appeal particularly to people under 18, especially by reflecting or being associated with youth culture. They should not feature or portray real or fictitious characters who are likely to appeal particularly to people under 18 in a way that might encourage the young to drink. People shown drinking or playing a significant role (see rule 18.16) should not be shown behaving in an adolescent or juvenile manner.

18.15 Marketing communications must not be directed at people under 18 through the selection of media or the context in which they appear. No medium should be used to advertise alcoholic drinks if more than 25% of its audience is under 18 years of age.

18.16 People shown drinking or playing a significant role must neither be nor seem to be under 25. People under 25 may be shown in marketing communications, for example, in the context of family celebrations, but must be obviously not drinking.”

This co-regulatory regime ensures that alcohol advertising is not targeted at minors, and separately it does not encourage immoderate consumption.

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30. Alcohol advertising and marketing already includes messages to discourage excessive consumption. Commercial organisations already take great care not to target alcohol advertising at minors either through content or placement. The Responsible Marketing Pact³, an initiative of the World Federation of Advertisers, is backed by Europe’s largest alcohol producers and establishes clear guidelines on ad placement and ad content. It also sets new standards and controls for digital media to reduce minors’ exposure to alcohol marketing, limit its appeal to minors, and ensure minors’ digital media experience is free from alcohol ads.

31. Secondly, the advertising of tobacco and tobacco related products is prohibited in the UK according to the Tobacco Advertising and Promotion Act 2002⁴. It is also prohibited under the CAP Code 21.1 which states:

“Tobacco products may not be advertised to the public.”

Furthermore, 21.5 of the CAP Code states:

“Marketing communications for rolling papers or filters must not be targeted at, or be likely to appeal to, people under 18. Anyone depicted in a marketing communication for rolling papers or filters must be, and be seen to be, over 25. No medium may be used to advertise rolling papers or filters if more than 25% of its audience is or is likely to be under 18. No direct marketing communication for rolling papers or filters may be distributed to anyone under 18.”

32. As such we would recommend drafting paragraph 8.9.5 (Vol 3, page 346) to accurately reflect these points.

33. In considering the specifics of what constitutes an online harm, the advertising industry has been convening internationally in an effort that unites marketers, media agencies, media platforms, and industry associations. The Global Alliance for Responsible Media (GARM) was established by the World Federation of Advertisers (WFA) in 2019 and aims to safeguard the potential of digital media by reducing the availability and monetisation of harmful content online. We see this work as essential to creating a safer digital media environment that enriches society through content, communications, and commerce.

34. One of the first steps in safeguarding the positive potential for digital is to provide platforms, agencies, and marketers with the framework with which to define safe and harmful content online. One cannot address the challenge of harmful online content if one is unable to describe it using consistent and understandable language.

35. GARM has developed and will adopt common definitions to ensure that the advertising industry – from brands and trade bodies to large platforms such as Facebook and Google – is categorising harmful content in the same way across the board. Eleven key categories have been identified in consultation with experts from GARM’s NGO Consultative Group. Establishing these standards is the essential foundation needed to stop harmful content from being monetised through advertising. Individual GARM members will adopt these shared principles in their operations, whether

³ Responsible Marketing Pact. Available from <https://the-rmp.eu>

⁴

Tobacco Advertising and Promotion Act 2002. Available from <https://www.legislation.gov.uk/ukpga/2002/36/section/2>

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they are a marketer, agency, or media platform; and platforms including Facebook, YouTube and Twitter are among those who have committed to the framework for defining harmful content that is inappropriate for advertising. They have also agreed to collaborate with a view to monitoring industry efforts to improve in this area.

36. Historically, definitions of harmful content varied by platform. GARM’s Brand Safety Floor and Suitability Framework offers common definitions to which participants have agreed to adhere. The Safety Floor (Fig. 1) lists content for which industry considers that it is not appropriate for there to be any advertising support. The Suitability Framework (Fig. 2.1 and Fig. 2.2) lists sensitive content which may be appropriate for advertising, when that advertising is supported by proper controls.

37. This initiative by industry builds on the self- and co-regulatory system and solutions which are the hallmark of the United Kingdom’s successful and world-leading regulation of advertising content. We hope that this framework is of use as a point of comparison and inspiration for the definition of what counts as relevant harmful and restricted content, and for the nuances which can take place when it comes to the interpretation of the impact of restricted content’s being consumed by a user.

38. The GARM-led international effort aims to standardise definitions and classifications of harmful content so that it can be more consistently identified by machines and humans. In this way, efforts to improve brand safety or suitability in a programmatic environment can be made more effective and predictable.

CONTENT CATEGORY	BRAND SAFETY FLOOR – Content not appropriate for any advertising support
Adult & Explicit Sexual Content	<ul style="list-style-type: none"> • Illegal sale, distribution, and consumption of child pornography • Explicit or gratuitous depiction of sexual acts, and/or display of genitals, real or animated
Arms & Ammunition	<ul style="list-style-type: none"> • Promotion and advocacy of Sales of illegal arms, rifles, and handguns • Instructive content on how to obtain, make, distribute, or use illegal arms • Glamorization of illegal arms for the purpose of harm to others • Use of illegal arms in unregulated environments
Crime & Harmful acts to individuals and Society, Human Right Violations	<ul style="list-style-type: none"> • Graphic promotion, advocacy, and depiction of willful harm and actual unlawful criminal activity – Explicit violations/demeaning offenses of Human Rights (e.g. human trafficking, slavery, self-harm, animal cruelty etc.), • Harassment or bullying of individuals and groups
Death, Injury or Military Conflict	<ul style="list-style-type: none"> • Promotion, incitement or advocacy of violence, death or injury • Murder or Willful bodily harm to others • Graphic depictions of willful harm to others • Incendiary content provoking, enticing, or evoking military aggression • Live action footage/photos of military actions & genocide or other war crimes
Online piracy	<ul style="list-style-type: none"> • Pirating, Copyright infringement, & Counterfeiting
Hate speech & acts of aggression	<ul style="list-style-type: none"> • Behavior or content that incites hatred, promotes violence, vilifies, or dehumanizes groups or individuals based on race, ethnicity, gender, sexual orientation, gender identity, age, ability, nationality, religion, caste, victims and survivors of violent acts and their kin, immigration status, or serious disease sufferers.
Obscenity and Profanity, including language, gestures, and explicitly gory, graphic or repulsive content intended to shock and disgust	<ul style="list-style-type: none"> • Excessive use of profane language or gestures and other repulsive actions that shock, offend, or insult.
Illegal Drugs/Tobacco/e-cigarettes/Vaping/Alcohol	<ul style="list-style-type: none"> • Promotion or sale of illegal drug use – including abuse of prescription drugs. Federal jurisdiction applies, but allowable where legal local jurisdiction can be effectively managed • Promotion and advocacy of Tobacco and e-cigarette (Vaping) & Alcohol use to minors
Spam or Harmful Content	<ul style="list-style-type: none"> • Malware/Phishing
Terrorism	<ul style="list-style-type: none"> • Promotion and advocacy of graphic terrorist activity involving defamation, physical and/or emotional harm of individuals, communities, and society
Debated Sensitive Social Issue	<ul style="list-style-type: none"> • Insensitive, irresponsible and harmful treatment of debated social issues and related acts that demean a particular group or incite greater conflict;

Fig. 1. GARM Brand Safety Floor

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CONTENT CATEGORY	High Risk	Medium Risk	Low Risk
Adult & Explicit Sexual Content	<ul style="list-style-type: none"> Suggestive sexual situations requiring adult supervision/approval or warnings Full or Liberal Nudity 	<ul style="list-style-type: none"> Dramatic depiction of sexual acts or Sexuality issues presented in the context of entertainment Artistic Nudity 	<ul style="list-style-type: none"> Educational, Informative, Scientific treatment of sexual subjects or sexual relationships or sexuality
Arms & Ammunition	<ul style="list-style-type: none"> Glamorization /Gratuitous depiction of illegal sale or possession of Arms Depictions of sale/use/distribution of illegal arms for inappropriate uses/harmful acts 	<ul style="list-style-type: none"> Dramatic depiction of weapons use presented in the context of entertainment Breaking News or Op-Ed coverage of arms and ammunition 	<ul style="list-style-type: none"> Educational, Informative, Scientific treatment of Arms use, possession or illegal sale News feature stories on the subject
Crime & Harmful acts to individuals and Society, Human Right Violations	<ul style="list-style-type: none"> Depictions of criminal/harmful acts or violation of human rights 	<ul style="list-style-type: none"> Dramatic depiction of criminal activity or human rights violations presented in the context of entertainment Breaking News or Op-Ed coverage of criminal activity or human rights violations 	<ul style="list-style-type: none"> Educational, Informative, Scientific treatment of crime or criminal acts or human rights violations News feature stories on the subject
Death, Injury or Military Conflict	<ul style="list-style-type: none"> Depiction of death or injury Insensitive and irresponsible treatment of military conflict, genocide, war crimes, or harm resulting in Death or Injury Depictions of military actions that glamorize harmful acts to others or society 	<ul style="list-style-type: none"> Dramatic depiction of death, injury, or military conflict presented in the context of entertainment Breaking News or Op-Ed coverage of death, injury or military conflict 	<ul style="list-style-type: none"> Educational, Informative, Scientific treatment of death or injury, or military conflict News feature stories on the subject
Online piracy	<ul style="list-style-type: none"> Glamorization /Gratuitous depiction of Online Piracy 	<ul style="list-style-type: none"> Dramatic depiction of Online Piracy presented in the context of entertainment Breaking News or Op-Ed coverage of Online Piracy 	<ul style="list-style-type: none"> Educational, Informative, Scientific treatment of Online Piracy News feature stories on the subject
Hate speech & acts of aggression	<ul style="list-style-type: none"> Depiction or portrayal of hateful, denigrating, or inciting content focused on race, ethnicity, gender, sexual orientation, gender identity, age, ability, nationality, religion, caste, victims and survivors of violent acts and their kin, immigration status or serious disease sufferers, in a non-educational, informational, or scientific context 	<ul style="list-style-type: none"> Dramatic depiction of hate speech/acts presented in the context of entertainment Breaking News or Op-Ed coverage of hate speech/acts 	<ul style="list-style-type: none"> Educational, Informative, Scientific treatment of Hate Speech News features on the subject
Obscenity and Profanity, including language, gestures, and explicitly qory, graphic or repulsive content intended to shock and disgust	<ul style="list-style-type: none"> Glamorization /Gratuitous depiction of profanity and obscenity 	<ul style="list-style-type: none"> Dramatic depiction of profanity and obscenities presented in the context of entertainment by genre Breaking News or Op-Ed coverage of profanity and obscenities Genre based use of profanity, gestures, and other actions that may be strong, but might be expected as generally accepted language and behavior 	<ul style="list-style-type: none"> Educational or Informative, treatment of Obscenity or Profanity News feature stories on the subject
Illegal Drugs/Tobacco/e-cigarettes/Vaping/Alcohol	<ul style="list-style-type: none"> Glamorization /Gratuitous depictions of illegal drugs/abuse of prescription drugs Insensitive and irresponsible content/treatment that encourages minors to use tobacco and vaping products & Alcohol 	<ul style="list-style-type: none"> Dramatic depiction of illegal drug use/prescription abuse, tobacco, vaping or alcohol use presented in the context of entertainment Breaking News or Op-Ed coverage of illegal drug use/prescription abuse, tobacco, vaping or alcohol use 	<ul style="list-style-type: none"> Educational, Informative, Scientific treatment of illegal drug use/prescription abuse, tobacco, vaping or alcohol News feature stories on the subject
Spam or Harmful Content	<ul style="list-style-type: none"> Glamorization /Gratuitous depiction of Online Piracy 	<ul style="list-style-type: none"> Dramatic depiction of Spam or Malware presented in the context of entertainment Breaking News or Op-Ed coverage of Spam or Malware 	<ul style="list-style-type: none"> Educational, Informative, Scientific treatment of Spam or Malware News feature stories on the subject

Fig. 2.1. GARM Brand Sustainability Framework (part 1)

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CONTENT CATEGORY	High Risk	Medium Risk	Low Risk
Terrorism	<ul style="list-style-type: none"> • Depiction of terrorist actions that are disturbing, agitating or promotes harmful acts to others or society • Terrorist content requiring a viewer advisory • Insensitive and irresponsible treatment of terrorism/ related crimes 	<ul style="list-style-type: none"> • Dramatic depiction of terrorism presented in the context of entertainment • Breaking News or Op-Ed coverage of acts of terrorism 	<ul style="list-style-type: none"> • Educational, Informative, Scientific treatment of terrorism • News feature stories on the subject
Debated Sensitive Social Issue	<ul style="list-style-type: none"> • Depiction or discussion of debated social issues and related acts in negative or partisan context 	<ul style="list-style-type: none"> • Dramatic depiction of debated social issues presented in the context of entertainment • Breaking News or Op-Ed coverage of partisan advocacy of a position on debated sensitive social issues 	<ul style="list-style-type: none"> • Educational, Informative, Scientific treatment of debated sensitive social issues and related acts including misinformation • News feature stories on the subject

Fig. 2.2. GARM Brand Sustainability Framework (part 2)

Volume 5 – What should services do to mitigate the risk of online harms

Our proposals for the Children’s Safety Codes (Section 13)

39. Overall, the proposed measures represent a significant step towards improving online safety for children, but their effectiveness and broader impacts will likely depend on how they are implemented and enforced. Ongoing research, monitoring, and adjustment will be crucial to ensure they achieve their intended goals without unintended negative consequences.

40. However, we would like to highlight that these proposals are not without impact to the advertising industry and current advertising practices. In particular, the broad use of age assurance and "highly effective age checks" could significantly reduce the addressable audience for advertisers on many platforms, especially those popular with younger users. That being said, some platforms have already removed the options for targeted and campaign advertising globally for people under the age of 18⁵, and these changes are part of a wider effort to strength the privacy and safety of children online.

41. In addition, the Advertising Association recognises and actively promotes the importance of media literacy as noted in paragraph 13.56 (Vol 5, Section 13 page 15). It is our aim to contribute constructively to the development of a comprehensive and effective media literacy strategy for the UK. We believe that in developing the key skills of media literacy – resilience, empathy, creativity, communication and critical-thinking – young people are also building life skills which will help them on their journey towards future employability and well-being and equip them to be successful global citizens.

42. Media Smart, a subsidiary of the Advertising Association, is the advertising and media industry’s award-winning education non-profit with a mission to ensure that every 7 – 21 year old in the UK can confidently navigate the media they consume including being able to identify, interpret and critically evaluate all forms of advertising. The programme provides free educational resources for teachers, schools, parents/guardians and digital campaigns direct to its youth audience. Subjects include social media, digital advertising, political advertising, scam ads, greenwashing, body image,

⁵ Meta (2023). About advertising to teens. Available from <https://www.facebook.com/business/help/229435355723442>

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influencer marketing, creative careers and piracy which are delivered in the classroom, assembly, youth club or at home.

43. Paragraphs 13.70 – 13.73 discusses the impact of choice architecture and how it can influence online behaviours. However, we think it is important to make the point that “persuasive design” should not be seen as negative by default, and it needs to be viewed in context. For example, we think that the line ought to be drawn at design approaches that are deliberately intended to misinform or mislead end users as something distinct from online services presenting information in ways that are appropriate for its audiences, products, brand tone of voice etc.
44. The challenges of limited evidence on the specific impact of harms to children in different age groups and limited existing technologies that can reliably identify children of different ages (paragraph 13.75) notwithstanding, research⁶ suggests that while most children demonstrate resilience in navigating online environments, a subset may be more susceptible to risks and potential harm from internet use. This increased vulnerability can be attributed to various factors, both individual and environmental. Personal characteristics such as socio-demographic background and psychological makeup play a role, as do external influences like family dynamics and school environments.
45. Interestingly, studies⁷ have found that older adolescents tend to encounter a higher number of online risks. This is not necessarily due to increased vulnerability, but rather stems from several factors: they typically have greater access to internet resources, engage in a more diverse range of online activities, and possess more advanced digital skills. This broader and more frequent engagement online naturally exposes them to a wider array of potential risks.
46. Consequently, this nuanced understanding highlights the complexity of online safety for children and teenagers, suggesting that age, digital literacy, and exposure are all important factors to consider when developing protective measures and educational strategies.

Developing the Children’s Safety Codes: Our framework (Section 14)

47. Overall, the proposed approach to developing the proposed measures for the Children's Safety Codes seems reasonable. We welcome Ofcom’s extensive research and stakeholder engagement to build their evidence base. The impact assessment framework considers effectiveness in reducing risks to children, impacts on rights, and costs/impacts on services. It also aims to tailor measures based on service size and risk level.
48. However, we would welcome the opportunity to review the proposed changes in case there may be unintended consequences for advertising.

⁶ Sonck, N & de Haan, J. (2013). How The Internet Skills Of European 11- To 16-Year-Olds Mediate Between Online Risk And Harm. Journal of Children and Media, Vol. 7, No. 1, 2013. Taylor & Francis. Available from <http://dx.doi.org/10.1080/17482798.2012.739783>

⁷ Livingstone, S. & Helsper, E. (2010). Balancing opportunities and risks in teenagers' use of the internet: the role of online skills and internet self-efficacy. New media & society, 12 (2). pp. 309-329. ISSN 1461-4448 DOI: 10.1177/1461444809342697.

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Age assurance measures (Section 15)

49. Whilst preventing children from accessing harmful content online is of paramount importance, the broad scope and nature of the proposals will likely carry significant implications for the advertising industry and therefore need to be considered carefully.

50. In particular:

- The proposed measures for highly effective age assurance (HEAA) could significantly impact advertising practices, particularly for platforms that rely on broad audience reach. This may limit advertisers' ability to reach younger demographics.
- Measures AA5 and AA6 propose using HEAA to apply recommender system measures to children. This could affect targeted advertising and content recommendation algorithms, potentially reducing the effectiveness of personalised ads for users identified as children.
- The implementation of HEAA and other safety measures may lead to increased operational costs for online platforms. These costs could potentially be passed on to advertisers in the form of higher advertising rates.
- It may also limit the amount and types of data that can be collected for advertising purposes and used to target away from certain demographics.
- The content control measures (AA3 and AA4) may lead to more age-gated content, which could complicate ad placement and targeting strategies.

51. Ultimately, we think that advertisers and agencies may need to adapt their practices to ensure compliance with new platform policies resulting from these measures, potentially increasing the administrative burden and costs.

52. The proposed measures may limit the flexibility of advertising strategies, particularly for brands that target both adult and younger audiences. We are also somewhat concerned that different age assurance methods across different online services could lead to a fragmented online ecosystem, making it more challenging to run cohesive cross-platform advertising campaigns.

53. To the fragmentation point, there is merit in considering some level of involvement from app stores or OS operators to collecting age and or parental consent. There would be an obvious benefit in that age assurance could be conducted centrally rather than across multiple points. It would also mean minimising the amount of data collected and provides an easy one stop shop for parents to give their consent to their child to download age restricted apps.

54. Finally, we would also like to highlight the work of the Online Advertising Taskforce Working Group on Age Assurance. The Online Advertising Taskforce Action Plan commits its members, including in particular ISBA and the ASA, to the promotion of compliance with existing standards for the targeting of age-sensitive advertising. ISBA is also committed under the plan to take action to increase standards of age assurance by working with the International Alliance for Responsible Drinking (IARD), the Age Verification Providers Association (AVPA), and World Federation of Advertisers, which all take an active interest in this area.

55. The objectives of the Online Advertising Taskforce Working Group on Age Assurance are:

- To assess current age assurance practices.

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- To identify gaps and challenges in existing systems.
- To propose practical solutions for age verification and assurance.
- To propose achievable industry thresholds for the exclusion of under-age audiences to targeted online ads, based on the implementation of practical solutions.
- To gain industry commitment to increased adoption of best-practice solutions.

56. The group will deliver a report on current age assurance practices for online advertising on social media platforms and make recommendations for enhancement and best practice. Commitments to individual roadmaps for enhancement will be sought from participants. Collectively, the ambition is for roadmaps to lead to an enhanced and satisfactory industry position, in which assurance can be given that exposure of children and young people to advertising for age-restricted products is being appropriately and proportionately controlled.

16 July 2024

ADVERTISING ASSOCIATION

About the Advertising Association

The Advertising Association promotes the role and rights of responsible advertising and its value to people, society, businesses, and the economy. We bring together companies that advertise, their agencies, the media and relevant trade associations to seek consensus on the issues that affect them. We develop and communicate industry positions for politicians and opinion-formers, and publish industry research through advertising's think-tank, Credos, including the Advertising Pays series which has quantified the advertising industry's contribution to the economy, culture, jobs, and society.

The membership of the Advertising Association is very broad and includes the associations representing industry sectors, such as the advertisers (through the Incorporated Society of British Advertisers), the agencies and advertising production houses (through the Institute of Practitioners in Advertising and the Advertiser Producers Association), all the media (from broadcasters and publishers, cinema, radio, outdoor and digital), advertising intermediaries and technology providers (which include platforms and the IAB UK), market research (through the Market Research Society) and marketing services such as direct marketing (through the Data & Marketing Association).

Context

Advertising and marketing are important. They play a crucial role in brand competition, drive product innovation and fuel economic growth. Many industries such as the arts, sport and culture depend on it for their revenues and it also funds a diverse and pluralistic media, including a free and open internet, enjoyed by consumers of all ages, including children and young people.

Advertising is also a driver of economic growth and competition. We have previously estimated that every pound spent on advertising returns up to £6 to GDP through direct, indirect, induced, and catalytic economic effects. The Advertising Association/WARC Expenditure Report UK's ad market will grow by a further 5.9% in 2024, to reach a total of £39.2bn – a new high and equivalent to a 2.5% rise in real terms. This would mean a contribution of approximately £235bn to the economy supporting over 1 million jobs across the UK.

According to Deloitte research carried out on behalf of the Advertising Association, the one million jobs supported by advertising can be broken down as follows:

- a) 350,000 jobs in advertising and the in-house (brands) production of advertising.
- b) 76,000 jobs in the media sectors supported by revenue from advertising.
- c) 560,000 jobs supported by the advertising industry across the wider economy.