



### **Key Takeaways:**

- The Children's Advertising Review Unit has released new guidelines for children's advertising, moving beyond traditional TV advertising, to address a broader range of digital advertising issues.
- The updated Guidelines go into effect on January 1, 2022 and apply to advertising that is primarily directed to children under age 13 in any medium or content.

The Children's Advertising Review Unit (CARU) is administered by the BBB National Programs and monitors child-directed advertising and media for compliance with self-regulatory guidelines. CARU often initiates enforcement actions when it identifies non-compliance with its truth-in-advertising standards and guidelines. CARU announced new [Self-Regulatory Guidelines for Children's Advertising](#) (the Guidelines) on July 29, 2021.

The updated Guidelines are based on the underlying principle that children have limited knowledge, experience, sophistication, and maturity, and are therefore more likely to be confused or misled by advertising unless advertisers take extra care to ensure that the advertising is truthful and not misleading. According to the Guidelines, advertising should also encourage responsible use of products and positive behaviors in children, including by not portraying or encouraging negative social stereotyping, prejudice, and discrimination. As in previous versions, the Guidelines require (i) that the overall impression of the ad not be deceptive to children; (ii) that ads be assessed from the viewpoint of an ordinary child; and (iii) that advertisers have adequate substantiation for all objective claims conveyed by the ad. In addition, the updated Guidelines:

- Incorporate the Federal Trade Commission's (FTC) [Guides](#) Concerning the Use of Endorsements and Testimonials in Advertising, 16 C.F.R. § 255(b), and require the disclosure of material connections not expected by ordinary children;
- Require disclosures or contextual clues to help children distinguish between advertising and non-advertising content;
- Institute requirements for advertising premiums, loyalty programs, and contests and sweepstakes to children;
- Require that online purchase buttons include clear and conspicuous instructions that the child must have a parent or adult's permission to order;
- Prohibit unfair, deceptive, or manipulative tactics in apps and online games, including deceptive door openers or social pressure to encourage ad viewing or in-app/game purchases;
- Require the use of material disclosures that take into account children's limited vocabularies and language skills, including specific scenarios (e.g., when unassembled products need to be put together); and
- Supplement CARU's existing prohibitions against unsafe and inappropriate advertising to children.

Children's privacy guidelines, which were included in previous versions of the Guidelines, will now be found in BBB National Programs' [Self-Regulatory Guidelines for Children's Online Privacy Protection](#). The updated Guidelines will go into effect on January 1, 2022 and apply to advertising that is primarily directed to children under age 13 in any medium or content. Whether advertising is primarily directed at children will be determined by various factors, including the subject matter, use of child-oriented animated characters, presence of child celebrities, and evidence regarding the intended audience.

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