

# Industry Toolkit



# **Children and Digital Marketing**

## Industry Toolkit

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*Disclaimer:* This toolkit branches out from discussions with industry representatives and key experts on digital marketing and children, following the publication of UNICEF's discussion paper on children and digital marketing. The toolkit is a working document, and the content is expected to change over time. The current version reflects research in progress and represents the best available knowledge, while it does not always reflect an official UNICEF position.

As the toolkit is intended to provide the most relevant guidance, UNICEF is also interested in receiving case studies and examples of practices on how companies have addressed and followed up on the recommendations it offers. Examples of business experience or general feedback to improve this toolkit is welcome and can be submitted to <csr@unicef.org>.

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## Key definitions

**advertising** – This toolkit uses ‘advertising’ and ‘marketing’ interchangeably to refer to the act of promoting or selling services or products. UNICEF recognizes that advertising is a subset of marketing and that the range of marketing techniques referred to might not all be defined as advertising in the conventional sense. The term ‘advertising’ is not intended to designate a narrower set of activities but simply to increase the readability and broad appeal of the toolkit.

**children** – As set by the Convention on the Rights of the Child, a ‘child’ is anyone under 18 years old. UNICEF believes all children are entitled to the full protection of their rights defined in the Convention.

In many digital policies and legislation, a child is considered to be any individual less than 13 or 16 years old. But UNICEF strongly encourages the industry to define ‘children’ as aged 18 and below and to establish protection mechanisms that reflect the needs of all children.

**not appropriate for children** – Generally speaking, UNICEF defines advertising as ‘not appropriate for children’ when it promotes products or services that are not suitable for children; that are unhealthy as defined by the World Health Organization and other independent bodies (e.g., foods and beverages that are high in fat,

sugar or salt); that are harmful/illegal for children to consume or access (e.g., alcohol, tobacco, gambling products); or when it contains content that undermines children’s rights (e.g., gender stereotypes or negative body images). That being said, the focus of this toolkit is on the means and methods of advertising, rather than the content.

**websites, applications or services directed at or used by children** – To define the proper scope of the guidance provided in this toolkit, UNICEF takes the position that certain protections and responsibilities apply to advertisers, ad tech companies and publishers that serve advertising and marketing materials to children via websites, applications or services directed at or used by children. In this regard, determining whether a site is ‘directed at’ children relies on an analysis of the content, images and themes of a site. ‘Used by’ children refers to sites where children make up a significant portion of the audience. While the current industry standard for defining the primary viewing audience is 25 per cent, UNICEF encourages advertising actors to identify thresholds that take into consideration the absolute number of children. In both circumstances, actual knowledge by an actor that a site is directed at or used by children is not required.

## Introduction to the toolkit

The children and digital marketing toolkit for industry emerges out of the process of research and consultation that led to publication of the UNICEF discussion paper *Children and Digital Marketing: Rights, risks and opportunities*, in July 2018.<sup>1</sup> The discussion paper described how the pervasive presence of advertising online can impede children's ability to express themselves, develop opinions and access pluralistic material free from marketing content. It also scrutinized the implications of data-driven advertising in regard to children's right to privacy and the protection of personal data.

As described in the discussion paper, when the commercial intent of advertising is obscured from children – either through the use of stealth or social means, or because children are not adequately equipped with the cognitive abilities or media literacy to identify advertising – the ramifications for children's rights may be serious. Some innovative forms of advertising aim to subliminally influence children, including when they are engaged in games or learning, at a time when their critical faculties and decision-making processes are compromised. When such practices are underpinned by covert data collection for the purpose of profiling child consumers, this puts children at further risk.

**The objective of the discussion paper was to elaborate the roles and responsibilities of private sector actors across the digital marketing value chain, including: advertisers and agencies, advertising technology ('ad tech') companies and data brokers, and publishers and ad networks.** Additionally, the paper acknowledged the challenges faced by companies and the barriers to progress on protecting children's rights in the context of digital advertising, including piecemeal regulatory environments, financial disincentives and technical obstacles. It concluded by outlining opportunities for companies to make and promote positive change.

The purpose of the current toolkit is to help companies focus their efforts on concrete improvements to secure children's rights in the digital domain. By articulating questions for consideration, contextual factors and recommendations as they relate to advertisers and agencies, ad tech companies and data brokers, and publishers and ad networks, **this toolkit aims to provide detailed advice for companies committed to considering the experiences of children along the digital marketing value chain.**

1. United Nations Children's Fund, 'Children and Digital Marketing: Rights, risks and opportunities', Discussion Paper, UNICEF, Geneva, July 2018, available at <[www.unicef.org/csr/ict\\_paper-series.html](http://www.unicef.org/csr/ict_paper-series.html)>.

Broadly speaking, the toolkit for industry begins from a perspective that the companies selling or marketing products to children online, or facilitating marketing to children online, have a responsibility to consider how children are affected by all aspects of their operations, including digital marketing. This responsibility includes mitigating and avoiding the adverse impacts of digital advertising on children's right to privacy, protection of personal data, freedom of expression, right to health, and protection from economic exploitation.

Companies marketing to children online should take into account children's human rights when designing, procuring, buying and executing digital marketing, and when selling advertising inventory and making decisions about the timing, placement, context and form of digital marketing. Companies also have a responsibility to provide redress for children who experience human rights violations, and to provide educational resources for children and their parents.

The companies that sell or market, or facilitate the sale or marketing of, products online that are not suitable for children; that are unhealthy as defined by the World Health Organization or other independent bodies (e.g., foods and beverages that are high in fat, sugar or salt); or that are harmful/illegal for children to consume or access (e.g., alcohol, tobacco, gambling products) – have a responsibility to integrate children's rights considerations into all aspects of their corporate policies and operations.

They should avoid adverse impacts on children's rights online by, among other things, ensuring that they do not advertise on websites, applications or services directed at or used by children. Such companies also have an obligation to ensure they are able to remedy complaints raised by and on behalf of children regarding infringements of their human rights.

For companies that want to follow through on understanding their responsibilities and applying respect and support for children's rights in their practices, the toolkit tables offer detailed questions for consideration, background on the context and recommendations, in two parts:

1. Means of advertising  
(timing, placement, context, form)
2. Methods of advertising  
(use of personal data)

Within each table, the topics are grouped in relationship to advertisers and agencies, ad tech companies and data brokers, and publishers and ad networks.





# 1

## Means of advertising (timing, placement, context, form)

Companies have a duty to factor considerations for children into all aspects of their corporate policies and operations. When it comes to digital marketing, this means that companies should consider any potentially adverse impacts on children's rights when making decisions about the timing, placement, context and form of digital marketing.

**Timing** – Advertising on child-directed sites and sites that children are likely to access should be suitable for children at all times. On sites and services not directed at or used by children, particular care should be taken during the hours when children are more likely to be online to avoid advertising that is not appropriate for children.

**Placement** – Advertising directed at children should not be placed adjacent to or on websites containing content that is not suitable for children. Websites directed at or used by children should not contain advertising that is inappropriate.

**Context** – Advertising placed in branded environments or online games must be properly identified as such, and children should be informed about the commercial nature of the environment or game.

**Form** – Digital content that features influencers who are promoting a product should always be identified as advertising in a way that is clear and recognizable by children. Tactics such as neuromarketing and sentiment analysis should not be deployed vis-à-vis children.

*The following pages show questions for companies to consider and the context in which they should examine the impact of advertising means on children's human rights are outlined below, along with recommendations related to each question.*

| Advertisers and advertising agencies                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Questions for consideration                                                                                                                                   | Context                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Does your company sell or market products that are not suitable for children, are unhealthy, or are harmful/illegal for children to consume or access?</b> | Advertisers, brands and agencies that sell or market, or facilitate the sale or marketing of products online that fall within three categories – they are not suitable for children; they are unhealthy as defined by the World Health Organization or other independent bodies (e.g., foods and beverages that are high in fat, sugar or salt); or they are harmful/illegal for children to consume or access (e.g., alcohol, tobacco, gambling products) – have a responsibility to integrate children's rights considerations into all aspects of their corporate policies and operations.                            | Companies marketing products that are not suitable for children, are unhealthy for children, or are harmful/illegal for children to consume or access should not advertise on websites, applications or services directed at or used by children.                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Does your company produce or procure digital marketing that involves influencers?</b>                                                                      | Digital marketing directed at children should be transparent, truthful and identified clearly as advertising. The use of influencers – individuals with a considerable online presence, such as those who create video channels that have millions of subscribers – to promote a product, brand or service in exchange for financial or in-kind compensation, can be particularly persuasive for children.<br><br>Recognizable faces are also influential, given that children respond strongly to familiar characters from their favourite books, television series or movies, as well as celebrities and sports stars. | Advertisers need to ensure that children are not misled or deceived when viewing influencer content. Advertising featuring influencers should always be identified as advertising in a means that is recognizable and understandable by children. Advertisers should consider images, logos or pop-up boxes to signal influencer content and should educate children about the commercial underpinnings of influencer marketing. Influencers with under-18 audiences should not be used for products that are not suitable for children, are unhealthy for children, or are harmful/illegal for children to consume or access. |
| <b>Does your company deploy games or branded environments to advertise to</b>                                                                                 | Games and branded environments are used by advertisers to engage consumers across media and devices, linking advertising on television, movies, in restaurants and shops, and online. Children are enticed to obtain a code by purchasing a product, for example, which will enable them access to an online game or universe where they                                                                                                                                                                                                                                                                                 | Advertisers should not collect children's data for any purposes other than basic site functionality, should not retain data, and should never collect and use/resell such data for the purposes of targeted, behavioural marketing. They should                                                                                                                                                                                                                                                                                                                                                                                |

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