



Association of Commercial  
Television in Europe

## HFSS Advertising: Codes of Conduct and other activities

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# ACT Members



## Italy

Italy the only major European TV market not already presented - but in no way is this a “gap” in coverage as Italy has comprehensive statutory and co/self-regulatory provisions in place.

At statutory level, [Testo Unico della Radio TV](#) from 2005 requires *“specific measures to protect minors shall be applied during the protected time-slot (16.00 – 19.00) and within programmes directly aimed at children in particular re. advertising and other forms of commercial communications”*. A separate Decree from 2002 restates verbatim the general protections from the old TVWF (already in force since the early 90s);

Additionally, broadcasters *“are committed to monitor the content of advertising, trailers and promotional programmes and to avoid broadcasting of advertising and self-promotion that could harm the physical, mental and moral development of minors or cause physical or moral detriment to minors”*

## Italy (2)

Detailed obligations as far back as 1966 in the [Codice di Autodisciplina Pubblicitaria](#) (self-regulatory adv Code) which has been much revised (the current version is the 58<sup>th</sup>...).

Art.11 on “Children and teens” states that

*commercial communication aimed at minors shall not diminish the role of parents and other educators provide valuable dietary guidelines and stimulate the habits of unbalanced eating behaviours or disregard the importance/need to follow a healthy lifestyle.*

In addition, advertising SRO and Autorità garante per l’infanzia are drafting a further Protocol on minors’ protection.

## Article 9.2

*“Member States and the Commission shall encourage media service providers to develop codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in children’s programmes...”*

Unusual wording placing onus on MSPs rather than advertisers;

Member State “encouragement” will naturally be a factor of the political potency of the children’s nutrition issue;

Measures will also differ in line with national legal traditions and audiovisual regulation (and indeed are not applicable in markets with an outright ban)

## What about the future?

Possible revision of AVMS much discussed at present...

Some principles of the legislation enjoy, or should enjoy the support of all industry players and political parties, including:

- Need for a high level of protection of minors (possibly the main focus of media regulation in future?);
- Retention and extension to new platforms of existing qualitative rules, including product-specific provisions on tobacco, alcohol, pharma

- **AVMS – some open issues**

How to measure effectiveness of advertising restrictions as opposed to more positive measures around diet and exercise;

Appropriate mix of statutory/co/self-regulation (French system a good example – harnessing the power of the television medium);

If TV-specific regulation is becoming impossible or illogical, how to ensure measures cover all media, given :

- the increasing impossibility of defining a ‘broadcaster’;

- the peculiar features of young audience media use;

- the need to avoid discriminatory measures (cf. radio and warnings)

## Open Issues (2) : Impact on children's television?

If we wish to avoid a public-sector monopoly in home produced children's content, what are the alternatives?

Tax credits?

*"Licensing is a very significant part of television as a whole. When we're looking at new shows, it can be difficult to work out how to finance them if there's not the licensing component [...] licensing can almost be the crux of justifying new episodes. It can justify a new series. You could argue that that's slightly worrying. But it's the reality of the market."*

Andrew Carley, head of licensing at Entertainment One (Peppa Pig)

**How should impact on European programme-making be included in the Commission's assessment of the implementation of this provision?**



# THANK YOU, ANY QUESTIONS ?

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