

Full title of law or regulation

Self-Regulatory Code for Toys Advertising aimed at Children; provisions relevant to audiovisual communications. Note: the Code linked below makes several references to articles from the Confianza Code. These are no longer accurate in as much as the article numbers have changed as a result of a new 2018 version of the Code, not yet translated. The data processing references in this context are no longer valid, as the new code has overhauled provisions in light of GDPR, which anyway takes precedence in DP matters.

<http://www.gregsregs.com/downloads/SPMinorsToyCode2015.pdf>

Title of relevant section

Various; clauses relevant to AV are selected from the full code linked above. These clauses below do not represent all those that regulate the content of Toy advertising. See full code.

- “Animated Fiction” means the representation of an image similar to the promoted toy or toy part / accessory through any computer graphic technique (See Art. 6 Toy Code).
 - Toy marcoms must not use computer graphic techniques that create false expectations for the children targeted in the advertisement, by making them think that the real toy has the same characteristics as the toy or the character that appears in the animated fiction.
 - The use of animated fiction images must be carried out in such a way that the child can clearly distinguish the real images of the toys from the fictional (animated) ones.
 - Animated fiction must be identified or signposted by an overlay (caption/ graphic).
 - Real images of the toy and images of animated fiction can only be used simultaneously in the same scene in exceptional circumstances; when this happens, the advertiser must take extra care to make sure the child can clearly differentiate between the real toy and the fictional one and so as not to mislead on the actual characteristics and capabilities of the toy.
 - To this end, the real toy images must never interact with the animated images of the same. In these cases, the presence of animated fiction elements or features must also be identified via the relevant overlay (caption/ graphic), for example: “contains elements of animated fiction” (“*contiene elementos de ficción animada*”).
- Sales Pressure (Art. 16 Toy Code)
 - The use of product placement in children’s programmes is prohibited.
- Identification of Advertising (Art. 21 Toy Code). Toy commercials aimed at children must be clearly separated from the programmes. Situations, scenarios or styles evocative and reminiscent of the programmes must not be used in a way so that the children mix up or cannot clearly distinguish the advertising contents of the programming
- Commercials must not refer to themselves as “programmes / programas”. Expressions such as “News Flash / News Summary - *avance informativa*”, and the use of people who normally present new programmes and other programmes must not be used in commercials so as not to confuse the child on the commercial nature of advertising.
- Endorsement and promotion via celebrities / personalities (Art. 20 Toy Code). General Prohibition: Toy commercials must never exploit the special trust children place in parents, teachers or other persons. As a result, personalities/ characters who enjoy a high degree of popularity among children must not participate or appear in toy commercials directed at children. Such personalities include, for example, children’s TV presenters; real or fictional characters from movies or fiction series; sportspeople (i.e. *sports stars*) especially well known and admired by children and others. These rules will also apply to commercials of licensed toys.
- This prohibition will not apply to those fictional characters created specifically for advertising or marketing purposes connected to the promoted product, and which are therefore well known among children solely as a result of their participation in the

advertising for that product (Art. 20c)

- Exceptions to the above prohibition: Toy commercials directed at children may show personalities/ characters who enjoy a high degree of popularity among children - including from children's programmes, films, and TV series - if the promoted toy is directly connected with these personalities or a distinctive feature of them. A direct connection is deemed to exist in the case of licensed toys; however, in that case, the personality with a high degree of popularity among children must **not** appear prescribing or advocating (use of) the toy, implying that he/she likes it or be shown interacting (or playing) with it. (Art. 20a)
- Toy commercials directed at children which also promote a gift such as a DVD or equivalent (for example, a gift of a DVD of a children's programme with the purchase of a particular toy) – may show images or clips from the DVD – even if those images / clips show personalities who enjoy a high degree of popularity among children.
- In that case, when reproducing such scenes, no reference can be made, whether directly or indirectly, to the advertised product, nor can it appear on the screen. Once these scenes are over, and with a clearly defined separation, the advertised product may be shown and information about its characteristics may be provided, but never using the image or the voice of the characters with a high degree of popularity among children. (Art. 20b)
- Applicable in any event: real or fictional personalities / people who enjoy a high degree of popularity among children may participate in educational campaigns sponsored or promoted by toy companies with the specific aim of promoting healthy and civil (amicable) habits among children. In these educational initiatives or campaigns a particular reference to the name or logo of the company sponsoring or promoting the campaign may appear (Art. 20d)

Tele-promotions (Art. 20e)

- Defined as an audiovisual commercial communication in which the programme's presenter or any of its protagonists, using the programme's stage, set and props, presents the features of goods or services for an amount of time clearly greater than the duration of an advertising spot, therefore not allowing the message to be broadcast independently from the programme in question (Art. 2 (27) – Law 7/2010)
- Tele-promotions of toys must not be carried out during programmes aimed at children under 15 years of age or where a significant proportion of the audience is made up of children under 15 years old. *This is to prevent these types of advertising messages exploiting the special trust that children place in the presenters and fictional characters who participate in such programmes, as well as to prevent children from confusing or not clearly distinguishing advertising content from editorial content and editorial content and/ or programmes.*

Exception: Presenters or fictional characters who take part in children's programmes may appear in clearly differentiated educational segments (slots/ spots) or "moments" within such programmes, which have the specific aim of promoting healthy and civil habits among children. In these educational segments/ slots a special reference to the name and logo of the company promoting or financing the campaign may be made.
