

**CHARTER OF PRINCIPLES
GOVERNING ACCEPTANCE OF
COMMERCIALS ADDRESSED TO CHILDREN
FOR BROADCASTING**

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INTRODUCTION

CANAL+ CYFROWY Sp. z o. o. ("CANAL+ CYFROWY"), a broadcaster of TV shows for children, recognizes the necessity to introduce principles protecting the youngest viewers against undesired influence of television commercials.

The regulations of Polish law establishing rules of development of the advertising messages addressed to children are of general character and allow much freedom of interpretation. Therefore, CANAL+ CYFROWY, being aware of its responsibility for the broadcast contents and for the well-being of the youngest viewers, has undertaken to formulate more precise principles in the area under discussion and to be subjected to them by means of self-regulation.

CANAL+ CYFROWY has established an "Advertising For Children" Initiative Group whose goal has been to work out basic standards that must be met by commercials designed for children under the age of 7. Television law specialists, social psychologists, educationalists, representatives of advertisers, advertising creators and broadcasters have been invited to participate in the works of the Group.

In the course of its works the members of the Initiative Group have studied the regulations of Polish and international law applicable to broadcasting commercials addressed to children, self-regulation solutions adopted in European countries in the area in question, as well as results of surveys concerning impact of advertisement on children conducted in Poland by, amongst others, TNS OBOP for CANAL+ CYFROWY, and in the world.

In the result of a discussion supported with expertise the Initiative Group has worked out the CHARTER OF PRINCIPLES GOVERNING ACCEPTANCE OF COMMERCIALS ADDRESSED TO CHILDREN FOR BROADCASTING.

CANAL+ CYFROWY undertakes to introduce self-regulation based on the CHARTER OF PRINCIPLES in respect of the MINIMINI children's channel produced by CANAL+ CYFROWY and addressed to children under the age of 7.

The CHARTER contains the basic principles concerning the most acute problems related to the phenomenon under discussion. Its authors are aware that the established provisions may not cover all the significant issues. Thus, the existing document should be treated as a basis for self-regulation activities, ready to be supplemented with further stipulations.

CHARTER OF PRINCIPLES GOVERNING ACCEPTANCE OF COMMERCIALS ADDRESSED TO CHILDREN FOR BROADCASTING

SCOPE OF APPLICATION

The CHARTER OF PRINCIPLES establishes the conditions of acceptance for broadcast of commercials whose intended recipients are children under the age of 7. The principles contained in the CHARTER shall be applied by the signatories of the CHARTER in respect of commercials adjacent to programmes addressed to children of the said age.

CHAPTER I. GENERAL PRINCIPLES

PARAGRAPH 1

Reliability and ethics of commercials

- 1) All commercials accepted for broadcast shall be reliable, honest and shall provide only true information about a product or a service. Commercials shall not inform about features of products or services that do not actually exist, nor shall they suggest that the products may have those features.*
- 2) Commercials shall not promote any contents contradictory to moral values and social interest.*
- 3) Commercials shall not discriminate against anyone for their race, sex, nationality, religious beliefs, material status or social position.*

PARAGRAPH 2

Educational function of advertising

Advertising is an integral part of the contemporary human being's media reality. Through contact with commercials children may become familiar with a fragment of the existing reality, and in particular of acting in the conditions of market economy. Commercials which distort the rules of fair market and competition shall be rejected.

PARAGRAPH 3

Intent of advertising

- 1) Commercials shall not directly exhort children to purchase products or services, nor shall they exploit their inexperience or credulity.*
- 2) Commercials shall not directly encourage children to persuade their parents or third parties to purchase the advertised products or services.*

PARAGRAPH 4

An adequacy for age

Commercials which create needs in children that are inadequate to their age or a wish to possess products not intended for them shall be unacceptable.

PARAGRAPH 5

Language

The language used in commercials shall meet the criteria of language correctness and shall not contain offensive or obscene phrases or terms.

CHAPTER II. DETAILED PRINCIPLES

PARAGRAPH 1

Physical and mental health

- 1) Commercials shall not encourage children to perform activities that are dangerous for their physical or mental health.*
- 2) Commercials which suggest that a product allows to perform activities or acquire skills that cannot be performed or acquired by a child shall be unacceptable.*

PARAGRAPH 2

General values

- 1) Commercials which undermine respect for other people or in which animals are treated as objects shall be unacceptable.*
- 2) Commercials which suggest a relation between possession of a product and the social position or obtaining an advantage over others shall be unacceptable.*

PARAGRAPH 3

Parents and guardians. Family values.

- 1) Commercials which undermine the authority of parents or guardians shall be unacceptable.*
- 2) Commercials which threaten family values shall be unacceptable.*

PARAGRAPH 4

Violence

Commercials which present aggression or contain any incentive to use violence shall be unacceptable. Justified use of the said contents in social advertising may constitute an exception.

PARAGRAPH 5

Participation of children in commercials

- 1) *Participation of children in commercials shall be allowed if:*
- a) *the product or its function justifies presentation of the product with participation of a child,*
 - b) *harmony between the product and the child's development stage is preserved.*
- 2) *The broadcaster may refuse to broadcast commercials in respect of which there is a justified supposition that their production resulted in mental or physical injury to the children acting therein.*
- 3) *Participation of children in commercial of products the advertising of which is restricted shall be unacceptable.*

PARAGRAPH 6

Advertising combined with promise of gift

A gift shall mean objects attached to products or services and constituting an additional incentive to buy them.

- 1) *All promises of gifts related to purchase of products or services which constitute an additional incentive to buy them shall be fulfilled in reality.*
- 2) *Promotions under which it is not guaranteed that the promised gift will be received shall be rejected.*
- 3) *A promise that a gift will be received shall not be combined with a requirement of repeated purchase of a product or of a series of products.*
- 4) *Promotional lotteries shall not be addressed to children under the age of 7.*

PARAGRAPH 7

Product value

A commercial shall not be misleading as regards the relation between the value of a product and its price or suggest that the product is affordable for anyone.

PARAGRAPH 8

Audiovisual techniques

- 1) *An advertised product shall not be presented in a manner that blurs the border between fiction and reality.*
- 2) *It shall be unacceptable to use audiovisual techniques in commercials for the purpose of presenting the product usage that cannot be effected in reality.*

PARAGRAPH 9
Commercials broadcast time

Embedding commercials in programmes addressed to children shall be unacceptable.

PARAGRAPH 10
Advertising products designed for adults

Accepting commercials of products or services designed solely for adults, such as beer, contraceptives, intimate hygiene products, medicines, military products, etc. for broadcasting together with or next to programmes addressed to children shall be unacceptable.

CHAPTER III. OBLIGATIONS

PARAGRAPH 1
The signatories of this CHARTER shall observe:

- 1) relevant legal acts applicable in Poland and in the European Union,
- 2) principles of broadly understood ethics resulting from awareness of responsibility for developing television broadcast exerting influence on its addressees, particularly minors.

***POLISH AND INTERNATIONAL LEGAL
REGULATIONS CONCERNING THE
OBLIGATION TO PROTECT
MINOR VIEWERS***

PROVISIONS OF THE RADIO AND TELEVISION BROADCASTING ACT

Article 18

1. *Programmes or other broadcasts may not encourage actions contrary to law and Polish raison d'Etat or propagate attitudes and beliefs contrary to the moral values and social interest. In particular, they may not include any discrimination on grounds of race, sex or nationality.*
2. *Programmes or other broadcasts shall respect the religious beliefs of the public and especially the Christian system of values.*
3. *Programmes or other broadcasts may not encourage conduct prejudicial to health, safety or the natural environment.*
4. *Transmission of programmes or other broadcasts threatening the physical, mental or moral development of minors, in particular those containing pornography or exhibiting gratuitous violence, shall be prohibited.*
5. *Programmes or other broadcasts containing scenes or contents which may have an adverse impact upon a healthy physical, mental or moral development of minors, other than those referred to in paragraph 4, may be transmitted only between 11 p.m. and 6 a.m.*
6. *The National Council shall determine, by a regulation, detailed criteria for classification, transmission and the manner of announcing programmes or other broadcasts referred to in paragraph 5.*
7. *Broadcasters shall ensure the proper quality of the Polish language in their programme services and shall counteract its vulgarisation.*

As regards advertising:

Article 16a.6

The following programmes may not be interrupted by advertising or teleshopping spots:

- 3) *commentaries, documentaries and programmes intended for children.*

Article 16b.2

It shall be prohibited to broadcast advertising contents which:

- 1) *directly exhort minors to purchase products or services,*
- 2) *encourage minors to exert pressure upon their parents or other persons to persuade them to purchase the products or services being advertised,*
- 3) *exploit the trust minors place in parents, teachers or other persons,*
- 4) *unreasonably show minors in dangerous situations,*
- 5) *is of a subliminal nature.*

Article 16b.3

Advertising shall not:

- 4) prejudice the physical, mental or moral development of minors,*
- 5) encourage behaviour prejudicial to health, safety or environmental protection.*

PROVISIONS OF THE ACT ON COMBATING UNFAIR COMPETITION

Article 16

- 1) In the field of advertising, the following shall be particularly considered acts of unfair competition:*
- 2) advertising in breach of the provisions of law, good practices or violating human dignity,*
- 3) advertising which misleads the customers and thus may influence their decision on purchasing goods or services,*
- 3) advertising which appeals to feelings of customers by provoking fear, exploiting superstitions or credulity of children,*
- 4) statement which encourages the purchase of products or services, but creates the impression of neutral information,*
- 5) advertising which significantly interferes with privacy, particularly by means of importunate touting in public places, sending unsolicited products at customer's expense or abusing the use of technical means of communication.*

PROVISIONS OF THE ACT ON PROTECTION OF HEALTH AGAINST THE CONSEQUENCES OF USING TOBACCO AND TOBACCO PRODUCTS

Article 8

- 1) Advertising and promoting tobacco products, smoker's accessories and products imitating tobacco products or smoker's accessories, as well as symbols related to the use of tobacco, particularly:*
- 2) on television, on the radio, at cinemas, at healthcare centres, schools, educational and upbringing facilities, in press intended for children and youth, at sports and recreation facilities, and in other public places,*
- 2) in press other than the press referred to in point 1,*
- 3) on posters, including large format posters,*
- 4) through means used for providing IT services.*

PROVISIONS OF THE ACT ON UPBRINGING IN SOBRIETY AND ON COUNTERACTING ALCOHOLISM

Article 13

1. *Advertising and promoting alcoholic beverages within the territory of the country shall be prohibited, with the exception of beer which may be advertised and promoted on the condition that the advertising or promotion is not addressed to minors or effected by means of creating associations with:
 - 4) education, work or professional success,
 - 5) health or successful life.*
2. *The advertising and promotion of beer referred to in item 1 shall not be carried out:
 - 1) on television, on the radio, at cinemas and theatres between 6 a.m. and 8 p.m., except for advertising effected by an entity organizing a professional sports event in the course of that event,
 - 2) with the use of video cassettes and other carriers,
 - 3) in press addressed to children and youth,
 - 4) on covers of journals and magazines,
 - 5) on advertisement totems and billboards, and on other fixed and mobile surfaces used for advertising purposes, unless 20% of the advertisement is occupied with visible and legible inscriptions informing about detrimental effects of alcohol consumption or on prohibition to sell alcohol to minors,
 - 6) with the participation of minors.*

PROVISIONS OF REGULATION BY THE NATIONAL BROADCASTING COUNCIL

CONCERNING PRINCIPLES OF ADVERTISING AND TEleshopping IN THE RADIO AND TELEVISION PROGRAMME SERVICES AND DETAILED RULES REGULATING THE RESTRAINTS ON INTERRUPTION OF FEATURE AND TELEVISION FILMS FOR THE PURPOSE OF TRANSMITTING ADVERTISEMENTS OR TEleshopping

PARAGRAPH 6

The image or voice of program performers appearing in factual and current-affairs programmes or children's programmes in radio or television programme services broadcast 3 months or less before the transmission of an advertisement must not be used in the said advertisement.

PROVISIONS OF THE DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 19 JUNE 1997

CHAPTER V

Protection of minors and public order

Article 22

- 1. Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.*
- 2. The measures provided for in paragraph 1 shall also extend to other programmes which are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts.*

Article 22a

Member States shall ensure that broadcasts do not contain any incitement to hatred on grounds of race, sex, religion or nationality.

PROVISIONS OF THE EUROPEAN CONVENTION ON CROSS-BORDER TELEVISION

Article 7

Responsibilities of the broadcaster

- 1. All items of programme services, as concerns their presentation and content, shall respect the dignity of the human being and the fundamental rights of others.
In particular, they shall not:
a) be indecent and in particular contain pornography;
b) give undue prominence to violence or be likely to incite to racial hatred.*
- 2. All items of programme services which are likely to impair the physical, mental or moral development of children and adolescents shall not be scheduled when, because of the time of transmission and reception, they are likely to watch them.*

CHAPTER III ADVERTISING

Article 11
General standards

1. Advertising and teleshopping shall be fair and honest.
2. Advertising and teleshopping shall not be misleading and shall not prejudice the interests of consumers.
3. Advertising and teleshopping addressed to or using children shall avoid anything likely to harm their interests and shall have regard to their special susceptibilities.
4. The advertiser shall not exercise any editorial influence over the content of programmes.

**PROVISIONS OF COUNCIL DIRECTIVE ON THE
COORDINATION OF CERTAIN PROVISIONS LAID DOWN BY LAW,
REGULATION OR ADMINISTRATIVE ACTION IN MEMBER STATES
CONCERNING THE PURSUIT OF TELEVISION BROADCASTING
ACTIVITIES**

Article 16

Television advertising shall not cause moral or physical detriment to minors, and shall therefore comply with the following criteria for their protection:

- a) *it shall not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity,*
- b) *it shall not directly encourage minors to persuade their parents or others to purchase the goods or services being advertised,*
- c) *it shall not exploit the special trust minors place in parents, teachers or other persons,*
- d) *it shall not unreasonably show minors in dangerous situations.*

**PROVISIONS OF THE CONVENTION ON
THE RIGHTS OF THE CHILD**

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- a) *encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29,*
- b) *encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources,*

- c) encourage the production and dissemination of children's books;*
- d) encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous,*
- e) encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.*

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