

Full title of law or regulation

The ARPP Digital Code / Communication Publicitaire Digitale:

<http://www.arpp.org/nous-consulter/regles/regles-de-deontologie/digital-advertising-and-marketing-communications-code/> (EN)

<http://www.arpp.org/wp-content/uploads/2016/08/Recommandation-Communication-publicitaire-digitale-v4-ARPP.pdf> (FR)

The ICC Advertising and Marketing Communications Code 2018:

<https://cms.iccwbo.org/content/uploads/sites/3/2018/09/icc-advertising-and-marketing-communications-code-int.pdf> (EN)

[https://www.arpp.org/wp-content/uploads/2016/05/code\\_consolide\\_pratique\\_publicite\\_marketing.pdf](https://www.arpp.org/wp-content/uploads/2016/05/code_consolide_pratique_publicite_marketing.pdf) (FR)

The ARPP Children's Code:

<https://www.arpp.org/nous-consulter/regles/regles-de-deontologie/childrens-code/> (EN)

<https://www.arpp.org/wp-content/uploads/2016/08/Recommandation-Enfant-ARPP.pdf> (FR)

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Title of relevant section

Various, see below. This is a collection of rules that apply to Children and Teens in the digital space

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The ARPP Digital Code.

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Section 2. Protection of Children and Teenagers

- As digital media offers easily accessible information and great interactivity, it is often used by children and teenagers. Therefore, the advertiser and the media must be particularly careful.
- Digital advertising and marketing communication, no matter the form used, must respect ICC and ARPP self-regulation rules specific to children and teenagers: ARPP Children Code and the ICC Advertising and Marketing Communications Code.

Therefore:

- Advertising and marketing communications must not contain statements or visual elements that could harm mentally, morally or physically children and teenagers.

Special care must be taken:

- Not to encourage illegal, aggressive, dangerous or antisocial behaviour
- Not to undermine the authority of parents, teachers and other educators
- Not to present children and teenagers in a degrading way
- Not to display indecent and / or violent images and / or comments that could shock them
- Not to exploit their inexperience and / or credulity

The above must be ensured above and beyond the application of other rules contained in the ARPP's Children Code.

- With regard to web sites, home pages, Internet portals and any digital service primarily targeting children and teenagers, it's particularly important to ensure that the object of the advertising or marketing communication and its content are not harmful for them.
  - When a message addresses children directly, and a cost is involved, (invitation to subscribe to a paid-for service, premium rate number...), the invitation must explicitly associate parents.
  - When collecting personal data from individuals, care should be taken to respect and protect their privacy by complying with relevant rules and regulations, in particular those of the CNIL.
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In particular, it's essential:

- To encourage, in particular for data input forms, children to ask permission from their parents or those legally responsible for them, before providing any personal data.
- Not to ask a child to provide personal data concerning another person.
- In order to increase consumer confidence in advertising and marketing communications, it is recommended to use targeted information (such as age or date of birth, etc.), in order to avoid children and teenagers from gaining access to inappropriate content that might harm them.

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#### ICC Code Chapter C Direct Marketing and Digital Marketing Communications

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##### Article C7. Marketing Communications and Children

- Parents and / or guardians should be encouraged to participate in and / or supervise their children's interactive activities
- Personal data about individuals known to be children should only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorised by law. Third parties do not include agents or others who provide support for operational purposes of the website and who do not use or disclose a child's personal information for any other purpose
- Websites devoted to products or services that are subject to age restrictions such as alcoholic beverages, gambling and tobacco products should undertake measures to restrict access to such websites by minors\*
- Marketing communications directed at children in a particular age group should be appropriate and suitable for such children

\* The term 'minor' refers to those below the legal purchase age, i.e., the age at which national legislation permits the purchase or consumption of such restricted products. In countries where purchase age and consumption age are not the same, the higher age applies. For the purpose of this Article, in countries where there is no legal purchase or consumption age minors are defined as those below the age of 18. The meaning of this term has been derived from the definition provided in the ICC Framework for Responsible Marketing Communications of Alcohol.

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##### Article 19.4 Children's personal data

- When personal data is collected from individuals known or reasonably believed to be children, guidance should be provided to parents or legal guardians about protecting children's privacy if feasible
  - Children should be encouraged to obtain a parent's or responsible adult's consent before providing personal data via digital interactive media, and reasonable steps should be taken to check that such permission has been given
  - Only as much personal data should be collected as is necessary to enable the child to engage in the featured activity. A parent or legal guardian should be notified and consent obtained where required
  - Personal data collected from children should not be used to address marketing communications to them, the children's parents or other family members without the consent of the parent
  - Personal data about individuals known or reasonably believed to be children should only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorised by law. Third parties do not include agents or others who provide technical or operational support to the marketer and who do not use or disclose children's personal data for any other purpose
  - For additional rules specific to marketing communications to children using digital interactive media, see chapter C, article C7 (above)
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ARPP Children's Code

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Section 8. Interactive Advertising

The promotional nature of this type of message must be clearly recognisable

- 8/1 When the message appeals directly to children (by telephone or any other interactive means) and encourages some form of spending (for example, by promoting a premium rate number), it must also encourage the children to seek the permission of their parents.
  - 8/2 Interactive advertising must be restricted to the commercial purpose of the original promotion, excluding any misleading representation (e.g. wrongly identified icon). It must not provide direct access to a website not related to the original advertising.
  - 8/3 There must be no encouragement to arrange meetings with strangers, online or offline, or to go to unknown or unsafe places in order to take part in a game or receive a gift.
  - 8/4 Personal data may only be collected or used in strict compliance with the law and the rules of the Commission Nationale Informatique et Libertés ([CNIL](#) - the French Data Protection Authority).
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