

POLICY REGULATION OF ADVERTISING TO CHILDREN

Akhter Ali^{*}, D.K Batra^{**}, N Ravichandran^{***}

Abstract *The present research paper aims to address the legal/legislative regulatory measures combined with industry led self-regulatory measure of advertising to children in India. It compares India with some developed countries on the dimensions of policy regulation and gives a deep understanding of system necessities that ensures acceptability of advertising to this special consumer group. The study reveals that developed countries have well established framework of policy regulation for acceptable advertising to children than India and hence lays the basis for acceptable advertising to children in India too.*

Keywords *Advertising, Policy, Legal, Self-regulatory, India, Developed countries*

INTRODUCTION

Children have been predictable as an important and different consumer market and every day they are exposed to different advertisements directed through; television, radio, newspaper, magazines, internet, etc. Advertisements directed through television have evolved as a vital and powerful tool of advertising to children as this provides better reach to this market. Today children are more vulnerable and prone to advertisements as they devote much of their time in front of television on daily basis and get easily carried away (Valkenburg, 2000).

Regulation of advertising to children has largely evolved in recent years as a result of this vulnerability. Regulatory systems and procedures that deal with various aspects of advertising exist in most of the countries. The most commonly employed advertising control procedures are self-regulatory procedures because it boosts the advertisers to create non defective advertising messages. Developed countries seem to have more developed and active self-regulatory control systems along with well-defined legal regulatory measures than developing countries (Casim and Langton, 1996). Thus children in developed countries enjoy greater protective measures than children from developing countries; hence the self-regulatory system in these countries can be regarded as efficient, protective and appropriate. So it becomes very necessary to conclude whether these proclamations are really accurate and if so, to file what are the differences that do exist between developed and developing countries. Therefore the objectives of this paper are; to access the policy framework of advertising that formulates laws to prevent the over exposure of children to ad world and to establish the differences both in efficiency and effectiveness regarding the policy framework in providing sufficient protection to children against the

bad effects of advertising both in developed and developing countries with India as main focus.

LITERATURE REVIEW

Advertising is one of the socializing agents that influence children and adolescent throughout the development (Moschis & Churchill, 1978; Friestad & Wright, 2005). Studies on socialization of children have shown a significant increase in the ad exposure to children in both developing and developed countries, particularly the advertisements of foods that have high content of sugar, fat and salt (consumer international, 2005). This overexposure of advertisements to children has been witnessed as a direct result of their importance as a growing market (Gardwell & Bennett, 1999). It is observed that young children are more susceptible to the persuading nature of advertisements. This is because of the reason that children in their earlier stages of television viewing do not differentiate between a commercial and a programme. Most children below the age of 4-5 years are not aware about the concept of commercials (Ward, Reale & Levinson, 1972) and below the age of 7-8 years, do not properly understand the persuasive intent of ads and tend to be egocentric (Kunkel et al., 2004). It is distressing that children are spectators of advertisements primarily because young children are open to thousands of commercials in India (George, 2003) and West (Kunkel et al., 2004). Therefore there is an immediate need to protect children from the persuasive techniques used in advertisements (Sustain, 2005).

Children today have established themselves as a separate consumer market and therefore a key focus area for many marketing strategies (Peterson, 2005). Children are accountable for billions of dollar in sales every year, the results are not only due the powerful influence they have

^{*}Research Scholar, Hamdard University, New Delhi, India

^{**}Professor, FORE School of Management New Delhi, India

^{***}Associate Professor, Hamdard University New Delhi, India

on their parents purchase decisions but also due to their own purchasing power as well (Gardwell&Benette, 1999). Besides their emergent significance as a separate and new consumer market, they are at a threat of being harmed by advertisements which are targeted at them, because they do not have same understanding of advertising tactics and appeals as adults do. There is large portion of literature available which reveals that children understanding regarding the intent of advertising message vary with respect to different developmental stages of life. Valkenburg (2000) revealed that children in preoperational stage (2-7 yrs.) react to commercials in a dissimilar way than do children at concrete operational stage (7-12 yrs.). Thus this kind of understanding should be used as a basis for development and implementation of policies regarding advertisement exposure to children.

There are a number of studies which discuss the negative effect of advertising on children. One set of studies discusses that advertising affects children’s value system, socialization, gender stereotypes, etc. (Lvovich, 2003; Moses & Baldwin, 2005) and other set of studies discusses that advertising affects children’s food choice and eating habits (McGinnins et al., 2006). Children seeing a lot of ads for liquor, wine, beer and cigarettes, too confess that it aggravates them to drinking and smoking. Alcohol-related problems have flourished amongst teens in recent years and have caused many negative consequences such as gang rape, thefts, robbery, and murder, indiscipline and suicidal deaths. Fast food ads targeting children heavily promotes unhealthy and mall nutritious food like instant food, junk food and sachet packed food. Diabetes, obesity, hypertension, cardiovascular diseases (CVDs), gall bladder ailments, cancer, psycho-social problems, breathlessness, sleep disorders, asthma, arthritis, weak bones and reproductive hormone abnormalities have now become a great concern. Based on these facts, policy measures need to be undertaken in recent times so as to protect children from such evils. Today we see many self-regulatory and legislative control measures are in place that provides protection to children across the ad world. The self-regulation refers to those policies which are imposed by industry and controlled by state and legislative/statutory measures are those which are imposed by government for providing to consumers against harmful advertising (Casim & Langton, 1996). All these control measures have been adapted from International Chamber of Commerce guidelines.

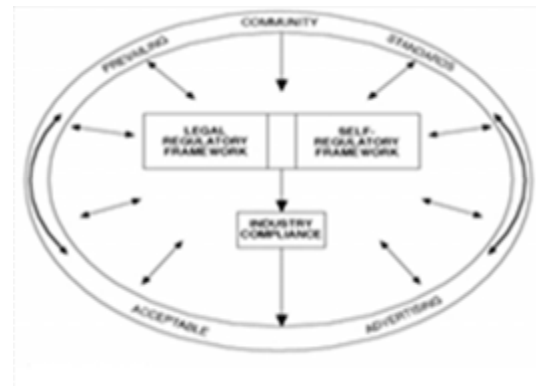
The most common control measures that provide protection to children across the ad world are self-regulatory measures, which basically are the control exercised by the advertising agencies against children exploitation (Boddewyn, 1992). Most countries have well established regulatory control systems that work in agreement with the legislative systems so as to guarantee consumer safeguard and consumer well-being. Thus in short the advertising

industries are accountable for governing the conduct of its individual members and also voluntarily control the content of the industry advertising (Cassim & Harker, 2002). Gray (2005) mentioned that self-regulatory system is that type of system by which the advertising industry actively polices itslef police (European Commission, 2006).

Harker (1998) and Harker & Cassim (2002) developed a framework based on the previous literature for accessing the acceptable advertising to children as shown below in figure (1). This framework is still used as the basis for policy regulation of advertising to children.

APPENDIX

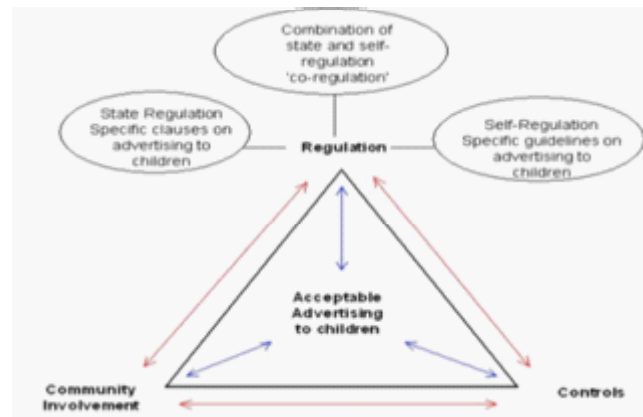
Figure 1



Source: Harker (1998)

Cassim & Bexiga (2007) modified this model according to the necessities required for analysing the regulation of advertising to children and focused on some critical aspects that were important for policy regulation of advertising to children as shown in figure (2).

Figure 2



Source: Cassim & Bexiga (2007)

This model defines three significant variables as; regulation, community involvement and control. The first variable

regulation- discusses the laws governing advertising to children. This regulation may be self or state regulation or a combination of two. In self-regulation, self-regulatory policy system needs to be recognised and all the self-regulatory guidelines and codes related to children advertising exposure need to be examined. On the other hand in state-regulatory policy system, country's legal framework needs to be identified which helps in assessment and implementation of policies for children ad-exposure. The second variable control- refers to a controlling body which monitors the overall system and ensures industry obedience. This can be achieved through sanctions, fines and reward system (LaBarbera, 1980). The third variable community involvement- refers to involvement of the general public in advertising self-regulatory system (LaBarbera, 1980; Boddewyn, 1992).

METHODOLOGY

This paper attempts to explore the policy regulation of advertising towards children in India and in certain developed countries. The main objectives of this paper are:

1. To explore the policy regulatory systems in certain countries.
2. To compare the policy regulatory system of India a developing country with certain developed countries.

This paper is based on published documentary work available on policy regulatory and control system in India and abroad. More over several relevant websites of various global organisations as well as the official websites of state and central government governing bodies were examined. This study will give a deep understanding of how the lawmakers, the industry and the general public need to come forward so as to protect the children who are under the attack of advertising.

Table 1 The ASCI Guidelines for advertising to children

1.	Advertisements should not misinform children to trust that consumption of product advertised will result directly in personal changes in intelligence, physical ability or exceptional recognition. Such claims if made in advertisements should be supported with adequate scientific substantiation. All nutritional and health benefit claims in foods & beverage advertisements are mandatory to be validated scientifically.
2.	Unless a food product has been nutritionally designed as a meal replacement, it should not be portrayed as such.
3.	Messages in advertising to children will represent accurately the products, in a way that is in keeping with their ability to understand.
4.	Advertisements should not show over consumption of Foods & Beverages. It should reflect moderation in consumption and portion sizes appropriate to occasion or situation. Advertising of promotional offers on Food & Beverage products should also not show extreme consumption.
5.	Advertisements should not undermine the role of parental care and guidance in ensuring proper food choices are made by Children.
6.	Visual presentation of foods and beverages in advertisement should not mislead the consumers of the material characteristics of the products advertised.

(since 1980), Sweden (since 1991), and Norway (since 1992) (Hawkes, 2004), while in other countries like Australia, Belgium, Germany etc., there are definite constraints on advertising to children. Over the past few years, numerous proposals have been made in many countries like France,

POLICY REGULATION FRAMEWORK

In developed countries expenditure on advertising is too high and there are well defined rules and legislations concerning advertising to children (Harker et al., 2001). These policy regulatory and legislative rules have been there from quite a long time. Thus it is necessary for India to use such policy regulatory systems and rules as standards for a virtual evaluation. These policy regulatory systems usually are an amalgamation of state/legal and self-regulatory systems. Like other countries India too has co-regulatory system (legal and self-regulatory policy system) so as to safe guard children against the exposure of advertisements.

The developed countries taken in this study that have well-developed policy regulatory and legislative rules regarding children are; United States of America, United kingdom, Canada and Australia. A short synopsis of important information about India and other countries is given below.

Legal Regulatory Systems

All the developed countries have well recognised legal regulatory systems with legislative rules that govern broadcasting and consumer protection Harker, (1998). Consumer protection refers to protection of children from harmful content that affects children's innocence and naivety (Roch et al., 2004). India too has precise legal regulatory systems that govern broadcasting and consumer protection. The legal regulatory systems of India along with other developed countries is as below (Table 1)

The advertising guideline policies and procedures vary in different countries. In some countries advertisements targeting children is completely banned like Quebec Canada

Italy, Brazil, Ireland etc. to restrict the food advertising to children. In Brazil a bill was passed in Feb. 2003 to restrict food advertising to children on the grounds of child health. In France amendment to the Public Health Law was carried out to stop the advertisements for high-fat and high-sugar

foods targeting children. United Kingdom passed a bill in November 2003 to stop certain food advertisements targeted to children. Also in the same year (2003), Australian Coalition on Food Advertising to Children (CFAC) repeated a call for ban of all sorts of food advertisements related to children (Hawkes, 2004). In the United States, advertising restrictions were the subject of extensive debate as far back as the 1970s (Hawkes, 2004), many Federal and state bills were subsequently proposed from time to time that laid the guidelines for advertising to children. These guidelines are both in terms of time and the content being shown in advertisements of children. Various Federal children's advertising policies in the form of Children's Television Act, 1990; Telecommunications Act, 1996; Communications Decency Act, 1996; Children's online Privacy Protection Act, 1998 and Broadcast Decency Enforcement Act, 2006 are there which provide guidelines for allowable advertisements and commercials to children (Amy & Jordan, 2008). The Children's Television Act passed is still active today and as per this act, the quantity of advertising during children's programs should be restricted to 10.5 minutes per hour and on weekends and 12 minutes per hour (Advertising Education Foundation).

Like other western developed countries, India too has legal and widespread rules for children defence against advertisements. India constitutes 18.7 % of world's kids' population and in fact one third of India's population is under the age of 15 years. It means that there is a enormous potential in this segment which is growing at the rate of 4% annually. Thus a potential market of 300 million is accessible to advertisers and they are having a close watch on it (SheetalKapoo, 2011). A report from A.C Nielsen revealed that in India average child watches TV for at least 3.7 hours on weekends. Apart from programs, children are enthusiastic to watch different types of advertisements. In India the average budget on advertising of children related products but purchased by parents is 12 to 15 per cent of the total 38,000 million rupees. Advertising budget on children specific products but purchased by them is seen to eight per cent. Thus advertisers are trying to exploit young children market by advertising products that are not always advantageous to their wellbeing.

Monopolies and Restrictive Trade Practices Act, 1969 (MRTP Act), and the Consumer Protection Act, 1986 (CPA), both contain the guideline for the deceptive advertising to children. Under both these acts any false or deceptive advertisement amounts to unfair trade practice (UTP). UTP, in so far as it relates to advertising, refers to any unfair method or deceptive practice adopted for promoting the sale of the products (Verma, 2001).

The three advertising practices are particularly specified as unfair trade practices:

- Making false claims and misleading advertisements.
- Offering of bargain prices or pseudo discounts.
- Conducting of pseudo sales promotion contests.

More over the legal provisions for the regulation of misleading advertisements are also contained in Objectionable Advertisements Act, 1954.

Young Act deals with any advertisements through print media. Thus advertising any harmful publication which is horrible in nature and which can corrupt a child in whose hands it might fall, by encouraging the child to act differently is punishable up to six months imprisonment.

Infant Food Act, 1992 prohibits the advertising of infant milk substitutes and feeding bottles. Thus this act ensures that feeding of these substitutes is not equivalent to or better than the breast feeding. Violation of this act results in imprisonment for up to three years and fine up to 5000 Rs. IT act deals with penalising any harmful publication or transmission of any message which is salacious to children and which can corrupt the minds of children in any way. Cable TV Networks (Regulation) Act, 1995 deals with advertisements related to children and lays the guidelines that; all the advertisements shown on television should not denigrate children, should not contain any vulgar scenes or any explicit language or any indecency that can be harmful to children (SharadVedehra, 2010). In addition to all such acts, Information and Broadcasting Ministry government of India along with the Advertising Standards Council of India (ASCI) lays the rules for advertising to children. In 2006, the Information & Broadcasting Ministry set up a 30-person committee who expressed to rewrite the advertising codes for the Cable Television Act and its Rules, and to develop a mechanism to enforce the codes, a process that was on-going as of April 2006. The codes developed by the committee were primarily adapted from the United Kingdom's Ofcom codes, with specific sub-sections on children and food advertising (GI Pereira, personal communication, 2006). Also the Ministry of Consumer Affairs also just set up a committee to make recommendations to confront misleading advertising (Hawkes, 2004). Thus it is pretty evident that statutory components are widespread and deliver protective measures children in India (Cassim&Bexiga, 2007).

Self-Regulatory Systems

Self-regulatory system states the regulation by Industry itself. This regulation is executed through Code of Practices and there is a process which continuously observes such practices. The International Chamber of Commerce (ICC) has been the international leader with respect to the establishment of broad overall principles and codes of practice for responsible advertising to children (International Chamber of Commerce, 2003). The portion of the code particularly meant to children (under the applicable national law) is presented in article 14 as below (Table 2)

Table 2 Extracts from the ICC International Code of Advertising Practice (1997)

Article 14	
	The below provisions apply to advertisements targeted to children who are minors under the applicable national law.
<i>Inexperience and credulity</i>	
a.	Advertisements should not exploit the naivety or innocence of children.
b.	Advertisements should not exaggerate the degree of skill or age level generally required to use the product.
c.	Price signal must not be such as to lead children to an unreal perception of the true value of the product.
Avoidance of harm	
	Advertisements should not have any proclamation or visual appearance that could have the effect of harming children mentally, morally or physically or of bringing them into unsafe situations or activities seriously threatening their health or security, or of boosting them to associate with strangers or to enter strange or unsafe places.
Social value	
a.	Advertisements should not advocate that ownership or use of a product alone will give the child physical, social or psychological advantages over other children of the same age, or that non-possession of the product would have the opposite effect.
b.	Advertisements should not undermine the authority, responsibility, judgment or tastes of parents, taking into account the current social values. Advertisements should not include any direct appeal to children persuade their parents to buy advertised products for them.

The overall objective of this code is the protection of children from advertising that is unfair of their naivety, is deceptive, harmful to health, makes children feel inferior compared to their peers, or makes a direct appeal to children.

Each country has its own self-regulatory system and is over looked by the advertising and media industries and implemented through Code of Practices. This Code is mostly based on the International Code for Advertising Practices, 1997(ICC, 2007) and provides guidelines for the protection of children against the exposure of harmful material. Children's advertisements should not deceive children to trust that individual usages of the products advertised will help them in unique gratitude and also their security should not be attacked in any way (Advertising Standard Council of India, 1999; Children's Advertising Review Unit, 2005).

Self- regulation of advertising to children in United States of America is managed by Federal government that has laid the rules and regulations for advertisements to children and today two advertising laws pertaining to children are intact for broadcasting and cable television: Time boundary during children's television shows and prohibition on host selling (Dale Kunkel, 1990). CARU (Children's Advertising Review Unit) which was founded in 1974 also provides guidelines for advertisements in print, television, radio and internet media directed to children below the age of 12 years (NARC, 2004). The guideline laid by CARU has also been approved by Federal Trade Commission and this Commission regularly examines the complaints against harmful advertisements targeting children (Koester, 2002).

Australia has also has self- regulatory system for advertisements to children and this regulatory system is looked by; The Advertising Standard Board, Australian Association of National Advertisers and Advertising Claims Board (Harker&Volkov, 2001). This self-regulatory system

always monitors the advertisements targeting children and lays the guidelines for regulation of advertising in Australia. More over in Australia, there are defined advertising codes that control the hyper exposure of children to media. These are in the form of Commercial Advertising Code of Practices, Telephone Information Services Standards Council Code of Practices etc. (Australian Association of National Advertisers, 2000).

Self-regulation of advertising to children in United Kingdom is overlooked by Advertising Standard Authority of United Kingdom (ASA) and the Committee of Advertising Practice (CAP). (Boddewyn, 1992). This two –tier arrangement applies the advertising codes and maintains the standard of advertising through all types of medias targeting children and ensures their protection and safeguard (Advertising Standard Authority of United Kingdom, 2005). The various Codes monitored by ASA are: British Code of Advertising and sales promotions, Radio Authority Advertising and Sponsorship Code and the Television Authority Advertising and Sponsorship Code. The policies related to advertisements for children are established through these codes which ensure consumer protection (Advertising Standard Authority of United Kingdom, 2003). Also the British Code of Advertising Practices that is based on International Chamber of Commerce's Code is implemented to meet the countrywide needs (Boddewyn, 1992).

In Canada, self-regulation of advertising to children is mandatory to follow the regulatory codes endorsed by ASC; the Canadian Association of Broadcasters and Canadian Broadcasting Corporation. Moreover the Broadcast Code for Advertising to Children is also playing a vital role in assessing the standards of advertisements targeting children and this code is intended to complement the general principles for ethical advertising defined in the Canadian Code of Advertising Standards (The Canadian Code of Advertising

Standards). This code also guides advertising agencies to make commercial messages that identify and admire the distinctive features of the children.

In India after continued criticism of advertising to children, advertisers have formulated self-regulatory systems to ensure the delivery of true and accurate content to children. But still the regulatory approach towards advertising to children in India is not structured like developed countries. The self-regulatory monitoring body in India is the Advertising Standards Council of India which was set up in October 1985- by media owners, advertisers, advertising agencies and allied professionals like consumer researchers, film makers, processors etc and regulates the

content of advertising in accordance to consumer interest. Unlike developed countries there is no separate code for advertising to children in India, but chapter (111) of the code contain provisions against the advertising and promotion of products which are damaging, unsafe and which can exploit vulnerability of the children (Advertising Standards Council of India, Dec. 2009). Part 2 of chapter (111) states that advertisements to minors should not contain any thing, whether in illustration or otherwise, which might result in their Physical, Mental or Moral harm which exploits their vulnerability (Advertising Standards Council of India, Dec. 2009) The overall ASCI guidelines for advertising to children in India are presented is as below (Table 3).

Table 3 The ASCI Guidelines for advertising to children

7.	Advertisements should not misinform children to trust that consumption of product advertised will result directly in personal changes in intelligence, physical ability or exceptional recognition. Such claims if made in advertisements should be supported with adequate scientific substantiation. All nutritional and health benefit claims in foods & beverage advertisements are mandatory to be validated scientifically.
8.	Unless a food product has been nutritionally designed as a meal replacement, it should not be portrayed as such.
9.	Messages in advertising to children will represent accurately the products, in a way that is in keeping with their ability to understand.
10.	Advertisements should not show over consumption of Foods & Beverages. It should reflect moderation in consumption and portion sizes appropriate to occasion or situation. Advertising of promotional offers on Food & Beverage products should also not show extreme consumption.
11.	Advertisements should not undermine the role of parental care and guidance in ensuring proper food choices are made by Children.
12.	Visual presentation of foods and beverages in advertisement should not mislead the consumers of the material characteristics of the products advertised.

The broad overview of self-regulatory bodies of the India and some developed countries are as below (Table 4).

Table 4

	United States	Australia	United Kingdom	India
Established	1974	1997	1662	1985
Monitoring Body	NAD CARU DISCUS	ASB AANA ACB	ASA CAP	ASCI
Number of Codes for advertisements to children	1	1	No separate code	No separate code
Separate body for advertisements to children	Yes	No	No	No

- ASB (Advertising Standard Board); AANA (Australian Association of National Advertisers); ACB (Advertising Claims Board).
- ASA (Advertising Standard Authority of United Kingdom); CAP (Committee of Advertising Practice)
- ASC (Advertising Standards Council of India)
- NDA (National Advertising Division)
- DISCUS (Distilled Spirits Council of the United States)

It is clear from the above table that United Kingdom is only developed country that has no separate code for advertising to children, hence Ofcom in year 2005 mentioned the need and importance of advertising regulation to children (Ofcom, 2005).

Thus the overall comparative analysis between India and some countries on the basis of Policy regulation of advertising to children are as below (Table 5).

Table 5

Country	Type of restriction
	Timing
United States	Advertisers should limit the duration of advertising in children's television programming to not more than 10.5 min/h on weekends and not more than 12 min/h on weekdays. <i>Children's Television Act (1990).</i>
	Content
	Food: "Representation of food products should be made so as to encourage sound use of the product with a view toward healthy development of the child and development of good nutritional practices. Advertisements representing mealtime should clearly and adequately depict the role of the product within the framework of a balanced diet. Snack foods should be clearly represented as such, and not as substitutes for meals." (<i>Advertising Review Unit's Self-regulatory Guidelines for Children's Advertising</i>)
	Alcohol: Prohibits alcohol advertising to children and stops the children from being shown in the alcohol ads (<i>State Alcohol Provisions</i>)
	Tobacco: Regulates the advertising of Tobacco related items to children and restricts the marketing of such items to children. This act bans the advertisements of Tobacco related items where teen leadership is very high. (<i>Family Smoking Prevention and Tobacco Control Act</i>)
	Drugs and Health: Food advertised should be in such a way that it is focused to the health and well-being of a child. Moreover the quantity of food should not surpass the serving size revealed on the nutrition facts panel. (<i>CARU guidelines apply only to children under 12 years of age</i>)
	Arms and Violence: Stations may be penalized \$325,000 for airing "patently offensive" content (sexual or excretory words) between 6 a.m. and 10 p.m. <i>Broadcast Decency Enforcement Act (2006)</i>
United Kingdom	Timing
	Since April 2007, UK banned junk food advertising during television programs aimed at children aged 7 to 9. As of January 1, 2008, that ban has been extended to all children under 16 years. Children's television personalities are prohibited from appearing in any advertisements before 9 pm; commodities based on children's television programmes must not be advertised 2 hours preceding the programme. (<i>Global issues: Children as Consumers, 2010</i>)
	Content
	Food: "Advertising must not give a misleading impression of the nutritional or health benefits of the product as a whole (8.3.1). Advertisements must not encourage or condone excessive consumption of any food (8.3.2). Advertisements must not disparage good dietary practice. Comparisons between products must not discourage the selection of options such as fresh fruit and vegetables which accepted dietary opinion recommends should form a greater part of the average diet (8.3.3). Advertisements must not encourage or condone damaging oral health care practices. (Note. For instance, advertisements must not encourage frequent consumption throughout the day, particularly of potentially cariogenic products such as those containing sugar. This rule has children's dental health particularly in mind) (8.3.4)." (<i>Section 8 of the Ofcom (formerly Independent Television Commission), Advertising Standards Code</i>)
	Alcohol: Restricts the targeting of alcohol drink to children in the advertisements. Advertisements should not be sponsored by such personalities who have got a high influence on children. (<i>U.K Broadcast Advertising Standards Code Effective from 1st Sep. 2010</i>), (<i>Institute of Alcohol studies, 2010</i>)
	Tobacco: Restrictions on advertising of tobacco to children
	Drugs and Health: Restrictions on advertising of health related items. In 2005 British Medical Association also called a ban on children advertising that incorporated celebrities and endorsed unhealthy food products. (<i>British Medical Association, 2005</i>)
Australia	Timing
	Advertisements are limited to a 10 minutes/hour in C classified programs and no advertisements are permitted in P classified programs. (Free TV Australia)
	Content
	Food: Advertisements to children for food and/or beverages: "should not encourage or promote an inactive lifestyle combined with unhealthy eating or drinking habits; and must not contain any misleading or incorrect information about the nutritional value of that Product. (Australian Association of National Advertisers Code for Advertising to Children)

	<p>Alcohol: Should not persuade a child to choose detrimental drinking behavior. April 2006, a political party, the Australian Democrats, called for a complete ban on drink advertising during children's television programmes. (<i>National Advertisers (AANA) code</i>)</p>
	<p>Tobacco:Bans tobacco advertising and promotion to children since 1976 - with print, radio and television bans. (<i>Action on smoking and health, Australia</i>)</p>
	<p>Drugs and Health:Commonwealth Trade Practices Act 1974 and state and territory fair trading and sale of goods acts control distinct areas of advertising, such as false and deceiving conduct and health claims. (<i>Australian Communications and Media Authority</i>)</p>
Canada	<p>Timing</p>
	<p>In children's programs of longer duration, the same advertisement or more than one advertisement promoting the same product must not appear more than once in any half-hour period. No station must carry more than four minutes of advertisement in any one half-hour of children's programming or more than an average of 8 minutes per hour in children's programs of longer duration. (<i>Advertising to Children in Canada A Reference Guide, 2006</i>)</p>
	<p>Content</p>
	<p>Food: Clause 11 of Broadcast Code for Advertising to Children (BCAC) in relation to food products state that: Advertisements must not be advertised in such a way that it shows to a child that they are an substitute for meals; Advertisements must not be depicted in such a way that it becomes excessive for a person to consume; The quantity of food shown should not exceed the labelling or serving size. (Canadian Association of Broadcasters: Home Page)</p>
	<p>Alcohol: Advertisements for alcohol are regulated by the Canadian Radio-television and Telecommunications Commission (CRTC) through the Code for Broadcast Advertising of Alcoholic Beverages. Canadian law forbids advertising messages that could influence non-drinkers to drink and harm young people. (<i>Canada alcohol regulations, and broadcasting codes</i>)</p>
	<p>Tobacco:Tobacco advertising in Canada is regulated through the federal government's Tobacco Act.(<i>federal government's Tobacco Act</i>)</p>
	<p>Toys and Children Things:Ban on advertising of products like toys for children. (<i>federal government's Tobacco Act</i>)</p>
Sweden	<p>Timing</p>
	<p>Advertising that is rightly proposed for children can only be shown on Sweden's TV late in the evening. In general, advertising of products directed at children can be broadcast after 9 PM, but only under certain conditions. (<i>Advertising ban and children,2002</i>)</p>
	<p>Content</p>
	<p>Food:Since 1991, all television advertisements for food related product directed at children less than 12 years are banned under the Radio and Television Act 1996. (The Swedish Radio and TV Authority)</p>
	<p>Alcohol: General ban on advertising of alcohol or related items aimed at children twelve and under. The role of media in childhood obesity (2004)</p>
	<p>Tobacco: Restrictions on advertising of tobacco to children</p>
	<p>Drugs and Health:Sweden restricts the advertising and marketing of the junk food to children which has got health related issues.</p>
	<p>Education: Violence and Pornography must not be shown in the advertisements of children.</p>
	<p>Toys and Children Things:Since 1991, all television advertisements focused to children under 12 is banned under the Radio and Television Act 1996.37 Moreover, all advertisements (food, toys and all other products) before or after children's programs are banned.(The Swedish Radio and TV Authority)</p>
	<p>Age: Advertising to children below the age of 12 years is banned.</p>
India	<p>Timing</p>
	<p>No specific regulation on time</p>
	<p>Content</p>
	<p>Food: In India, there are no specific advertising laws related to food advertisements targeted to children. Advertisements and promotional offers on Food & Beverage products should also not show excessive consumption (<i>Advertising Standards Council of India</i>)</p>
	<p>Alcohol:Cable Television Network (Regulation) Amendment Bill, 2000, totally bans cigarette and alcohol advertisements, which directly and indirectly promote sale of these products</p>

	Tobacco: Advertising of tobacco products in all media has been prohibited with the enforcement of National Legislation (tobacco control legislation in India) Cable Television Network (Regulation) Amendment Bill, 2000, absolutely bans cigarette and alcohol advertisements. (<i>Indian Cable Television Network Act (1995)</i>)
	Drugs and Health: There is no specific law which prohibits the advertising of prescription drugs to children. (<i>Drug and Magic Remedies Objectionable Advertisement Act</i>)
	Arms and Violence: Programmes meant for children should not contain any bad language or explicit scenes of violence. (The Cable Act)

Statutory regulations and self-regulations relating to television advertising to children are as below (Table 6).

Table 6

Country or area	Legal guidelines on advertising to children	Self-regulatory guidelines on advertising to children	Specific restrictions on advertising to children	Ban on child targeted Advertising
United States of America		X	X	
United Kingdom	X	X	X	
Canada	X	X	X	
Quebec			X	X
Australia	X	X	X	
Germany	X	X	X	
Norway	X	X	X	X
Sweden	X	X	X	X
China	X			
India	X	X		

Statutory restrictions on product placement in television programmes/advertisements targeting children are as below (Table 7).

Table 7

Type of restriction	Country or area
Product placement explicitly banned	United Kingdom
Ban on surreptitious advertising interpreted to restrict product placement	Germany; Italy; Sweden
Product placement discouraged wherever possible	China, Republic of Korea
Time restrictions	Philippines
Guidelines on use of product placement	United States
No restrictions (related to any of the above)	India

CONTROL SYSTEMS

In addition to regulatory framework, there are well developed controlling bodies in each country which monitors the overall system and ensures industry obedience. All developed countries like United States of America, United Kingdom, Australia, and Canada have proper control systems for industry obedience. In United States all advertisers and marketers need to obey the code of conduct and stick to its guidelines and any breach of the code may seek immediate sanctions from Federal Trade Commission (Koester, 2002). United Kingdom has a similar control system as United States. Advertisers, promoters, marketers are under the

direct surveillance of Advertising Standards Authority of United Kingdom any breach of the code may encourage denial of access to advertising space (Harker & Cassim, 2002). Australia too enforces sanctions if the advertisements do not comply with code of conduct implemented by Advertising Standard Bureau of Australia (Le Guay, 2003). More over government of Australia in collaboration with different agencies also plays a vital role in administration of the code that needs to be followed, otherwise encourages strict actions and even sanctions (Australian Association of National Advertisers, 1999).

India too has a controlling body that keeps vigilance on all types of advertisements targeting children. Advertising

Standards Council of India determines all such types of advertisements that have breached the code guidelines and encourages immediate withdrawal (Boddewyn, 1992). But still there is a concern that the elementary tents of advertising guidelines are not being rightly followed in India and even today, large numbers of advertisements targeting children are unacceptable but still being produced in bulk and exposed to children (LaBarbera, 1980).

COMMUNITY PARTICIPATION

In addition to legal and self-regulatory system, there is an immediate need of community participation. Interestingly in developed countries there is proper community involvement in self-regulatory efforts with exceptions like United States of America which makes no provision for community involvement. In United States National Advertising Division of CARU reviews the complaints and takes action (Harker & Harker, 2001). Australia, United Kingdom, Canada has respective advertising standard boards which are composed of both industry and public / non industry members and looks after the public complaints (Boddewyn, 1992). Once the complaint is received from any source, it is reviewed on sexuality, violence, health and safety measures and if found otherwise the advertiser is held accountable of it (Boddewyn, 1992)

The advertising Standards Council of India has also made provisions for community involvement and established Consumer Complaint Council where consumers can lodge the complaints. This council is heart and soul of ASCI and regularly monitors and boosts the public's confidence in advertising. This Consumer Complaint council is an independent body that is composed of renowned persons not linked with advertising (such as lawyer, doctor, journalist, teachers, technical expert's consumer activities etc.) and its 9 members are from industry (advertiser, media, ad agencies and allied professionals). After receipt of a complaint containing the copy of print Ad/promotion material provided by complainant, the council admits the complaint and demands the advertiser to deliver comments in respect of the complaint. The council gives the advertiser 2 weeks for response, from date of receipt of ASCI letter. Failure to the council's guidelines, the adviser is liable to action (advertising Standards Council of India, 1999).

Thus it can be concluded that there is difference in the level of public participation in complaint process in India and developed countries. Though Indians have proper awareness of code of advertising but still India lags behind the developed countries and hence there is an urgent need of more and more public involvement in self-regulatory systems so as to safeguard children against the bulk of advertisements targeting them.

CONCLUSION & DISCUSSION

Advertising to children is a quite complex and debatable issue as children are easily influenced by advertisements and like to test new things. The over production of products results in to excessive advertising and promotions targeted to children is a big alarm to lawmakers, the industry and the general public for policy formulation. Advertising targeted to children is under massive criticism because it is supposed as "making kids want what they don't need" and through their nagging effect make their parents to respond to those needs. Today in India, children market is saturated with advertisements and promotional schemes and advertisers are using this market as trump card for profit generation. Thus there is an immediate need of policy regulation governing advertising to children like in developed countries so as to control undesirable advertising targeting children.

This research is undertaken to access the policy regulatory systems of advertising related to children in India and to compare it with developed countries so as to understand system requirements that ensures acceptability of advertising to this special consumer group. Cassim & Bexiga (2007) model is employed to make the comparisons and understand the differences.

All the countries taken in to study, employed co-regulatory policy systems and it is only the United States of America which emphasis on legislative regulatory style of advertising through the Federal Trade Commission. The other countries discussed in this study have more emphasis on self-regulatory style. More-over United States is the only country that has a different monitoring body for regulation of advertising to children. Hence a true evaluation of the influence of regulatory styles and the monitoring bodies need to be undertaken before a decision can be made on the system effectiveness to be adopted.

India employs co-regulatory policy systems (self and legal regulatory system) towards advertising to children. But with the changing perspective of liberalization and globalization, India requires a better regulation and establishment of the public support. Even if the protection is provided through the MRTP Act, Young Act, TV Regulation Networks Act, India still lags behind the developed countries in many regards. Following the continued criticism of advertising in India, Advertising Standards Council of India was formulated to ensure the safe delivery; still there is no separate code for advertising to children in India. Besides regulatory system, India needs to have well-established control systems like other developed countries so that the basic tents of advertising rules are being correctly followed in India. At last there is need of community participation like developed countries where the standard boards looks after the public complaints. Although, the advertising Standards Council of

India has also made provisions for public involvement and established Consumer Complaint Council but still there is difference in the level of public participation in complaint process in India and developed countries.

REFERENCES

- Advertising Standards Authority of the United Kingdom. (2003). *The British Code of Advertising, Sales Promotions and Direct Marketing*. London : ASA, UK & CAP.
- Australian Association of National Advertisers. (1999). *Submission of the taskforce on industry self-regulation*. Sydney: AANA.
- Australian Association of National Advertisers. (2000). *AANA Code for Advertising to Children*. Sydney: AANA.
- Boddewyn, J. J. (1992). *Global Perspectives on Advertising Self-Regulation, Principles and Practices in Thirty-Eight Countries*. Connecticut. Quorum Books.
- Cassim, S. & Langton, R. (1996). Current Issues in the Regulation of Deceptive Advertising: Some Consequences for South Africa, *South African Journal of Business Management*, 27 (4), 82.
- Cassim, S. B. & Bexiga, D. (2007). The Regulation of Advertising to Children: A Comparative Assessment, *Alternation*, 14 (1), 137-165.
- Child Obesity – Food Advertising in Context: FAQs, London : Ofcom. Retrieved from http://eprints.lse.ac.uk/21758/1/Television_advertising_of_food_and_drink_products_to_children.pdf.
- Children's Advertising Review. (2007). *Self-Regulatory program for children's advertising*. New York (NY). Retrieved from <http://www.caru.org/guidelines/index.asp>. [Accessed 24/12/ 2011,]
- Children's Food and Health, Why Legislation is urgently required to Protect Children from Unhealthy Food Advertising and Promotions. London : Sustain, The Alliance for Better Food and Farming.
- Friestad, M. & Wright, P. (2005). The Next Generation: Research for the Twenty – First - Century Public Policy on Children and Advertising, *Journal of Public Policy and Marketing*, 24, (2), 183-185.
- Gardner, G. T. & Bennett, J. A. (1999), *Television Advertising to Young Children: An Exploratory Study*, *Communicare*, 19, (1), 44-60.
- Gary, O. (2005). Responsible Advertising in Europe, *Young Consumers*, 6, (4), 19-23.
- George, A. (2003). Your T.V. Baby Ad Man's Delight. Retrieved from . [Accessed 20/10 2011]
- Guay, L. P. (2003). Advertising to Children in Australia, *International Journal of Marketing and Advertising to Children*, 4, (3), 63 - 67.
- Harker, D. & Cassim, S. (2002). Towards Effective Advertising Regulation: A Comparison of UK, Australian and South African Schemes, *South African Journal of Business Management*, 33, (4), 1 -12.
- Harker, D. (1998). Achieving Acceptable Advertising: An Analysis of Advertising Regulation in Five Countries, *International Marketing Review*, 15, (2), 101 - 118.
- Harker, D., Harker, M. & Volkov, M. (2001). Developing Effective Advertising Self - Regulation in Australia: Reflections on the Old and New Systems, *Australian Marketing Journal*, 9, (1), 7 - 19.
- Jordan, A. B. (2008). *Children's Media Policy*. Springer, 18, (1), 253-253.
- Koester, J. V. (2002). Legal Briefing: Advertising to Children in the USA, *International Journal of Advertising and Marketing to Children*, 4, (1), 67 - 72.
- Kunkel, D. (1990). The role of research in the regulation of children's television advertising, *Knowledge: Creation, Diffusion, Utilization*, 12, 101-119.
- Kunkel, D., Wilcox, B. L., Cantor, J., Palmer, E., Linn, S. & Dowrick, P. (2004). *Psychological Issues in the Increasing Commercialization of Childhood*, Report of The APA Task Force on Advertising and Children.
- LaBarbera, P. A. (1980). Analyzing and Advancing the State of the Art of Advertising Self-Regulation, *Journal of Advertising*, 9, (4), 27 - 38.
- Lvovich, S. (2003). Advertising and Obesity: The Research Evidence, *International Journal of Marketing and Advertising to Children*, 4, (2), 35 - 41.
- McGinnis, J. L., Gootman, J. A. & Kraak, V. I. (2006). *Food marketing to children and youth: Threat or opportunity*. Washington, D C: National Academies Press.
- Moschis, G. P. & Churchill, G. A. (1978). Consumer socialization: A theoretical and empirical analysis, *Journal of Marketing Research*, 15, 599 - 609.
- Moses, L. & Baldwin, D. (2005). What can the Study of Cognitive Development Reveal about Children's Ability to Appreciate and Cope with Advertising, *American Marketing Association*, 24, (2), 186 - 201.
- Preston, C. (2004). Advertising to Children and Social Responsibility, *Young Consumers*, 6, (4), 61 – 66.
- Rocha, V., Hungria, C. L. & Umekita, D. Advertising in Brazil: The Success of Self-Regulation Gala Market Law Website.
- The Junk Food Generation: A Multi - Country Survey of the Influence of Television Advertisements on Children. *Consumers International*, [Accessed 24/12 2011].
- Vadehra, S. (2010). Advertising to children in India: Insight and Ideas for Responsible Marketers, *Young Consumers*, 11, (2).

Valkenburg, P. M. (2001). Media and Youth Consumerism, *Journal of Adolescent Health*, 27, 52 – 56.

Verma. (2001). Regulating Misleading Advertisements: Legal Provisions and Institutional Framework, *Vikalpa*, 2, 51–57.

Ward, S., Reale, G. & Levinson, D. (1972). Children's Perceptions, Explanations, and Judgments of Television Advertising. A Further Explanation in Television and Social Behaviour (4), *Television in Day-to- Day Life*

: Patterns of Use. Rubenstein, E., Comstock, G. & Murray, J. (eds.). Washington, D C : Department of Health, Education & Welfare.

White Paper : Guidance for Food Advertising Self-Regulation. New York : National Advertising Review Council.