



# 2020

## MONITORING REPORT

April 2021



THE Coca-Cola COMPANY



European  
Snacks  
Association

FERRERO



Intersnack



MARS



PEPSICO



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# Executive summary & key results

## Background

The EU Pledge is a voluntary initiative by leading food and beverage companies to change food and beverage advertising to children under the age of twelve in the EU, in line with Article 9.2 of the Audiovisual Media Services Directive, which calls for codes of conduct on the marketing of certain food and beverage products to children.

Signatories have committed to changing the way they advertise to children under 12 years old by respecting the two following minimum common requirements:

- No advertising of products to children under 12 years, except for products which fulfil common nutrition criteria<sup>1</sup>. Some EU Pledge member companies have taken the decision not to advertise any of their products to children under 12;
- No product marketing communications to children in primary schools.

This is the twelfth annual monitoring report of the EU Pledge. Annual compliance monitoring has been adapted over the years to address the evolving marketing landscape. Today, the EU Pledge includes all digital marketing and traditional media. Since 2012 the monitoring has included company-owned websites.

In 2018, the monitoring expanded its digital scope to company-owned social media profiles on Facebook, YouTube and Instagram. For 2019, the EU Pledge signatories ran a pilot monitoring on influencer marketing, which became an integral part of the monitoring exercise in 2020.

The monitoring was carried out in 2020 by the following independent third parties:

**Ebiquity<sup>2</sup>**, to review EU Pledge member companies' compliance with the commitment relating to TV advertising;

**EASA – The European Advertising Standards Alliance<sup>3</sup>**, to review EU Pledge companies' branded websites, social media pages and influencer profiles, for compliance with the EU Pledge commitment.

The methodology and process of the monitoring of company-owned websites and social media profiles were reviewed by Professor Liselot Hudders, assistant professor at the Department of Communication Sciences at Ghent University and a postdoctoral fellow of the FWO at the Marketing Department and Dr Dieneke Van de Sompel, visiting Professor at the Department of Communication Sciences at Ghent University.

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- 1 Common EU Pledge nutrition criteria – for those member companies that do use nutrition criteria – entered into force across the EU on 1 January 2015 and have last been updated in February 2021. These are available on [www.eu-pledge.eu](http://www.eu-pledge.eu).
  - 2 Ebiquity is the world leader in media investment analysis harnessing the power of data to provide independent, fact-based advice, enabling brand owners to perfect media investment decisions and improve business outcomes. As a data-driven solutions company Ebiquity help brand owners drive efficiency and effectiveness from their media spend, eliminating wastage and creating value. Ebiquity is able to provide independent, unbiased advice and solutions to brands because they have no commercial interest in any part of the media supply chain which is why they are conducting the analysis for the EU Pledge.
  - 3 [The European Advertising Standards Alliance](#) brings together national advertising self-regulatory organisations in Europe. Based in Brussels, EASA is the European voice for advertising self-regulation.

## Key 2020 results

The record of compliance is positive and consistent with previous years:

- **TV: The overall compliance rate is 98.7%**
- **98.2% of websites reviewed were deemed compliant with the EU Pledge. 1 out of 56 websites were found non-compliant with the commitment.**
- **97.9% of social media profiles reviewed were deemed compliant with the EU Pledge. 3 out of 142 profiles were found non-compliant with the commitment.**
- **100% of influencer profiles reviewed were deemed compliant with the EU Pledge.**

## Monitoring based on strengthened common EU Pledge nutrition criteria

The EU Pledge was strengthened in 2015 through the adoption of harmonised nutrition criteria, for those companies that so far have used company-specific criteria to determine what foods they may advertise to children under 12.

The common criteria set energy caps, maximum thresholds for nutrients to limit (salt, saturated fat and sugar) and minimum requirements for positive nutrients, category by category.

EU Pledge member companies that do not advertise any of their products to children under 12 at all have decided to maintain their policies. Therefore, the common nutrition criteria are not relevant for them.

Changes to the criteria – whereby members committed to a 10% sugar and salt reduction to the thresholds applicable in several products categories – were announced in March 2017 and were implemented by the end of 2019<sup>4</sup>. The 2019 monitoring exercise was the first one based on these enhanced criteria.

In February 2021, the EU Pledge agreed an additional set of criteria for a new category: “Category 10: Plant based products: Products derived from legumes including soybeans, pulses, nuts, cereals and/or seeds: Sub-Category A: Spoonable and drinkable products, fermented or non-fermented, flavoured, fruited or plain.” These criteria became effective immediately and will be used as part of the 2021 monitoring.

## Growth in membership reflecting over 80% of food and beverage advertising spend in the EU

The EU Pledge was launched in December 2007 by 11 leading food and beverage companies. Since then, the EU Pledge membership grew to 23 leading food and beverage companies, accounting for over 80% of food and beverage advertising spend in the EU.

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<sup>4</sup> The enhanced nutrition criteria have been viewed positively in a [report](#) by the European Commission's Joint Research Center (JRC). According to the JRC, the percentage of products ineligible to be advertised to children under 12 increases from 48% to 55%.

## Further enhanced commitments

In 2014, EU Pledge member companies agreed to extend the scope of the EU Pledge commitment to cover a number of additional media and to address the content of their marketing communications by the end of 2016:

- **Extension of scope:** The EU Pledge initially covered commercial communications on TV, print, third-party internet and company-owned websites. Since 31<sup>st</sup> December 2016, EU Pledge member companies apply this commitment to radio, cinema, DVD/CD-ROM, direct marketing, product placement, interactive games, apps, mobile and SMS marketing.
- **Creative execution:** The enhanced policy ensures that where no reliable audience measurement data is available, advertisers consider not only the placement, but also the overall impression of the marketing communication, to ensure that if the product in question does not meet the common nutrition criteria, the communication is not designed to appeal primarily to children<sup>5</sup>.

In February 2020, EU Pledge signatories agreed to clarify in the commitment that EU Pledge member companies will not use influencers whose primary target audience is children under the age 12 to promote products that do not meet EU Pledge Nutrition Criteria. The group prepared guidance to help member companies identify what kind of influencers these are, and specified appropriate disclosure requirements, to provide transparency about the existence of a commercial relationship between a brand and an influencer. The exact guidance can be found in the [EU Pledge Implementation Guidance Note](#). A pilot monitoring took place in 2019, and influencer marketing became an integral part of the 2020 monitoring exercise.

## Increased transparency and accountability

To facilitate the implementation of the new commitments, EU Pledge members adopted an implementation guidance document which outlines how the commitment applies in practice. The Implementation Guidance Note is publicly available on the EU Pledge website<sup>6</sup>.

In 2018, the EU Pledge group also launched an accountability mechanism to give members of the public and organizations the opportunity to question the compliance of members' marketing communications with the EU Pledge commitment. The system complements the compliance data with additional external scrutiny and insight on potential company breaches. The mechanism takes stock of best practice in advertising self-regulation at national level and is inspired by successful experience in Norway.

Members of the public/organisations are invited to fill in a complaint form and upload screenshots or photos of the ad that they think might be in breach of the EU Pledge. The adjudication part is administered by EASA and the decisions are taken by a panel of three experts from advertising standards organisations<sup>7</sup> appointed by EASA.

In 2020, only one complaint was filed through the accountability mechanism. The case was reviewed by a panel of experts and considered not to be in breach with the EU Pledge commitment. Since its launch in November 2018, the EU Pledge accountability mechanism has processed eleven complaints, of which six were deemed in scope and three were upheld. All decisions on the processed complaints are publicly available at [www.eu-pledge.eu](http://www.eu-pledge.eu).

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5 Further information about the enhanced commitments can be found here: <https://eu-pledge.eu/our-commitment/#enhanced-2014>

6 The EU Pledge implementation guidance is available here: <https://eu-pledge.eu/wp-content/uploads/Implementation-Guidance-Note-2020.pdf>

7 The three experts are appointed from a pool of nine experts who come from the national advertising self-regulatory organisations of Bulgaria (NCSR), France (ARPP), Germany (DWR), Hungary (ÖRT), Ireland (ASAI), Spain (AUTOCONTROL), Sweden (RO.), the Netherlands (SRC) and the UK (ASA/CAP), but are appointed in their own name. They are remunerated by EASA for their work.

# About the EU Pledge

The EU Pledge was launched in December 2007 as part of signatories' commitment to the European Union Platform for Action on Diet, Physical Activity and Health, the multi-stakeholder forum set up by the European Commission in 2005 to encourage stakeholders to take initiatives aimed at promoting healthy lifestyles in Europe. In the context of the EU Platform, the EU Pledge commitment is owned by the World Federation of Advertisers (WFA), which also supports the programme.

## EU Pledge members

The founding members of the EU Pledge are the following companies: **Burger King, Coca-Cola, Danone, Ferrero, General Mills, Kellogg, Mars, Mondelez, Nestlé, PepsiCo and Unilever**. The membership has since been expanded, representing 23 leading food and beverage companies, accounting for over 80% of EU food and non-alcoholic beverage advertising spend.



In 2010, the European Snacks Association (ESA) and its leading corporate members joined the EU Pledge. Today, these are: **Intersnack, KiMs, Lorenz Snack-World, Unichips San Carlo, Zweifel Pomy-Chips, and Amica Chips** which joined in July 2014.

**McDonald's** joined the EU Pledge in November 2011, **Royal FrieslandCampina** in 2012, the **Quick Group** in 2013 (before its acquisition by Groupe Bertrand in 2016) and **Bel Group** in 2016. **Arla Foods** implemented the commitment in September 2017 and **MOM Group** in January 2019. **Lindt & Sprüngli** joined in May 2020 and participated in the monitoring already in 2020.

The initiative is open to any food and beverage company and restaurant (chain) active in Europe and willing to subscribe to the EU Pledge commitments.

# The EU Pledge commitments

The EU Pledge is a framework initiative whereby signatories are committed to changing the way they advertise to children under 12 years old by respecting the two following requirements:

- **No advertising of products to children under 12 years, except for products which fulfil common nutrition criteria<sup>8</sup>. Some EU Pledge member companies have taken the decision not to advertise any of their products to children under 12.**  
  
**For the purpose of this initiative, “advertising to children under 12 years” means advertising to media audiences with a minimum of 35%<sup>9</sup> of children under 12 years<sup>10</sup>.**
- **No communication related to products in primary schools, except where specifically requested by, or agreed with, the school administration for educational purposes.**

Participating companies must all meet these criteria, but can go further. The framework EU Pledge commitments provide a common benchmark against which companies can jointly monitor and verify implementation.

Since the initiative was launched, all participating companies have made their individual corporate commitments within the framework of the EU Pledge programme. All founding member company commitments, published on the EU Pledge website ([www.eu-pledge.eu](http://www.eu-pledge.eu)), were implemented across the EU by 31<sup>st</sup> December 2008<sup>11</sup>.

To facilitate compliance with the EU Pledge commitments, member companies developed detailed implementation guidance, for all relevant employees in marketing, media planning and corporate affairs departments in all EU markets.

## Third-party monitoring

In line with the Terms of Reference of the EU Platform for Action on Diet, Physical Activity and Health, EU Pledge signatories are required to monitor and report on the implementation of their commitments. EU Pledge member companies have committed to carry out independent third-party compliance monitoring of the EU Pledge commitments.

This is the twelfth monitoring exercise. All previous Monitoring Reports are available on [www.eu-pledge.eu](http://www.eu-pledge.eu).

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8 Common EU Pledge nutrition criteria – for those member companies that do use nutrition criteria – entered into force across the EU on 1 January 2015 and were updated in February 2021. All applicable guidelines are published as part of the individual company commitments under the EU Pledge on [www.eu-pledge.eu](http://www.eu-pledge.eu).

9 This is a commonly agreed benchmark to identify media with an audience composed of a majority of children under 12 years old. This method of audience indexing has been agreed as a pragmatic system to determine the applicability of advertising rules. Nevertheless, this is a minimum common benchmark for all EU Pledge member companies. For further detail see: [www.eu-pledge.eu](http://www.eu-pledge.eu).

10 The rationale for this threshold is the strong degree of academic consensus that by the age of 12 children develop their behaviour as consumers, effectively recognise advertising and are able to adopt critical attitudes towards it. Although children between the ages of 6 and 12 are believed to generally understand the persuasive intent of advertising, care should be taken because they may not have a fully developed critical understanding.

11 In case of mergers or acquisitions, an agreed transition period is allowed for the implementation of measures taken under the EU Pledge.

In 2020, EU Pledge member companies commissioned the following independent third parties to monitor implementation of the EU Pledge commitments:

- **Ebiquity<sup>12</sup>**, to review EU Pledge member companies' compliance with the commitment relating to food and beverage advertising on TV.
- **EASA – The European Advertising Standards Alliance<sup>13</sup>**, to review EU Pledge companies' brand websites, social media pages and influencer profiles, for compliance with the EU Pledge commitment.

The EASA monitoring programme was externally reviewed by Professors Liselot Hudders and Dienneke Van de Sompel from Ghent University (Belgium).

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12 Ebiquity is the world leader in media investment analysis harnessing the power of data to provide independent, fact-based advice, enabling brand owners to perfect media investment decisions and improve business outcomes. As a data-driven solutions company Ebiquity help brand owners drive efficiency and effectiveness from their media spend, eliminating wastage and creating value. Ebiquity is able to provide independent, unbiased advice and solutions to brands because they have no commercial interest in any part of the media supply chain which is why they are conducting the analysis for the EU Pledge.

13 [The European Advertising Standards Alliance](#) brings together national advertising self-regulatory organisations in Europe. Based in Brussels, EASA is the European voice for advertising self-regulation.



# Compliance monitoring: TV advertising

## Objective and scope

Ebiquity was commissioned to carry out the independent monitoring of member companies' compliance with the following EU Pledge commitment:

*“ No advertising of products to children under 12 years, except for products which fulfil specific nutrition criteria based on accepted scientific evidence and/or applicable national and international guidelines. For the purpose of this initiative, “advertising to children under 12 years” means advertising to media audiences with a minimum of 35% of children under 12 years. ”*

For this exercise, six sample EU markets were chosen: **Bulgaria, France, Germany, Italy, Poland and Spain**. The intent has been to cover a number of new markets each year, within the limits of data availability and affordability, so as to assess performance in as broad a sample of Member States as possible. Some markets have been covered repeatedly in order to provide a benchmark.

## Methodology

Ebiquity was commissioned to analyse national audience data in the sample markets over a full three-month period. This data is provided by official national TV audience measurement agencies. Viewing estimates are obtained from panels of television-owning private homes representing the viewing behaviour of households.

The data provides detailed statistics about advertising spots: advertiser, product, channel, programme, date and time of broadcast, estimated audience and demographic breakdown – typically including the segment 4-12 years of age.

Spots for products that do not meet the EU Pledge nutrition criteria, where applicable, were identified, on the basis of full product lists submitted by each member company for each market. For those member companies that do not apply nutrition criteria and do not advertise any products to children under twelve, all spots were included.

For all these spots, audience composition at the time of broadcast was analysed on the basis of national ratings data. This allowed Ebiquity to isolate ads aired at a time when more than 35% of the audience was composed of children under twelve years of age.

All spots for products that EU Pledge member companies have committed not to advertise to children under twelve, aired at times when the audience was composed of over 35% children under twelve, were deemed non-compliant with the EU Pledge.

## Monitoring results

The overall compliance rate was as follows:

- **98.7% of signatories' TV advertising spots were compliant with the EU Pledge commitment**

This figure is comparable to those reported in previous years in different markets (**2013 compliance rate: 98.1%, 2014: 98.5%, 2015: 98.6%, 2016: 98.7%; 2017: 97.4%; 2018: 99.1%; 2019: 98.9%**). The detailed compliance rates reported by Ebiquity per market can be found in the Ebiquity presentation included in this report.

## Statistical anomalies and overstatement of non-compliance

It is worth noting that of the vast majority of spots found technically non-compliant (i.e. achieving an under-twelve audience share above 35%, regardless of the time of broadcast and of the adjacent programme), only a few can be considered to be certainly in breach of the spirit of the EU Pledge commitment, i.e. broadcast in or around children's programmes as such.

Most spots included as non-compliant in this report are spots broadcast in or around general/adult programmes that were reported in national ratings data as displaying a share of children under 12 above 35%.

The reason for this discrepancy is that audience statistics for programmes and advertising spots with a small audience – included in these monitoring results – are not reliable: a small audience means a small sample of households, rendering the demographic analysis of the audience unreliable. For statistical reliability, marketers typically exclude advertising spots below 1 Gross Rating Point (GRP). GRPs are the measure of television ratings. They are calculated in relation to the target audience – children under 12 for the purposes of this analysis. In this case a spot with less than 1 GRP is a spot that reaches less than 1% of the under-12 audience in the country in question. These spots often display an implausible share of under-12 viewers: e.g. a spot during a sports programme broadcast at 2am shows a child audience of 100%. This is the result of statistical anomalies.

All non-compliant spots were nonetheless included in the reported non-compliance rates for the sake of transparency and simplicity.

## Follow-up

All instances of non-compliance were reported to the EU Pledge member companies concerned. Companies were thus able to identify each non-compliant spot by market, product, channel and time. This has allowed companies to take corrective action where necessary, to adapt media planning where appropriate, and to update guidance to marketing departments where needed.

# Compliance monitoring: Company-owned websites, company-owned social media profiles and influencer profiles

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In 2011, EU Pledge members decided to enhance their framework voluntary commitments by **improving the coverage of the commitment in the online sphere**. Since its inception, the EU Pledge commitment has applied to advertising on TV, print media and third-party internet advertising. In January 2012, **EU Pledge member companies extended their commitment to company-owned websites**. By extending the coverage of the commitment to cover both third-party online advertising and brand websites, the EU Pledge covers online marketing comprehensively. Since 2016, the EU Pledge commitment covers all digital marketing communications, including **social networking sites and mobile apps**. In February 2020, EU Pledge commitment clarifies that advertisers will not use **influencers** whose primary target audience is children under the age 12 to promote products that do not meet EU Pledge Nutrition Criteria. After having been included as a pilot in the 2019 monitoring, influencer marketing was included as an integral part of the 2020 monitoring exercise.

## Methodology

The European Advertising Standards Alliance (EASA) was commissioned to undertake a compliance audit of EU Pledge branded websites and company-owned social media profiles.

Compliance with the EU Pledge commitment is determined on the basis of whether:

- The website/social media profile features marketing communications;
- Such marketing communications promote food or beverage products, as opposed to a brand/corporate brand in general;
- Such food and beverage products meet or do not meet the EU Pledge common nutrition criteria;
- Such marketing communications are designed to be targeted primarily at children under 12.

A methodology with a 'consumer-oriented approach' was drawn up by the EASA Secretariat in collaboration with the EU Pledge Secretariat and the independent reviewers of this exercise, Professors Liselot Hudders and Dienneke van de Sompel.

National self-regulatory organisations for advertising (SROs) from eight countries (Belgium, France, Germany, Greece, Italy, Romania, Spain and Sweden) were asked to review a selection of EU Pledge member companies' national **brand websites, social media pages, and influencer profiles** which promoted products not meeting the applicable nutrition criteria. The eight chosen SROs represent different systems in terms of size, geographical location and maturity.

The eight SROs were asked to review a sample of 198 items, including national brand websites and social media profiles of EU Pledge company members. SROs could review national brand websites as well as promotional websites set up by the companies, but not the main corporate websites as these are by definition intended more to inform the public rather than to provide services and entertainment, and their content is generally not aimed at children.

SROs were also asked to review 96 company-recognised influencer accounts across the eight countries.

COUNTRY	WEBSITES	FACEBOOK	YOUTUBE	INSTAGRAM	TOTAL	INFLUENCER MARKETING
JEP - BELGIUM	7	6	5	6	24	12
ARPP - FRANCE	7	6	6	6	25	12
DWR - GERMANY	7	6	6	6	25	12
SEE - GREECE	7	6	6	6	25	12
IAP - ITALY	7	6	6	6	25	12
RAC - ROMANIA	7	6	6	5	24	12
AUTOCONTROL - SPAIN	7	6	6	6	25	12
RO. - SWEDEN	7	6	6	6	25	12
<b>TOTAL</b>	<b>56</b>	<b>48</b>	<b>47</b>	<b>47</b>	<b>198</b>	<b>96</b>

When making their selection of websites and social media pages to review, the SROs were requested to take into account products that are popular amongst children in their country. The reviewers were requested to check if the marketer-owned websites complied with the EU Pledge criteria, using a dedicated questionnaire and methodology developed by EASA, the EU Pledge Secretariat and the independent reviewers.

The reviewers were asked to check whether the websites and social media pages contained elements, such as games, animation, licensed characters and toys and to decide if these were in their view primarily designed for children under 12. They also had to judge if these elements, in conjunction with the overall creative execution of the website and social media pages (i.e. simplicity of language, use of font size and typeface, use of colours etc.), were clearly intended to make the marketing communication(s) primarily appealing to under 12 year olds. Lastly, the reviewers noted whether the website or social media page contained features to screen the age of the website visitor. Age-screening on websites or social media pages, however, is not a prerequisite for SROs to determine compliance with the EU Pledge.

On the basis of the level of appeal of the creative execution to under 12 year olds and the overall findings reported by the SROs, EASA determined the final compliance of the websites and social media pages with the EU Pledge criteria in cooperation with the independent academic reviewers.

EASA and the SROs also analysed the compliance of posts from influencers endorsed by EU Pledge members. The SROs reviewed a 96 brand-recognised influencer profiles and 132 posts and stories. Only profiles that promoted non-compliant products with the applicable nutritional criteria were analysed.



COUNTRY	INFLUENCER PROFILES	POSTS
JEP - BELGIUM	12	22
ARPP - FRANCE	12	12
DWR - GERMANY	12	17
SEE - GREECE	12	20
IAP - ITALY	12	19
RAC - ROMANIA	12	12
AUTOCONTROL - SPAIN	12	18
RO. - SWEDEN	12	12
<b>TOTAL</b>	<b>96</b>	<b>132</b>

PLATFORM	INFLUENCER PROFILES
FACEBOOK	6
INSTAGRAM	84
YOUTUBE	6
<b>TOTAL</b>	<b>96</b>

The reviewers were asked to check whether the influencers' posts used techniques such as language, visuals, games, promotional actions, humour, reviewing of toys or latest films, which would be primarily appealing to children under 12.

Beyond EU Pledge compliance, self-regulation experts also flagged any item on a website that potentially breached either one or several of the following advertising codes or laws:

- ICC Framework for Responsible Food and Beverage Marketing Communications;
- Relevant advertising standards and national sectoral codes;
- Relevant advertising laws.

All reviews were performed by self-regulation experts from national SROs, whereas EASA ensured that the results were reported in a consistent manner.

## Monitoring results

A total of 56 national brand websites, 142 company-owned social media pages, and 96 influencer profiles were reviewed, all of which contained product promotion.

Out of the 56 websites, 1 website was found not to comply with EU Pledge commitment. All websites reviewed were compliant with national advertising codes or relevant advertising laws.

Out of the 142 company-owned social media profiles reviewed, 3 were found in breach of the EU Pledge commitment. 10 profiles reviewed also contained items that were in breach of advertising codes or relevant advertising laws.

All 96 influencer profiles reviewed were compliant with the EU Pledge commitment. 8 profiles reviewed also contained items that were in breach of advertising codes or relevant advertising laws.

- **98.2% of the company-owned websites reviewed were compliant with the EU Pledge commitment.**
- **97.9% of the brand social media profiles reviewed were compliant with the EU Pledge commitment.**
- **100% of the influencer profiles reviewed were compliant with the EU Pledge commitment.**

## Follow-up

The instances of non-compliance with the EU Pledge commitment were reported to the EU Pledge member companies concerned, allowing them to take corrective action in a timely manner.

# Revision of the EU Pledge Nutrition Criteria White Paper



In February 2021, the EU Pledge signatories updated the EU Pledge Nutrition criteria for the third time, to include a set of criteria for a new category, i.e.:

**Category 10: Plant based products:** Products derived from legumes including soybeans, pulses, nuts, cereals and/or seeds. **Sub-Category A:** Spoonable and drinkable products, fermented or non-fermented, flavoured, fruited or plain.

The EU Pledge is a voluntary initiative that aims to respond promptly to new challenges and evolving consumer expectations. Since its adoption in 2007, the EU Pledge has significantly enhanced its commitment by increasing the types of media covered and by increasing its membership. These changes are the result of a constant review of the commitments and an on-going dialogue with key stakeholder and decision-makers.

The market for plant-based products as described in the new Category 10 is currently expanding rapidly, driven by consumer demand, rendering it necessary to introduce new criteria to limit what kind of products can be marketed to children. The criteria entered into force immediately and are not applicable to companies that do not advertise any of their products to children under 12.

In the course of 2021, the EU Pledge will also develop criteria for a second Sub-Category under Category 10: Plant-based meat alternatives.

The changes described above were incorporated and published on the EU Pledge website in March 2021. The full EU Pledge Nutrition Criteria White Paper is available at [www.eu-pledge.eu](http://www.eu-pledge.eu).

# Conclusions and next steps

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After **twelve years of independent third-party monitoring**, the EU Pledge has been able to demonstrate a high level of member companies' compliance with their commitments, as well as a significant change in the balance of food advertising to children in the EU towards options that meet common nutrition criteria. The membership of the initiative has also grown from 11 to **23 member companies**, to cover **over 80% of food and beverage advertising spend in the EU**.

The EU Pledge is an evolving initiative aimed at addressing the dynamic marketing and media environment in the EU. While it provides a common framework, member companies can make commitments that go beyond it, and several do. Since its launch, most of the member companies have stepped up their corporate commitments, **tightening the way they define advertising to children, broadening the scope of their actions and strengthening nutrition criteria**.

As the market for plant-based products is currently expanding rapidly, the EU Pledge is committed to develop criteria for a second Sub-Category for plant-based meat alternatives under Category 10, in the course of 2021.

In the same spirit and following constructive dialogue with stakeholders, the EU Pledge enhanced its framework voluntary commitments, applicable to all members throughout the EU, in **2012, and 2014, 2017 and 2020**.

Once again, the 2020 monitoring has shown that member companies were able to achieve **high compliance levels** with the enhanced commitments. The ongoing improvement in compliance rates for company-owned websites and social media profiles evidences members' commitment to the EU Pledge and points to the usefulness of the Implementation Guidance Note<sup>14</sup> released in 2016 and last updated in 2020.

The **accountability mechanism** complements compliance data with additional external scrutiny and insight on potential company breaches. Importantly, the system brings the possibility to check and improve compliance in all covered media and all member states, going beyond the coverage of the annual monitoring.

Beyond monitoring compliance, EU Pledge signatories are in close **dialogue with online platforms** under the leadership of the World Federation of Advertisers. The goal is to further reduce children's online exposure to products which do not meet the EU Pledge nutrition criteria.

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14 The EU Pledge Implementation Guidance Note is available here: <https://eu-pledge.eu/wp-content/uploads/Implementation-Guidance-Note-2020.pdf>



## **Annex I:** Ebiquity Compliance Report

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**ebiquity**

### **EU PLEDGE**

Advertising to Children  
Commitment

Compliance Monitoring  
Report 2020



# AGENDA

## **1. TV Compliance Monitoring**

- a) Commitments and approach
- b) TV Methodology
- c) Overall Results

## **1. Appendices**

- a) TV Definitions
- b) TV Channels Monitored
- c) Age Group Definitions

# TV Compliance Monitoring

# EU Pledge Q1 2020 commitment and approach

Assess EU Pledge member companies' compliance with the following commitment:

*"No advertising of products to children under 12 years, except for products which fulfil specific nutrition criteria based on accepted scientific evidence and/or applicable national and international dietary guidelines. For the purpose of this initiative, "advertising to children under 12 years" means advertising to media audiences with a minimum of 35% of children under 12 years."*

Six sample EU Pledge markets were chosen for monitoring: Bulgaria, France, Germany, Italy, Poland and Spain.

All spots aired in these markets in Q1 2020 were reviewed for audience composition at time of broadcast.

Spots for products not meeting nutritional criteria and reporting an audience >35% children under 12 were deemed non-compliant.

Bulgaria and Poland are the two new markets chosen for monitoring, replacing Hungary and Portugal. Hence, comparisons between 2020 and 2019 should be treated as directional.

## Total number of spots that were analysed in Q1 2020:

Country	Total Spots	Total Spots for Restricted products
Bulgaria	88,600	80,100
France	75,363	62,669
Germany	55,118	47,958
Italy	242,758	210,314
Poland	718,249	562,293
Spain	199,635	190,977
<b>All</b>	<b>1,379,723</b>	<b>1,154,311</b>



# TV Methodology

The TV advertising compliance rates in this report are provided in two forms:

- **For all spots aired:** this is the formal EU Pledge compliance rate.
- **For daytime (06h00-20h59) spots with at least 1 GRP:** This second measure of compliance is intended to help member companies identify genuine breaches, i.e. instances where spots for restricted products were placed in or around daytime programmes reaching 35% or more children under 12. A list of these spots, where applicable, is provided in this report. The demographic audience breakdown for spots below 1 GRP is often unreliable, due to small audience size. These spots and those broadcast at night-time are included in the overall EU Pledge compliance results nonetheless, in view of transparency and simplicity of external communication.

## Statistical anomalies and overstatement of non-compliance

Of the vast majority of spots found technically non-compliant, only a few can be certainly in breach of the spirit of the EU Pledge commitment. These spots often display an implausible share of under-12 viewers: e.g. a spot during a sports programme broadcast at 2am shows a child audience of 100%. This is the result of statistical anomalies.

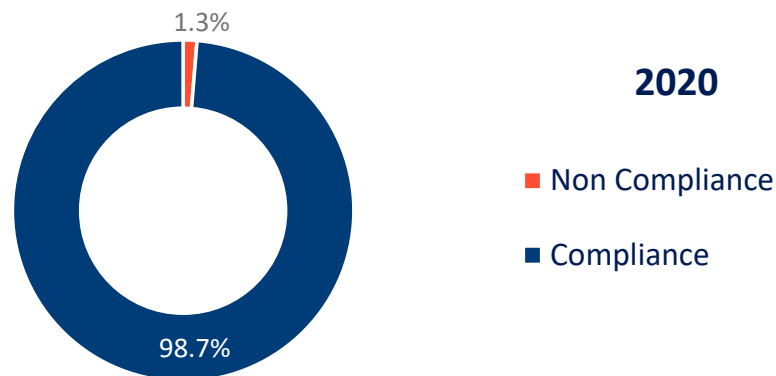
- The reason for this discrepancy is that audience statistics for programmes and advertising spots with a small audience, included in these monitoring results, are not reliable: a small audience means a small sample of households, rendering the demographic analysis of the audience unreliable.
- For statistical reliability, marketers typically exclude advertising spots below 1 Gross Rating Point (GRP). All non-compliant spots were nonetheless included in the report for the sake of transparency and simplicity, even though they are, at worst, examples of “technical” non-compliance.

## Aggregate results for Q1 2020 – all markets: All Spots (all GRPs, all time) show a compliance rate of 98.7%

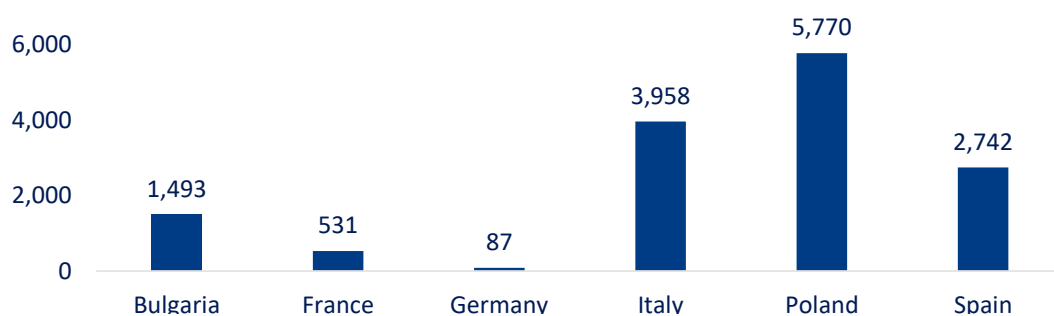
Advertiser	Total Spots	Total Spots for Restricted products	Total children under 12 Impacts for Restricted products (in Mn)	Non-compliant spots (spots for restricted products with children profile >35%)	Non-compliance rate (% Spots for restricted products with children profile >35%)	Compliance rate (% Spots for restricted products with children profile >35%)
<b>Bulgaria Q1 2020</b>	88,600	80,100	16	1,493	1.9%	98.1%
<b>Bulgaria Q1 2019</b>	Not Monitored 2019					
<b>France Q1 2020</b>	75,363	62,669	1,142	531	0.8%	99.2%
<b>France Q1 2019</b>	97,799	79,760	473	319	0.4%	99.6%
<b>Germany Q1 2020</b>	55,118	47,958	387	87	0.2%	99.8%
<b>Germany Q1 2019</b>	54,882	48,562	342	210	0.4%	99.6%
<b>Italy Q1 2020</b>	242,758	210,314	997	3,958	1.9%	98.1%
<b>Italy Q1 2019</b>	221,223	179,526	692	3,295	1.8%	98.2%
<b>Poland Q1 2020</b>	718,249	562,293	865	5,770	1.0%	99.0%
<b>Poland Q1 2019</b>	Not Monitored 2019					
<b>Spain Q1 2020</b>	199,635	190,977	785	2,742	1.4%	98.6%
<b>Spain Q1 2019</b>	142,458	114,265	453	586	0.5%	98.5%
<b>All markets 2020</b>	<b>1,379,723</b>	<b>1,154,311</b>	<b>4,191</b>	<b>14,581</b>	<b>1.3%</b>	<b>98.7%</b>
<b>All markets 2019</b>	821,170	684,095	2,307	7,828	1.1%	98.9%

## Aggregate results for Q1 2020 – all markets: All Spots (all GRPs, all time)

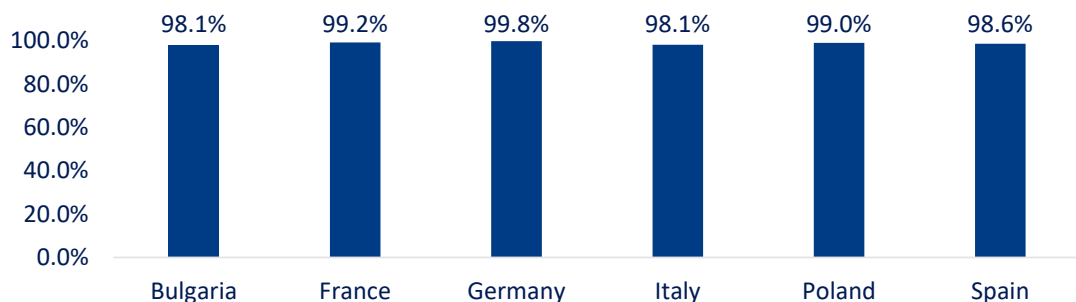
Total Compliance rate >35% results Q1 2020



Total Non-Compliant Spots >35% by country Q1 2020



Total Compliance rate by country Q1 2020



## Aggregate results for Q1 2020 – all markets: Daytime spots with at least 1 GRP (Daytime: 06.00-20.59)

Advertiser	Total Spots	Total Spots for Restricted products	Total children under 12 Impacts for Restricted products (in Mn)	Non-compliant spots (spots for restricted products with children profile >35%)	Non-compliance rate (% Spots for restricted products with children profile >35%)	Compliance rate (% Spots for restricted products with children profile >35%)
<b>Bulgaria Q1 2020</b>	7,621	6,898	8	0	0%	100%
<b>Bulgaria Q1 2019</b>	Not Monitored 2019					
<b>France Q1 2020</b>	8,481	6,779	604	0	0%	100%
<b>France Q1 2019</b>	6,174	4,515	203	0	0.0%	100%
<b>Germany Q1 2020</b>	4,106	3,704	119	0	0%	100%
<b>Germany Q1 2019</b>	3,778	3,575	101	0	0.0%	100%
<b>Italy Q1 2020</b>	8,392	7,856	321	0	0%	100%
<b>Italy Q1 2019</b>	7,368	6,399	212	0	0.0%	100%
<b>Poland Q1 2020</b>	15,216	12,135	350	0	0%	100%
<b>Poland Q1 2019</b>	Not Monitored 2019					
<b>Spain Q1 2020</b>	11,646	10,955	191	0	0%	100%
<b>Spain Q1 2019</b>	8,961	5,255	105	0	0.0%	100%
<b>All markets 2020</b>	<b>55,462</b>	<b>48,327</b>	<b>1,593</b>	<b>0</b>	<b>0%</b>	<b>100%</b>
All markets 2019	39,961	30,629	801	13	0%	100%

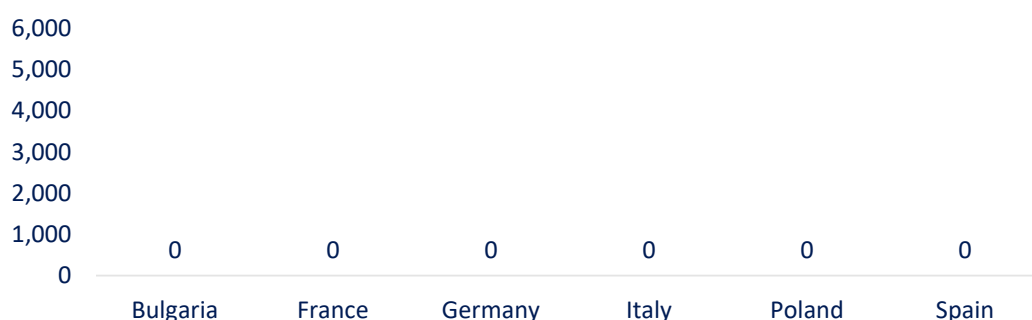


## Aggregate results for Q1 2020 – all markets: Daytime spots with at least 1 GRP (Daytime: 06.00-20.59)

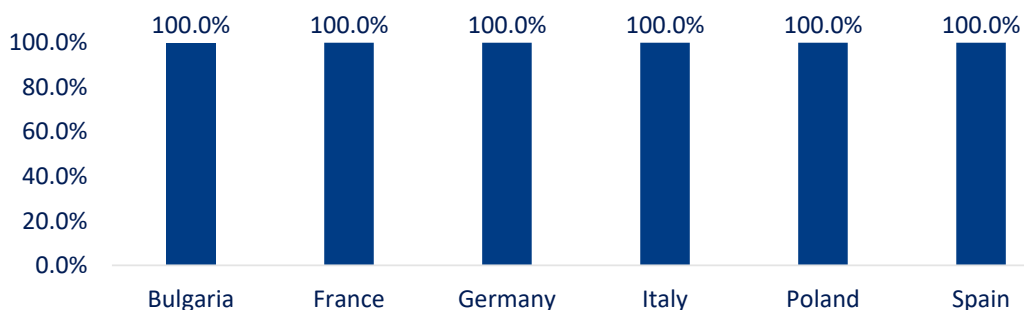
Total Compliance rate >35% results Q1 2020



Total Non-Compliant Spots >35% by country Q1 2020



Total Compliance rate by country Q1 2020



# Appendices

## TV Definitions



**Restricted products:** Products that do not meet the advertiser's nutritional criteria for marketing to children



**Spot:** Each individual advertising activity - the airtime used by the advertiser



**Profile:** Demographic breakdown of the audience at spot level, regarding children under 12



**Impacts (Impressions):** Number of times a message is seen by the audience



**GRP (Gross Rating Point):** Percentage of the target audience reached by an advertisement, multiplied by the frequency that the audience sees it.

*For example, a TV advertisement that is aired 5 times reaching 50% of the target audience, would have 250 GRPs (GRP = 5 x 50% )*

# TV Channels Monitored

Bulgaria	24 KITCHEN	CARTOON NETWORK	FOXCRIME	PLANETA TV
	BNT 3 (BNT HD)	Channel 3	FOXLIFE	RING
	BTB	DIEMA	KINO NOVA	THE VOICE
	BTB ACTION	DIEMA FAMILY	MAGIC TV	TLC
	BTB CINEMA	DISCOVERY CHANNEL	NATIONAL GEOGRAPHIC	TRAVEL CHANNEL
	BTB COMEDY	FINE LIVING	NICKELODEON	TV EVROPA
	BTB LADY	FOOD NETWORK	NOVA SPORT	WNess TV
	BULGARIA ON AIR	FOX	NOVA TV	

France	BFM TV MAX	France 3	NRJ12	TFX
	CBSTAR+	France 5	PUISSANCE TNT	TMC
	CHERIE25	LA CHAÎNE L'EQUIPE	RMC POWER TNT	
	CNEWS	LCI	TF1	
	France 2	M6	TF1 SERIES FILMS	

Germany	ARD	N-TV	RTL+	Super RTL
	Comedy Central	Pro7	SAT.1	Tele 5
	Disney Channel	Pro7 MAXX	Sat.1 Gold	VOX
	DMAX	RTL	sbox	WELT
	Kabel1	RTL II	Sky Sport News	ZDF
	Nick	RTL NITRO	Sport 1	

Italy	20 Mediaset	Fox Channel +1	Motor Trend (ex Focus)	Rai Gulp	Sky Sport 251
	Blaze	Fox Crime	Mtv	Rai Movie	Sky Sport 252
	Boing	Fox Crime +1	Mtv Music	Rai News24	Sky Sport 253
	Boing Plus	Fox Crime +2	Nat Geo Wild	Rai Premium	Sky Sport Arena
	Canale 5	Fox Life	Nat Geo Wild +1	Rai Sport 1	Sky Sport Collection (ex Sky Sport Golf)
	Cartoonito	Fox Life +1	NATIONAL GEOGRAPHIC	Real Time	Sky Sport F1
	Cielo	Frisbee	National Geographic +1	Real Time +1	Sky Sport Football
	Cine34	Gambero Rosso Channel	NOVE	Retequattro	Sky Sport MotoGP
	Comedy Central	Giallo	Paramount Network	Sky Arte	Sky Sport NBA
	Comedy Central +1	HGTV - Home & Garden	Premium Action (DTT+Sat)	Sky Atlantic	Sky Sport Serie A
	Crime Investigation	History	Premium Cinema (DTT+Sat)	Sky Atlantic +1	Sky Sport Uno Dth
	Deejay Tv	History +1	Premium Cinema +24 (Sat)	Sky Cinema Action	Sky Sport Uno Dtt
	DISCOVERY CHANNEL	Iris	Premium Cinema Comedy (DTT+Sat)	Sky Cinema Collection	Sky Tg24
	Discovery Channel +1	Italia 1	Premium Cinema Emotion (DTT+Sat)	Sky Cinema Comedy	Sky Tg24 Dtt
	Discovery Science	Italia 2	Premium Cinema Energy (DTT+Sat)	Sky Cinema Drama	Sky Tg24 Primo Piano
	DMAX	K2	Premium Crime (DTT+Sat)	Sky Cinema Due	Sky Uno
	DMAX +1	La5	Premium Stories (DTT+Sat)	Sky Cinema Due +24	Sky Uno +1
	Dove	La7	Radio 105 Tv	Sky Cinema Romance	Spike
	Eurosport	La7d	Radio Italia Tv	Sky Cinema Suspense	Tgcom 24
	Eurosport 2	Lei	Rai 1	Sky Cinema Uno	Top Crime
	Focus Mediaset	Lei +1	Rai 2	Sky Cinema Uno +24	TV8
	FOOD NETWORK	Mediaset Extra	Rai 3	Sky Meteo 24	VH1
	Fox Channel	Mediaset Extra 2	Rai 4	Sky Sport 24	Virgin Radio Tv

# TV Channels Monitored

Poland	13 Ulica	Disco Polo Music	Gametoan	NTL	Puls 2	TVN Style
	4FUN DANCE	Discovery Historia	Gold TV	NUTA.TV	Red Carpet TV [E TV]	TVN Turbo
	4FUN KIDS	Discovery Life	Golf Channel Polska	Paramount Channel HD	Romance TV	TVN24
	4FUN.TV	Discovery pl	HGTV	Planete+	SciFi Universal	TVN24 Biznes i Świat
	Active Family	Discovery Science	History	Polo TV	Sportklub	TVN7
	Adventure	Disney Channel	History2 [H2]	Polonia 1	Stars.tv	TVP ABC
	Ale Kino+	Disney Junior	Investigation Discovery	Polsat	Stopklatka	TVP HD
	AMC	Disney XD	Kino Polska	Polsat 2 inf	StudioMED TV	TVP Historia
	Animal Planet HD	Domo+	Kino Polska Muzyka	Polsat Cafe	Sundance Channel	TVP Info
	ATM Rozrywka	DTX	Kino TV	Polsat Comedy Central Extra	Super Polsat	TVP Kultura
	AXN	E!Entertainment	kuchnia+	Polsat Doku	Superstacja	TVP Polonia
	AXN Black	Eleven Sports 1	Lifetime	Polsat Film	Tele5	TVP Rozrywka
	AXN Spin	Eleven Sports 2	Metro	Polsat Games	teleTOON+	TVP Seriale
	AXN White	Epic Drama	MiniMini+	Polsat Music HD	Telewizja WPOLSC.PL	TVP Sport
	BBC Brit	Eska Extra [Eska TV]	Motowizja	Polsat News	TLC	TVP1
	BBC Earth	Eska Rock TV	MTV Music Polska	Polsat News 2	TNT	TVP2
	BBC First	Eska TV [8TV]	MTV pl	Polsat Play	TOP KIDS	TVP3
	BBC Lifestyle	e-sport tv	Nat Geo People	Polsat Rodzina	Top Kids Jr	TVR
	BIZNES24	Eurosport 2 PL	National Geographic	Polsat Seriale	Travel Channel	TVS
	Canal+ Sport	Eurosport PL	National Geographic Wild	Polsat Sport	TTV - Twoja Telewizja	VH 1
	Canal+ Sport2	Extreme Sports	Nick Jr	Polsat Sport Extra	TV PULS	Vox Music TV
	CBS Europa	Fightklub	Nickelodeon pl	Polsat Sport News HD	TV Republika	Water Planet
	CBS Reality	Fokus TV	Nicktoons	Polsat Viasat Explore	TV4 pl	WP
	CI Polsat	Food Network	Novela TV	Polsat Viasat History	TV6	Zoom TV
	Comedy Central	FOX	Nowa TV	Polsat Viasat Nature	TVN	
	Da Vinci	Fox Comedy	nSport+ [nSport]	Power TV	TVN Fabula	

Spain	#0	CANAL HOLLYWOOD	ETB4	MOVISTAR DISNEY	Paramount Network
	#VAMOS	CANAL HOLLYWOOD +1	Eurosport	MOVISTAR DRAMA	REAL MADRID HD
	3/24	CMM	Eurosport 2	MOVISTAR ESTRENOS	SOMOS
	8TV	Comedy Central	FDF	MOVISTAR F1	SUNDANCE TV
	A PUNT	COSMOPOLITAN	FOX	MOVISTAR GOLF	SUPER3/33
	A3	CRIMEN + INVESTIGACION	Fox Life	MOVISTAR LALIGA	SYFY
	AMC	CSUR-AND	GOL	MOVISTAR LALIGA2	TS
	AND-TV	CUATRO	HISTORIA	MOVISTAR LIGA DE CAMPEONES	TELEMADRID
	ARAGON TV	DARK	IB3	MOVISTAR LIGA DE CAMPEONES 1	TEN
	ATRESERIES	DECASA	La 7	MOVISTAR LIGA DE CAMPEONES 2	TNT
	AXN	DISCOVERY	LA 7TV	MOVISTAR SERIES	TPA
	AXN WHITE	DISNEY CH +1	LA SEXTA	MOVISTAR SERIESMANIA	TPA2
	BARÇA TV	Disney Channel	La2	MTV ESP	TRECE
	BEMADTV	DIVINITY	LAOTRA	NATIONAL GEOGRAPHIC	TV MEDITERRANEO
	Blaze	DKISS	MEGA	NEOX	TV3
	Boing	DMAX	MOVISTAR ACCION	NGC WILD	TVCAN
	BOM Cine	ENERGY	MOVISTAR CINE ESPAÑOL	NICK JR	TVG
	C.SUR	ESPORT3	MOVISTAR CINE DOC&ROLL	NICKELODEON	VIAJAR
	CALLE 13	ETB1	MOVISTAR COMEDIA	NOVA	XTRM
	CANAL COCINA	ETB2	MOVISTAR DEPORTES	ODISEA	

## Age Group Definitions

Country	All Persons	Children Under 12
Bulgaria	all Indiv	Kids 04-12's
France	all Indiv 4+	Kids 04-14's
Germany	all Indiv	Under 12's
Italy	all Indiv 4+	Kids 04-12's
Poland	all Indiv	Under 12's
Spain	Ind. 4+	Under 12's



# Thank you for your time.

About Ebiquity

We are a leading **independent** marketing and media consultancy

Our ambition is to help brands harness the power of data, analytics, and technology to improve marketing outcomes





# 2020

PUBLIC REPORT



## E.U. PLEDGE MONITORING

Social media, websites, and influencer marketing

Top line

## **EASA**

The European Advertising Standards Alliance (EASA) is the single authoritative voice of advertising self-regulation in Europe. EASA promotes high ethical standards in commercial communications by means of effective self-regulation for the benefit of consumers and business. For further information, please visit: [www.easa-alliance.org](http://www.easa-alliance.org).

As a non-profit organisation based in Brussels, EASA brings together national advertising self-regulatory organisations, associations representing the advertising industry in Europe, and one digital pure play company.

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Compiled in March 2021

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## Introduction

The EU Pledge<sup>1</sup> is a voluntary initiative by 23 leading food and beverage companies who have signed a voluntary agreement to limit their advertising to children under the age of 12 on television, print, near schools, and on third-party internet platforms, of products that meet high nutritional standards. **‘Advertising to children under 12’** means advertising to media audiences with a **minimum of 35%** of children under 12 years of age. Where adequate data is unavailable, such as for online advertising media, companies will consider other factors, such as the overall impression of the adverts.

In 2020, the EU Pledge secretariat commissioned EASA to monitor company-owned websites and company-owned social media profiles, and to independently check compliance with the EU Pledge commitment as well as with self-regulatory codes and national laws. The 2018 and 2019 exercises included a pilot monitoring on influencer marketing. The 2020 project included both a monitoring of the company-owned websites and social media profiles, and a survey on influencer marketing with an expanded and bespoke questionnaire assessing the influencers’ ads against the companies’ commitment to not advertise non-compliant product to children under 12 years of age.

The purpose of the 2020 monitoring exercise is to determine whether brand websites and social media sites that promote non-compliant products are considered by the experts from EASA’s network of advertising self-regulatory organisations (SROs) as **primarily appealing to children under 12**. Compliance with the EU Pledge commitment for brand websites and social media profiles is determined on the basis of whether:

- The website or social media profile features marketing communications;
- These marketing communications promote food or beverage products, as opposed to a brand in general;
- Such food and beverage products meet the EU Pledge common nutritional criteria;
- Such marketing communications are designed to be targeted primarily at children under 12.

While reviewing brand websites and social media profiles, advertising self-regulation experts were requested to **think from the perspective of a child younger than 12** and to keep in mind what a child of this age would find interesting and attractive. Special attention had to be paid to specific aspects of the websites and social media profiles that would make them primarily appealing to under 12-year-olds.

In order to offer unbiased, independent, and accountable results, a ‘consumer-oriented approach’ was drawn up by the EASA secretariat in collaboration with the EU Pledge secretariat and Pr. Verónica Donoso, the independent reviewer of the exercises that were conducted between 2011 and 2016. The 2020 methodology was adapted by EASA, the EU Pledge secretariat, and Professor Liselot Hudders<sup>2</sup>

<sup>1</sup> The EU Pledge is a response from industry leaders to calls made by the EU institutions for the food industry to use commercial communications to support parents in making the right diet and lifestyle choices for their children. The EU Pledge programme is endorsed and supported by the World Federation of Advertisers.

More information about the EU Pledge at <http://www.eu-pledge.eu/>.









<sup>2</sup> **Liselot Hudders** is an associate professor and a postdoctoral fellow of the FWO at the departments of communication sciences and marketing at Ghent University, Belgium. She teaches courses on consumer behaviour and marketing communication. She is director of the centre for persuasive communication (<http://cepec.ugent.be>) and currently guides 10 PhD students in the domain of digital marketing. Her research interests include persuasive communication, consumer empowerment and advertising literacy. She is particularly interested in how children and youngsters cope with (new) advertising techniques and how digital communication can be used to foster behavioural change. Her work has been published in over 60 academic journals, such as *New Media and Society*, *Journal of Interactive Marketing*, *Journal of Business Top line report – Websites, social media, and influencer marketing*

from Ghent University, the independent reviewer of this exercise. The role of the independent reviewers is to verify that appropriate criteria have been set up in the methodology, to perform quality checks on SROs' reviews, testify on the correctness of the monitoring procedure, and sign off on the EASA top line report.

## Project overview

Experts from 8 European self-regulatory organisations (SROs) were invited by EASA and the EU Pledge secretariat to conduct the monitoring exercise and assess the appeal of company-owned websites, social media profiles, and account of influencers which have a contractual relationship with EU Pledge members. The eight chosen SROs represent different systems in terms of size (large v. small organisations), location (geographical coverage) and maturity (new v. old systems).

*List of the participating countries*

Participating Countries and SROs		
	<b>Belgium</b>	<b>JEP</b>
	<b>France</b>	<b>ARPP</b>
	<b>Germany</b>	<b>DWR</b>
	<b>Greece</b>	<b>SEE</b>
	<b>Italy</b>	<b>IAP</b>
	<b>Romania</b>	<b>RAC</b>
	<b>Spain</b>	<b>AUTOCONTROL</b>
	<b>Sweden</b>	<b>Ro.</b>

Below is the list of the EU Pledge member companies participating in the 2020 monitoring exercise.

*List of the EU Pledge member companies*

EU Pledge Signatory Companies		
Amica Chips	Lorenz Snack-World	Intersnack
Arla Foods	Mars	Kellogg's
Bel Group	McDonald's	KiMs
Burger King	MOM	Lindt & Sprüngli
Coca-Cola	Mondelez	Unichips-San Carlo
Danone	Nestlé	Unilever
Ferrero	PepsiCo	Zweifel Pomy-Chips
General Mills	Royal Friesland Campina	

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Research, Journal of Advertising, etc. She serves as associate editor for the International Journal of Advertising and is member of the review board of Journal of Advertising.

*Top line report – Websites, social media, and influencer marketing*

Self-regulation experts from the 8 SROs reviewed a sample of 200 items, including national brand websites<sup>3</sup> and social media profiles of EU Pledge company members. They also reviewed 96 company-recognised influencer accounts across all 8 countries.

*Number of websites and social media profiles reviewed per country*

Country	Websites	Facebook	YouTube	Instagram	Total	Influencer marketing
JEP - Belgium	7	6	6	6	25	12
ARPP - France	7	6	6	6	25	12
DWR - Germany	7	6	6	6	25	12
SEE - Greece	7	6	6	6	25	12
IAP - Italy	7	6	6	6	25	12
RAC - Romania	7	6	6	6	25	12
AUTOCONTROL - Spain	7	6	6	6	25	12
Ro. - Sweden	7	6	6	6	25	12
<b>Total</b>	<b>56</b>	<b>48</b>	<b>48</b>	<b>48</b>	<b>200</b>	<b>96</b>

Websites, social media profiles, and influencer account were provided to EASA by the EU Pledge member companies, thus ensuring that the profiles were managed by the companies and that the influencers engaged in a commercial relationship directly with the brands.<sup>4</sup> Companies were also asked to provide SROs with the specific posts and/or stories of influencers. Experts thus reviewed multiple posts and stories for each influencer account. Contrary to the social media profiles and websites, SROs were asked to review each post against the EU Pledge commitment. This increased the number of posts reviewed to 132. The complete analysis of this part can be found on page 36.

## Methodology

The EU Pledge secretariat provided EASA with lists of all products and websites and social media profiles managed and promoted by the EU Pledge member companies in the selected markets. The lists indicated whether these profiles promoted products that do not meet the applicable nutritional criteria set out in the EU Pledge Nutrition White Paper. Based on these lists, EASA selected websites and social media profiles to review for each SRO based on a balanced quota agreed-upon with the EU Pledge secretariat and the independent reviewers. The latter was designed with the intent of having all companies proportionally represented across all digital platforms.

<sup>3</sup> Where available, at least 1 website per company.

<sup>4</sup> Not all EU Pledge member companies provided influencer profiles.

*Top line report – Websites, social media, and influencer marketing*



The questionnaire for the **websites and social media profiles** asked the self-regulatory experts if the profiles reviewed contained elements that would attract the attention of young children. Such elements included games and entertainment activities<sup>5</sup>, promotional events and contests, animations sound effects and videos, licensed characters and celebrities<sup>6</sup>, toys used as premiums, and the particular tone and style of the language used in the texts, posts, and/or stories. Further to the assessment of the appeal of young children to such content, experts had to decide if these were in their view primarily designed for this demographic. Reviewers had to judge if these elements, in conjunction with the creative execution of the website (i.e. simplicity of language, use of font size and typeface, use of colours, etc.), were clearly intended to make the marketing communications on the website primarily appealing to under-12s.

Brand websites & social media
Licensed characters, tie-ins, and celebrities
Entertainment activities & games
Promotional events, contests
Animations, sound effects, and videos
Toys used as premiums
Language and Interaction

Several websites and social media platforms (Instagram, Facebook, YouTube) contained features to screen the age of the visitor before accessing the page's content. Reviewers were asked to note if a profile contained such features. However, this element was not considered when assessing the compliance of the marketing communications appearing on the profiles.

Based on the level of appeal of the creative execution to under-12s as well as the overall findings reported by the self-regulatory experts, the reviewers determined the final compliance of the websites with the EU Pledge criteria.

Brand recognised influencer profiles
Popularity with under 12s
Age of influencer
Language & Writing style
Visuals (animations, cartoons, etc.)
Games
Promotional actions (i.e. prizes)
Humour
Toys
Films, TV shows, apps

For the **influencer section of the monitoring**, the EU Pledge secretariat provided EASA with a list of influencers each member company worked with during 2020 as well as the specific stories, if applicable, and sponsored posts that the influencers published during the year. SROs reviewed specifically the posts and stories against the EU Pledge commitment, assessing whether they are primarily appealing to children under the age of 12.

The questionnaire for the **influencer profiles** asked the SROs to review the posts and/or stories provided by the companies, but they were also invited to check for more recent posts and stories appearing during the monitoring phase. They were asked to analyse whether the post included techniques that may render it appealing to children under 12. Such factors included popularity with under 12s, the age of the influencer (child under 12 or teenager), language and writing style, humour, the visuals and animations, film tie-ins, promotional content displayed on the post, and whether there were any games or toys featured.

The questions in both surveys were meant to evaluate whether the profiles contained elements and factors that would cross red lines for the reviewers. **A profile is considered in breach of the EU Pledge commitment if it displays components that are clearly and evidently primarily appealing to children under 12. It is then automatically coded as a "red flag".**

<sup>5</sup>A game/entertainment activity is an activity engaged for diversion or amusement. A non-exhaustive list of games/entertainment activities are: online interactive games, casual/social games, puzzles, board games, role-playing games, trivia, card games, racing, arcade, colouring sheets, activity sheets, do it yourself activities, etc.

<sup>6</sup>Characters acquired externally and linked for example to films, cartoons or sports.

Top line report – Websites, social media, and influencer marketing

During the 2019 monitoring, **it has been decided to also include an “Orange category” that would showcase all profiles containing aspects and elements potentially appealing to under 12s that render them problematic for both the SR experts and/or the independent reviewers.** This is also a consequence of the high compliance level achieved by companies in recent years. EASA has implemented this new category in the 2020 reports. **This will enable reviewers and experts to discuss more granular components of the websites and social media sites, and stress certain specific aspects of the profiles that can pose problems.** This is also in line with the idea that the standard of compliance of what is considered “primarily appealing to children under 12 years of age” is not only tainted with subjectivity but is also essentially arbitrary. To counter this, the Orange category is a tool that will serve as an indicator of websites and social media profiles that display themes appealing to the demographic, but not considered a breach of the commitment.

Beyond websites’ compliance with the EU Pledge and the primary appeal of social media profiles to children under 12, the experts also flagged any items on the reviewed websites, social media profiles, and influencer profiles, that potentially breached any applicable advertising codes or relevant legislation. However, these were not considered when assessing the overall EU Pledge compliance.

The following were considered:

- ICC Framework for Responsible Food and Beverage Marketing Communications;
- Relevant advertising standards and national sectoral codes;
- Relevant advertising laws.

All reviews were performed by experts from national self-regulatory organisations. EASA’s role in the project was to ensure that the results were reported on in a consistent manner and to provide the tools and content necessary for the monitoring exercise.

## Note on the methodology

In collaboration with the EU Pledge Secretariat and independent reviewers Professors Liselot Hudders and Dienneke Van de Sompel, EASA has taken great care to ensure that the results of this project are objective and consistent. As explained above, they have developed a detailed methodology which was applied by all self-regulatory experts when assessing brand websites and social media profiles. A second methodology was drafted for the influencer section of the project.

Although it may be relatively easy to determine if a website, social media, or influencer profile appeals to children in general, it is much harder to determine if a website, social media or influencer profile is designed to **appeal primarily to children under the age of 12**. As a result, decisions of the self-regulatory experts retain an unavoidable degree of subjectivity, though informed by their extensive day-to-day professional experience and in-depth knowledge of the local cultural and linguistic particularities that might attract the attention of children more so than of adults. Experts were also provided with a **comprehensive overview of children’s, teenagers’, and adults’ typical online behaviours when surfing the internet**. Readers are requested to bear this in mind.

## Executive summary

### Brand-owned websites:

- A total of 56 national brand websites were reviewed;
- 98.21% of brand-owned websites were compliant with the EU Pledge commitment – 1 out of the 56 breached the commitment;
- All 56 brand-owned websites reviewed (100%) were compliant with the relevant local advertising codes and laws.

### Brand-managed social media profiles:

- A total of 144 social media profiles were reviewed. Subsequent to new information received after the webinar, 1 Instagram profile and 1 YouTube account were scrapped from the monitoring exercise as they promoted solely compliant products – the compliance rate is thus measured for 142 social media profiles.
- 97.89% of the brand-owned profiles were compliant with the EU Pledge commitment – 3 out of 142 breached the commitment. In more detail,
  - 97.92% of the Facebook profiles were compliant with the commitment – 1 out of the 48 profiles was in breach;
  - 97.87% of the Instagram profiles were compliant with the commitment – 1 out of the 47 profiles were in breach;
  - 97.87% of the YouTube profiles were compliant with the commitment – 1 out of the 47 profiles was in breach.
- 93.66% of brand-owned social media profiles reviewed were compliant with the relevant local advertising codes or laws – 10 out of 142 contained items that were potentially in breach of relevant local advertising rules.
  - 91.67% of Facebook profiles were compliant with relevant local rules – 4 profiles were in breach;
  - 93.62% of Instagram profiles were compliant with relevant local rules – 3 profiles were in breach;
  - 95.74% of YouTube profiles were compliant with relevant local rules – 2 profiles were in breach.

### Brand-recognised influencer profiles:

- A total of 96 of brand-recognised influencer profiles and 133 posts, videos, and stories were analysed;
- 100% of influencer profiles were compliant with the EU Pledge commitment;
- 91.67% of influencer profiles were compliant with the relevant local advertising codes and laws – 8 out of the 96 profiles were in breach.

## 1. Brand-owned websites

### 1.1 Compliance with the EU Pledge commitment

The 2020 monitoring exercise reviewed a total of 56 brand-owned websites across eight European countries. These websites were provided by the signatory companies through the EU Pledge secretariat to EASA who then randomly selected a number of websites per country and company based on an agreed quota.

*Number of websites reviewed per country*

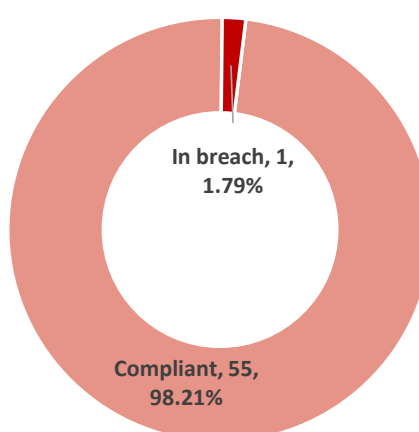
Country	Websites
JEP - Belgium	7
ARPP - France	7
DWR - Germany	7
SEE - Greece	7
IAP - Italy	7
RAC - Romania	7
AUTOCONTROL - Spain	7
Ro. - Sweden	7
<b>Total</b>	<b>56</b>

In order to determine whether a website was designed to target primarily children under the age of 12, and subsequently to assess if the marketing communications were intended to appeal primarily to that demographic, reviewers considered a number of factors that were enumerated and elaborated upon in the previous sections of this report. These factors are the same whether analysing websites or social media pages. This included the use of licensed characters, games, promotional content, animations, toys, as well as the language style and overall creative execution of the website, meaning the overall impression of the website's design (colour schemes, typeface, font size, layout, etc.).

Decisive factors in judging the appeal of a website to young children were the usability of the websites (i.e. ease of navigation), simplicity of language, font size, choice of colour schemes and the level of entertainment offered on the websites.

**After careful review, the experts concluded that 98.21% of the websites were compliant with the EU Pledge commitment – 1 website was deemed primarily appealing to children under 12.**

*Compliance of the websites with the EU Pledge commitment (N=56)*



## Detailed analysis of the brand-owned website in breach of the EU Pledge commitment

Below is an in-depth analysis of the website that breached the commitment to not primarily appeal to children under the age of 12. As mentioned in previous sections of this report, although inherently subjective, the examination and the final decision made by reviewers are informed by their expertise in what exactly would be primarily appealing to the demographic or simply attractive as much as it would be to an adult or teenager. Moreover, SROs have extensive experience in analysing, treating, and conducting such assessments and are able to provide as close an objective critique as possible of the creatives and content of the adverts appearing on the websites.

The website contained **promotional actions and contests** that were deemed to be primarily targeting and appealing to children under 12. In fact, it was found that:

- a. The contests/competitions or promotional events are easy enough children under 12 to participate;
- b. A child younger than 12 could easily follow the instructions;
- c. The instructions are concise (they are short and do not contain much text); and that
- d. The contests/competitions or promotional events are colourful/cartoon-like and use drawings/animations, etc. that are appealing to children under 12.

Moreover, the website also displayed **animations and videos** that reviewers found to be primarily appealing to children under the age of 12, as:

- a. The animations and/or videos are easy for under-12s to understand;
- b. The animations and/or videos are colourful/cartoon-like; and
- c. The product is featured around the animations/sound effects and/or in the videos.

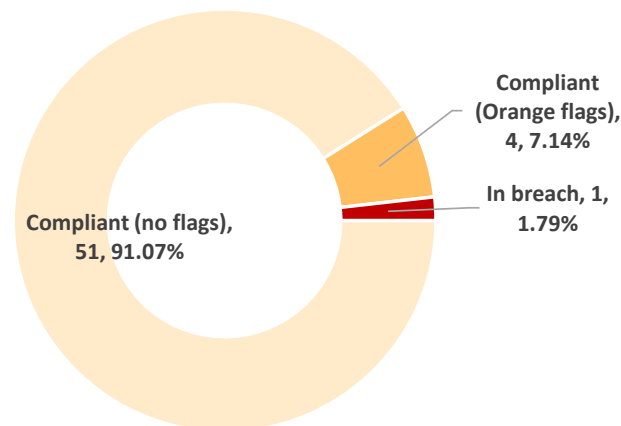
As such, the animations were deemed to be designed primarily for children younger than 12 years old.

## 1.2 Orange category flags

As mentioned earlier in the Methodology, the 2020 monitoring exercise includes an “Orange category” that showcases profiles containing factors and elements potentially appealing to under 12s. This enables reviewers and experts to discuss more granular components of the websites and social media sites, and stress certain specific aspects of the profiles that can pose problems. However, it is important to note that these profiles are compliant with the EU Pledge commitment.

**Reviewers have flagged 4 compliant websites out of the 55 as appealing to children under 12. These websites are compliant with the EU Pledge commitment and were assessed as being not primarily appealing to the demographic. However, based on the content displayed on the websites, reviewers wished to bring to the companies’ attention several factors that have rendered these websites to be appealing to a broad audience, including children under 12 years old.**

*Number of websites flagged for any of the factors analysed during the review (N=56)*



The following section of the report will detail the elements that prompted the experts to flag these 4 websites for attention.

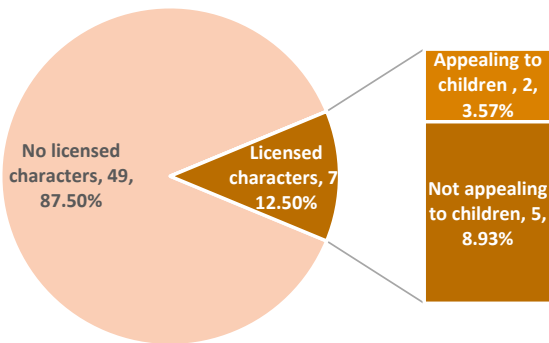
1.3 Licensed characters, tie-ins & celebrities

Reviewers checked if the websites, or the children’s section(s) of the website, featured licensed characters or film tie-ins as means to promote food or beverage products. Experts examined the inclusion of any popular characters or celebrities with the demographic that would appear next to the product, whether they were interacting with it or displayed simply within the same advert. They also analysed the overall impression of the tied-in celebrities’ inclusion in the adverts appearing on the webpages along with the rest of the other factors outlined in this report.

SR experts were also explicitly asked whether the licensed characters appearing in the website were targeting, or were particularly appealing to, children under the age of 12, all the while being compliant with the EU Pledge commitment in terms of primary appeal with the demographic.

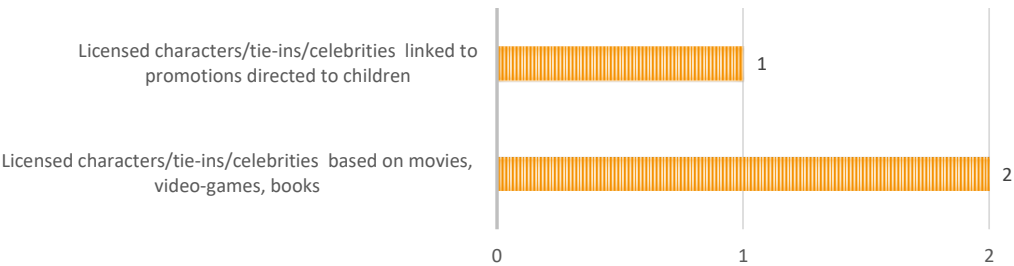
Reviewers found that 2 compliant websites featured licensed characters or celebrities that were particularly appealing to children under 12, out of the 7 websites who featured celebrities. 5 of these 7 were deemed not appealing to children in any way.

Number of websites flagged for the licensed characters factor (N=56)



The graph below shows which elements were problematic for experts, and the number of websites that were flagged for each element.

Number of websites flagged for each element (N=2)



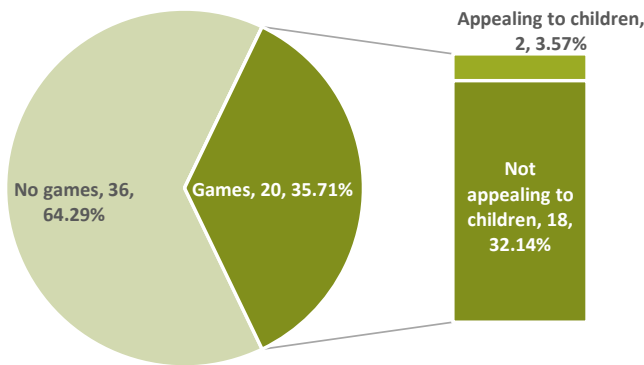


1.4 Entertainment activities & games

Experts analysed the content of the websites for any online entertainment activity or games present that would entice young children to participate or interact with the webpage. They looked both for any small-scale online games such as puzzles, maths questions, or arcade-like games, as well as home instructions to build toys from the product’s packaging or to bake treats using the product itself. Reviewers were also explicitly asked whether the games and activities featured on the websites were directly targeting young children or were deemed particularly appealing to the demographic, all the while being compliant with the EU Pledge commitment in terms of primary appeal.

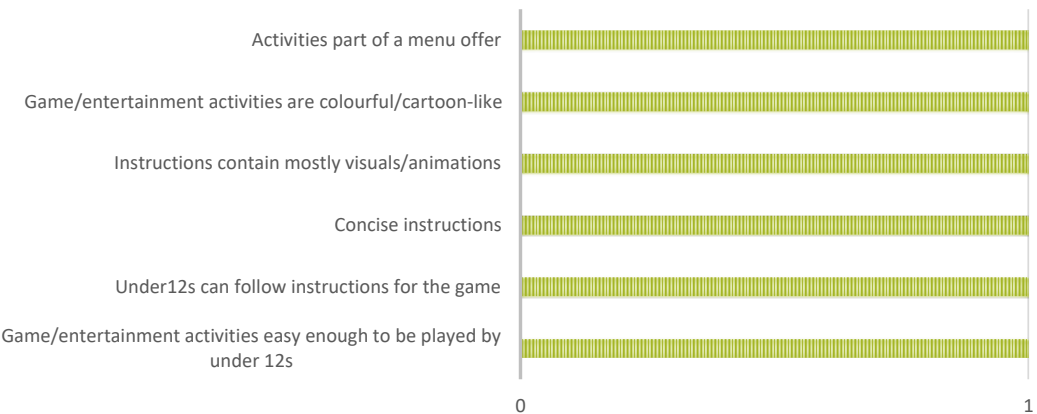
Reviewers found that 2 compliant websites contained games and entertainment activities that potentially attracted the attention of children.

Number of websites flagged for the games factor (N=56)



Below are the precise elements that were deemed problematic for these 2 websites:

Number of websites flagged for each website (N=2)

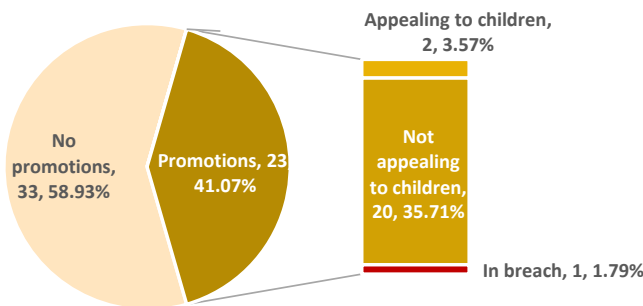


1.5 Promotional events & contests

Further in the analysis of the websites, experts were prompted to also examine the temporary promotional events that may have appeared during the time of the review. This also included competitions and contests that were organised by the brand and advertised on the websites. Reviewers examined specifically whether the promotional content displayed were easily understandable by young children with concise instructions punctuated by many colourful photos and animations aimed at attracting the attention of under 12s. They were also explicitly asked to judge whether the promotional content advertised was deemed particularly problematic in terms of appeal to young children, albeit overall compliant with the EU Pledge commitment.

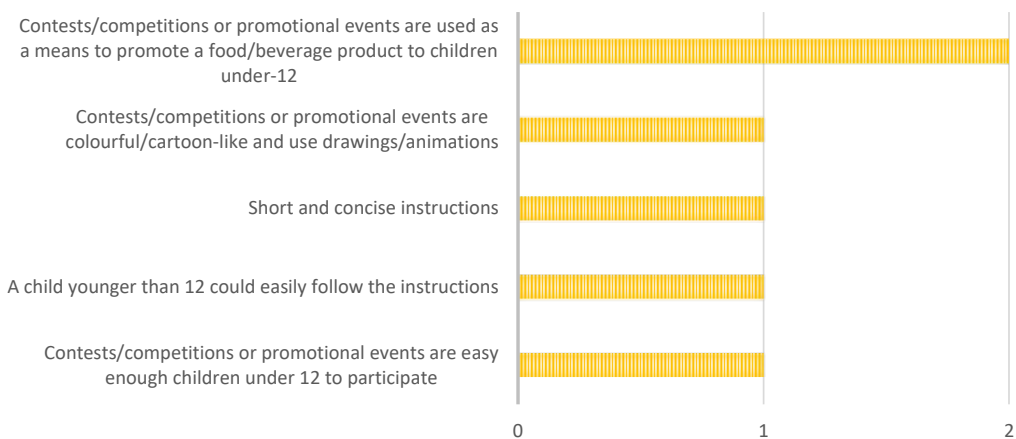
Reviewers found that 3 websites featured promotional actions and contests, with 2 of them being flagged as potentially appealing to children under 12. The graph below also displays the non-compliant website, discussed earlier in the report.

Number of websites flagged for the promotional content factor (N=56)



The graph below outlines the elements that brought experts to raise concern for those 2 websites.

Number of websites flagged for each element (N=2)

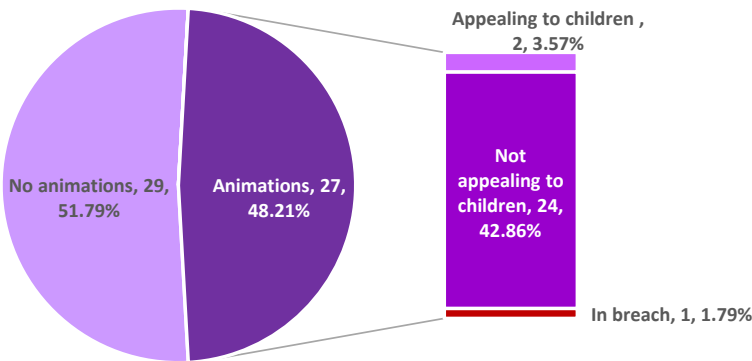


1.6 Animations, sound effects & videos

Experts were required to analyse the animations appearing on the websites, along with the sound effects and videos incorporated to enhance the user experience of the website. Here, SROs were asked to examine the content of the photos and animations, and to determine whether these were particularly attractive to young children. The music and the inspiration of the animations and sound effects were also within the remit, such as photos based on scenes or characters from films, video-games, or books popular with the demographic.

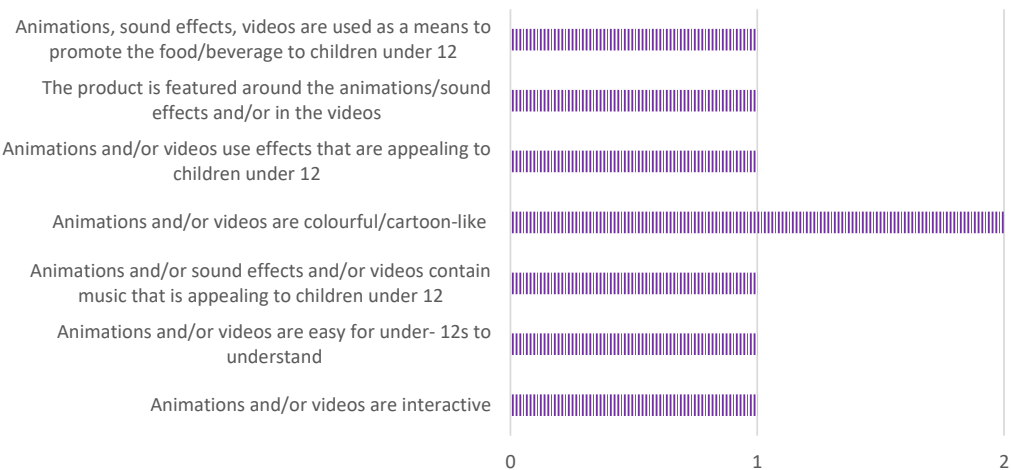
The SROs found that the 3 websites displayed animations and videos, of which 2 were of concern for experts. The graph below shows the share of websites flagged as potentially appealing, as well as the non-compliant profile that was discussed earlier in the report.

Number of websites flagged for the animations factor (N=56)



The following elements were highlighted during the review of these 2 websites:

Number of websites flagged for each element (N=2)

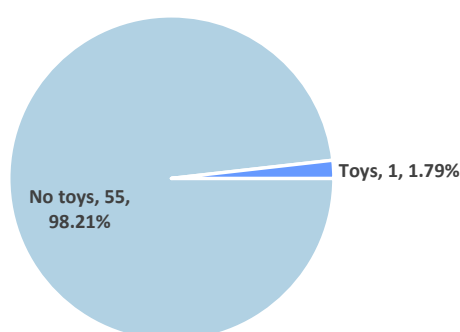


## 1.7 Toys used as premiums

The fifth factor closely examined by SR experts was the inclusion of toys in the websites. Elements contributing to primary appeal to young children consist of, among other things, whether the toys were based on video-games, films, or book characters popular with under 12s; whether these were interacting with the product or featured prominently on the website; or whether the toys are seen as a reward for purchasing or consuming the food or beverage product.

Reviewers found that 1 website featured tattoo stickers, pencil-toppers, and magnets as toys intended for children.

*Number of websites flagged for the toys factor (N=56)*



Experts highlighted the following criteria as problematic for the website:

- The toys are based on characters from films, video-games, books, etc. that children under 12 typically like (e.g. Disney, Hello Kitty etc.);
- The toys are linked to a promotion directed to children;
- The toys are used as a means to promote a non-compliant food/beverage product to children under 12.

## 1.8 Language and interaction

The language style and tone of the text on the website were also closely analysed. Experts looked at whether the website as a whole was clearly directing their content to children under 12 years old through the language style used, whether it was simple and plain enough for the them to understand, whether there were comments left by young online users (if applicable), whether it encouraged their participation in downloading an app or sharing their opinion for instance, or if it was simply prompting interaction.

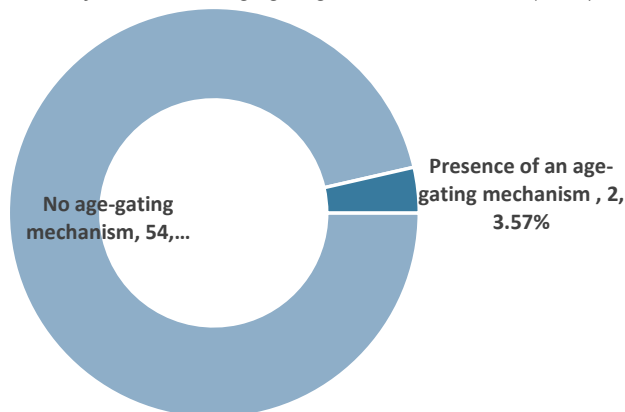
Experts found that none of the websites analysed had any issues concerning the language style and tone used in the texts displayed.

## 1.9 Age screening & parental consent

Although not interfering in the compliance assessment of websites with the EU Pledge commitment, experts were also asked to review the presence or lack of an age-gating mechanism that would screen the age of users landing on the website. This factor filters the potential users of the website and bars entry, for example, to anyone under the age of 12. This mechanism enables the brand to have an additional guarantee that their content, although perhaps not targeting young children, is difficult of access.

Reviewers found that 2 of the 56 monitored websites featured an age-gate mechanism.

*Number of websites with age-gating mechanisms installed (N=56)*



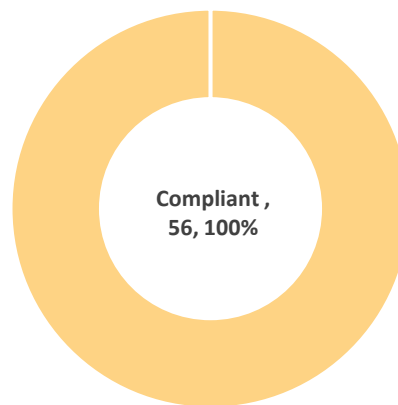
The 2 websites featured a field where users must insert their age or date of birth before granting or refusing access to the online content. In fact, one of the websites that featured such a barrier was the one that was considered to be primarily appealing to children under 12.

## 1.10 Compliance with relevant local advertising codes and rules

SR experts were also tasked with assessing the compliance of websites and social media pages against local relevant self-regulatory rules, national advertising laws, and the ICC Code on Marketing Communications and the ICC Framework on Marketing Communications for Food and Beverage Products. This part of the survey does not interfere with the monitoring for the compliance with the EU Pledge commitment. It is merely an extension of the project with the aim to provide companies with a confidential and bespoke assessment of their online creatives, both on websites and social media, against relevant applicable codes, rules, and laws. The assessment supplied here is purely informative. SROs do not open investigations based on these critiques; only if consumers file a complaint with them directly.

**Reviewers found that all 56 websites (100%) were compliant with relevant local self-regulatory rules, advertising laws, and the ICC Code and Framework.**

*Compliance of websites with SR rules, laws, and ICC Code (N=56)*

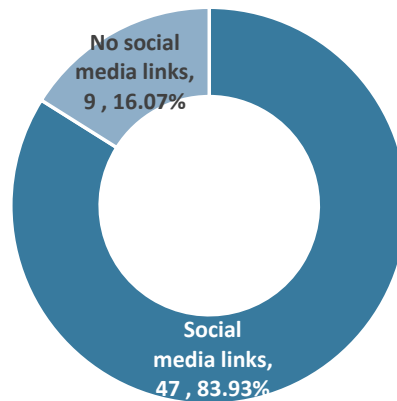


## 1.11 Links to social media profiles

Experts have found that 83.93% of all websites monitored, or 47 out of the 56, featured direct links of the corresponding brand's pages on social media profiles, such as on Facebook, Instagram, Twitter, YouTube, TikTok, LinkedIn, Spotify playlists created by the brands, and Pinterest, as well as links to the Google and App stores to download the brands' apps.

SROs were asked to check whether the websites that they had to review were in some way linked to the social media pages of the same brands or products. This is to monitor whether profiles that are compliant with the EU Pledge commitment have direct links to social media pages that are not compliant or for which experts have flagged certain factors.

*Number of websites with direct links to social media pages (N=56)*





## 2. Brand-owned social media profiles

### 2.1 Compliance with the EU Pledge commitment

The 2020 monitoring exercise reviewed a total of 144 brand-owned social media pages across eight European countries. Reviewers analysed 144 social media profiles. These profiles were provided by the company through the EU Pledge secretariat to EASA who then randomly selected a number of social media profiles based on an agreed quota per country.

Two social media profiles, one of which was initially assessed as being in breach of the EU Pledge commitment, were later scrapped from the monitoring exercise. Subsequent to receiving updated information from two companies correcting their corresponding products lists describing the nutritional content of each brand and product, EASA scrapped the said profiles from the body of reviewed profiles, in accordance with the EU Pledge monitoring methodology and the EU Pledge secretariat, as both social media profiles only promoted products that were compliant with the EU Pledge nutrition criteria. This brought the total number of reviewed social media profiles that promoted non-compliant products to 142.

*Number of social media profiles reviewed per country and per platform (N=142)*

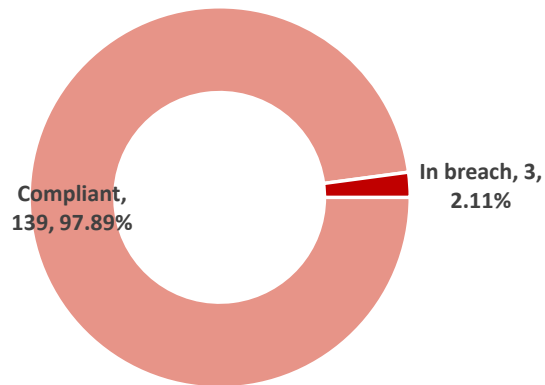
Country	Facebook	YouTube	Instagram	Total
JEP - Belgium	6	5	6	17
ARPP - France	6	6	6	18
DWR - Germany	6	6	6	18
SEE - Greece	6	6	6	18
IAP - Italy	6	6	6	18
RAC - Romania	6	6	5	17
AUTOCONTROL - Spain	6	6	6	18
Ro. - Sweden	6	6	6	18
<b>Total</b>	<b>48</b>	<b>47</b>	<b>47</b>	<b>142</b>

In order to determine whether a social media page was designed to target primarily children under the age of 12, and subsequently to assess if the marketing communications appearing in these profiles were intended to appeal primarily to that demographic, reviewers considered a number of factors that were enumerated and elaborated upon in the previous sections of this report. These factors are the same, whether analysing websites or social media pages. This included the use of licensed characters, games, promotional content, animations, toys, as well as the language style and overall creative execution of the creatives and content published on the social media profiles (colour schemes, typeface, font size, layout, etc.).

Decisive factors in judging the appeal of a profile to young children were the content featured on the social media pages (i.e. advertisements), simplicity of language, font size, choice of colour schemes and the level of entertainment and interaction in the posts published.

**After careful review, the experts concluded that 97.89% of social media profiles were compliant with the EU Pledge commitment.**

*Compliance of the social media profiles with the EU Pledge commitment (N=142)*



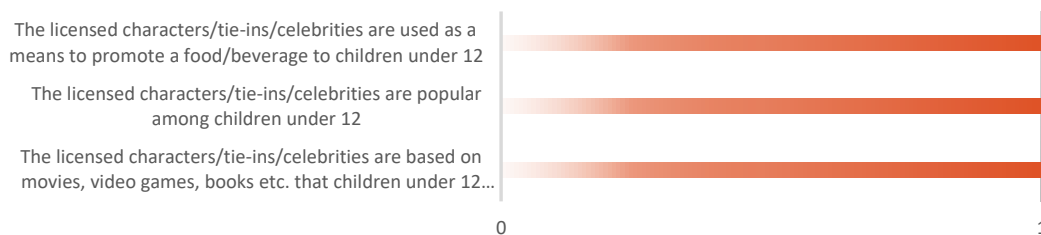
## Detailed analysis of the brand social media profile in breach of the EU Pledge commitment

Below is an in-depth analysis of the social media profiles that breached the commitment to not primarily appeal to children under the age of 12. As mentioned in previous sections of this report, although inherently subjective, the examination and the final decision made by reviewers are informed by their expertise in what exactly would be primarily appealing to the demographic or simply attractive as much as it would be to an adult or teenager. Moreover, SROs have extensive experience in analysing, treating, and conducting such assessments and are able to provide as close an objective critique as possible of the creatives and content of the adverts appearing on the social media profiles reviewed.

The 4 social media profiles were flagged for the following factors:

1. **Licensed characters & celebrities:** 1 social media profile contained tie-ins and licensed characters from popular films with young children. More specifically, the following elements were highlighted:

*Number of non-compliant social media profiles flagged for the following elements (N=1)*



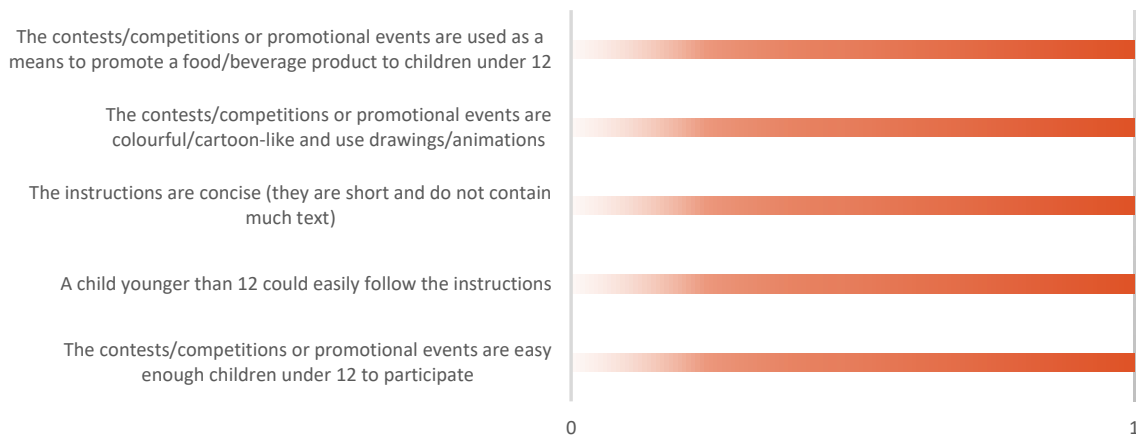
2. **Games & entertainment activities:** 3 social media profiles featured games and activities that would inevitably attract the attention of young children. More specifically, the following elements were highlighted:

*Number of non-compliant social media profiles flagged for the following elements (N=3)*



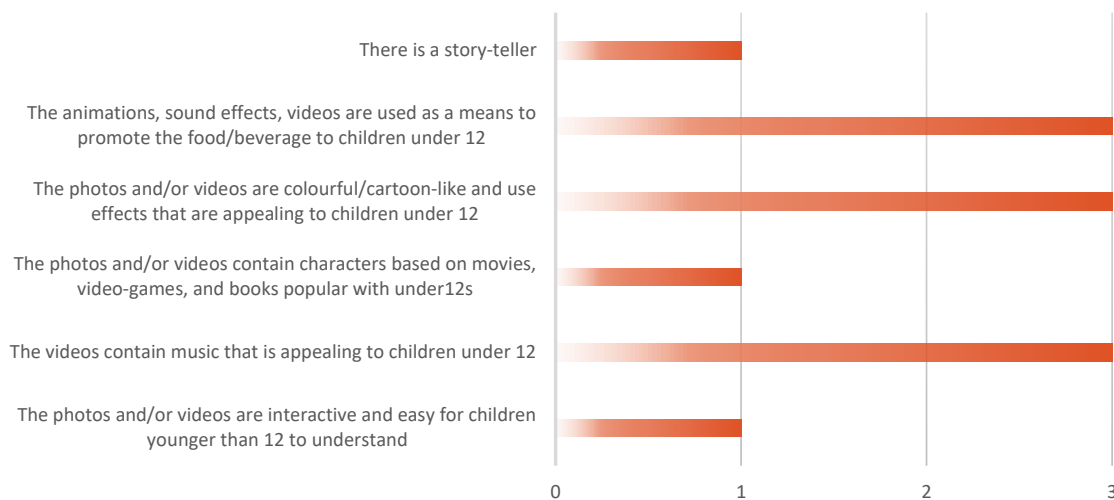
**3. Promotional actions & contests:** 1 social media profile contained promotional competitions and actions that were deemed to be primarily appealing to children under 12. Specifically, the following elements were highlighted:

*Number of non-compliant social media profiles flagged for the following elements (N=1)*



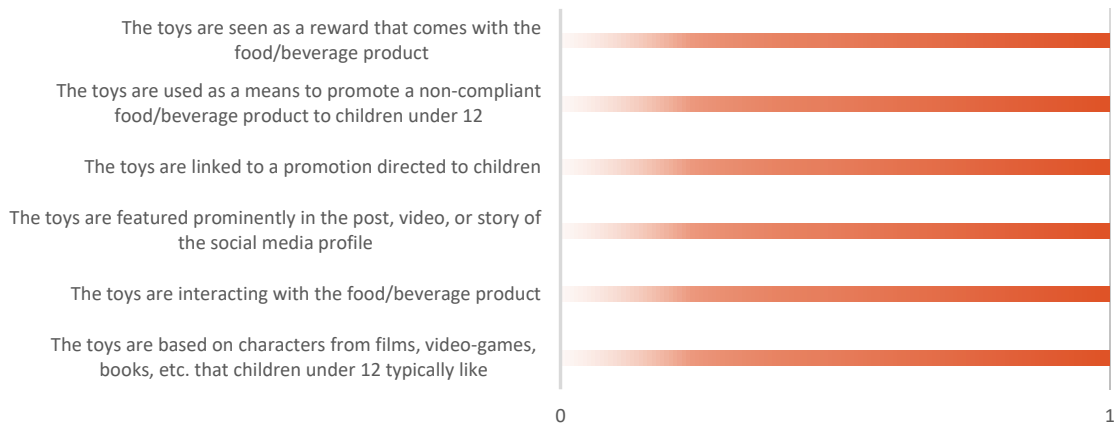
**4. Animations, sound effects, & videos:** all 3 social media profiles displayed animations and videos on their content feed that were considered to be primarily appealing to children under 12. In fact, the following elements were highlighted by experts during the monitoring:

*Number of non-compliant social media profiles flagged for the following elements (N=3)*



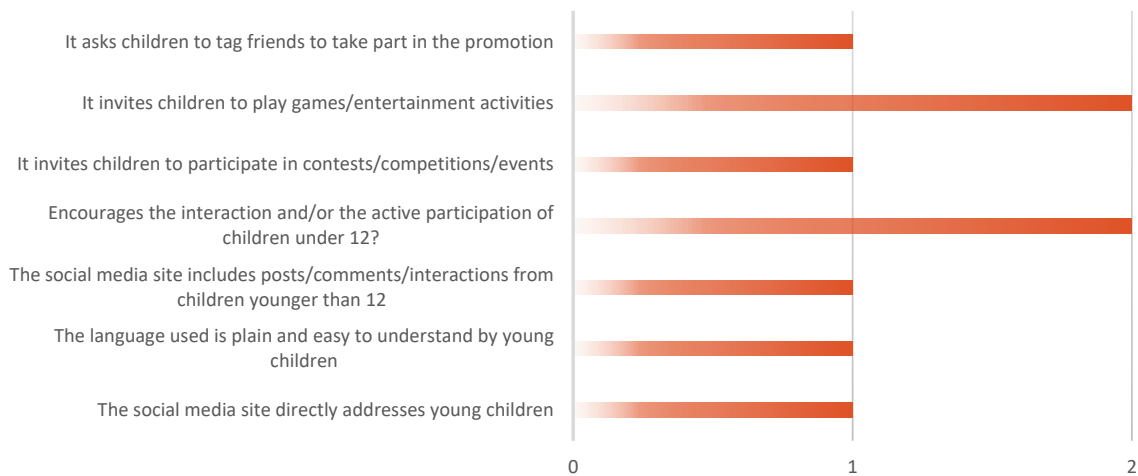
- 5. Toys:** 1 social media profile featured toys within the creatives displayed on the content feed. The following elements were put forward as problematic by experts:

*Number of non-compliant social media profiles flagged for the following elements (N=1)*



- 6. Language style & tone:** 2 social media profiles feature a language style and overall tone that was considered to be targeting directly under 12s and thus primarily appealing to the demographic. Experts highlighted that:

*Number of non-compliant social media profiles flagged for the following elements (N=2)*

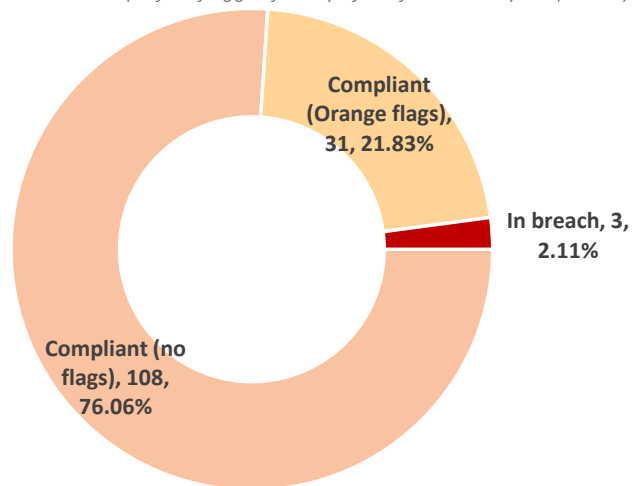


## 2.2 Orange category flags

As mentioned earlier in the Methodology, the 2020 monitoring exercise includes an “Orange category” that showcases profiles containing factors and elements potentially appealing to under 12s. This enables reviewers and experts to discuss more granular components of the websites and social media sites, and stress certain specific aspects of the profiles that can pose problems.

**Reviewers have flagged 31 compliant social media profiles out of the 139 as appealing to children under 12. These profiles are compliant with the EU Pledge commitment and were assessed as being not primarily appealing to the demographic. However, based on the content featured in the social media profiles, experts wish to bring to the attention of companies a series of factors that contribute to the social media profiles’ appeal to a broad audience, including children under 12.**

*Number of social media profiles flagged for any of the factors analysed (N=142)*



The following pages outline the various factors that have been flagged and the elements that have brought reviewers to flagging these profiles.

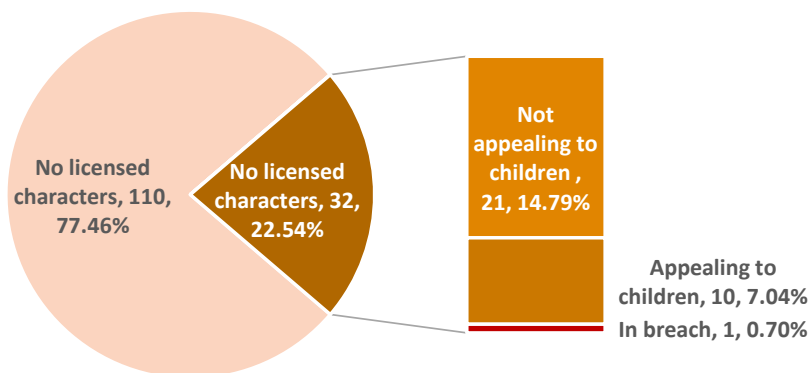
## 2.3 Licensed characters, tie-ins, and celebrities

Reviewers checked if the social media profiles featured licensed characters or film tie-ins as means to promote food or beverage products. Experts examined the inclusion of any popular characters or celebrities with the demographic that would appear next to the product, whether they were interacting with it or displayed simply within the same advert. They also analysed the overall impression of the tied-in celebrities' inclusion in the adverts appearing on the profiles along with the rest of the other factors outlined in this report.

SR experts were also explicitly asked whether the licensed characters appearing on the website were targeting or were particularly appealing with children under the age of 12, all the while being compliant with the EU Pledge commitment in terms of primary appeal with the demographic.

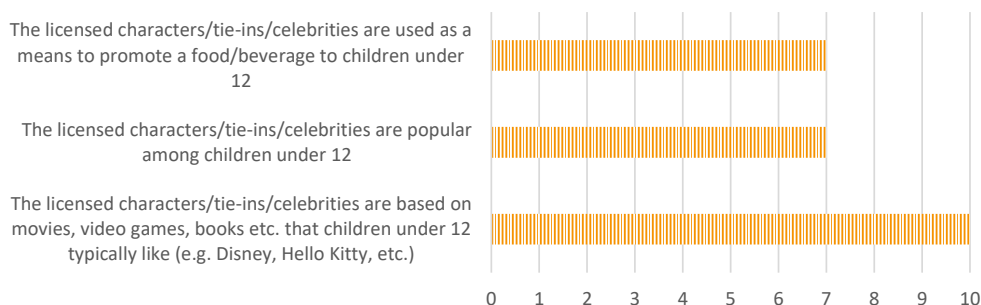
Reviewers found that 32 social media profiles featured licensed characters, celebrities, or other tie-ins. However, only 10 of these were deemed to be problematic in terms of appeal to children under 12. One of the 32 social media pages also contained the non-compliant profile.

*Number of social media profiles flagged for containing licensed characters (N=142)*



Below are the specific elements experts have flagged during the course of the review, across the 10 compliant social media profiles.

*Number of websites flagged for each element (N=10)*

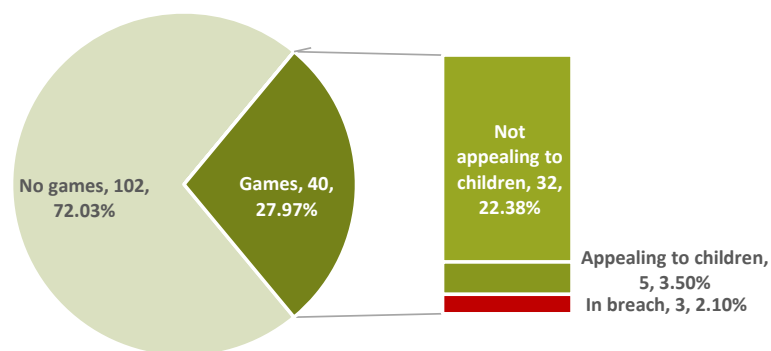


## 2.4 Entertainment activities & games

Experts analysed the content of the social media profiles for any online entertainment activity or games present that would entice young children to participate or interact with the content published. They looked both for any small-scale online games such as puzzles, maths questions, or arcade-like games linked on the social media pages, as well as home instructions to build toys from the product's packaging or to bake treats using the product itself. Reviewers were also explicitly asked whether the games and activities featured on the profiles were directly targeting young children or were deemed particularly appealing to the demographic, all the while being compliant with the EU Pledge commitment in terms of primary appeal.

Reviewers found that 40 social media profiles were marked as containing games and entertainment activities, of which only 5 were flagged as potentially appealing to children under 12. An additional 3 are shown in the graph below in red as they represent the 3 non-compliant profiles discussed earlier in the report.

*Number of social media profiles flagged for the games factor (N=142)*



The following graph displays the elements that brought the experts to flag all 5 profiles.

*Number of social media profiles flagged for each element (N=5)*



*Top line report – Websites, social media, and influencer marketing*

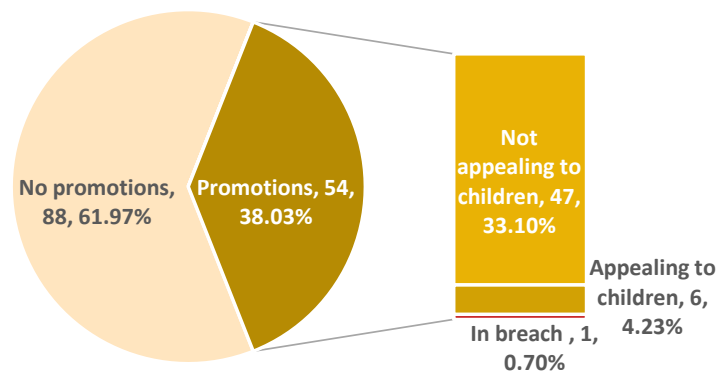


## 2.5 Promotional events & contests

Further in the analysis of the social media profiles, experts were prompted to also examine the temporary promotional events that may have appeared during the time of the review. This also included competitions and contests that were organised by the brand and advertised on the social media pages. Reviewers examined specifically whether the promotional content displayed were easily understandable by young children with concise instructions punctuated by many colourful photos and animations aimed at attracting the attention of under 12s. They were also explicitly asked to judge whether the promotional content advertised was deemed particularly problematic in terms of appeal to young children, albeit overall compliant with the EU Pledge commitment.

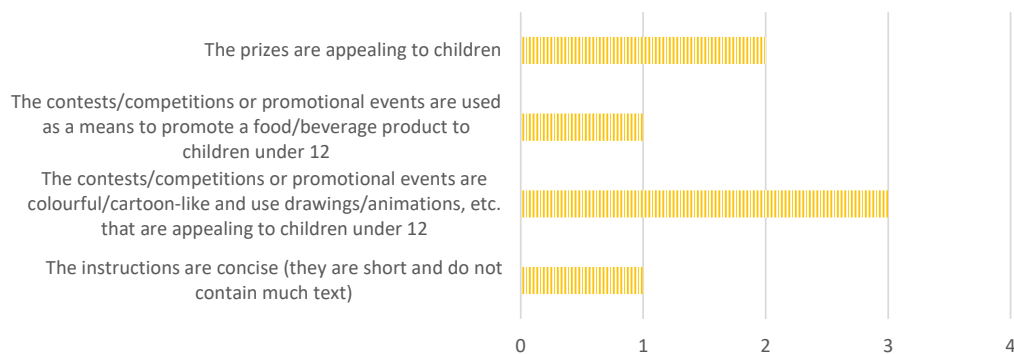
Reviewers found that 54 social media profiles contained promotional events and contests, of which only 6 were flagged for their potential appealing among children under 12 (not including a non-compliant profile also flagged for the factor).

*Number of social media profiles flagged for the promotional actions factor (n=142)*



The graph below showcases the precise elements that brought experts to flagging the 6 compliant profiles.

*Number of social media profiles flagged for each element (N=6)*

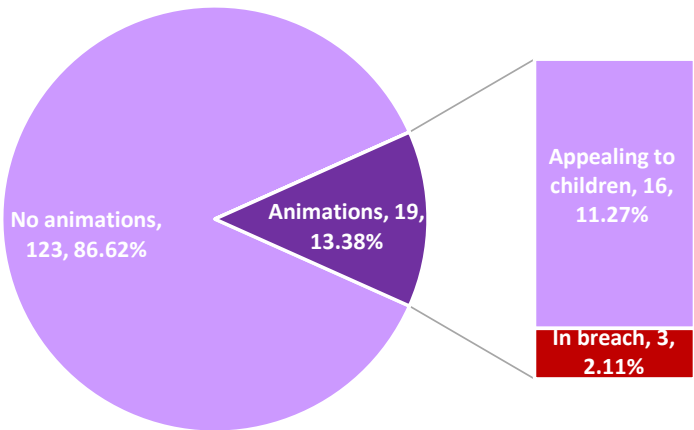


2.6 Animations, sound effects and videos

Experts were required to analyse the animations, photos, and videos appearing on the feed of social media profiles. Here, SROs were asked to examine the content of the photos and animations, and to determine whether these were particularly attractive to young children. The music and the inspiration of the animations and sound effects were also within the remit, such as photo based on scenes or characters from films, video-games, or books popular with the demographic.

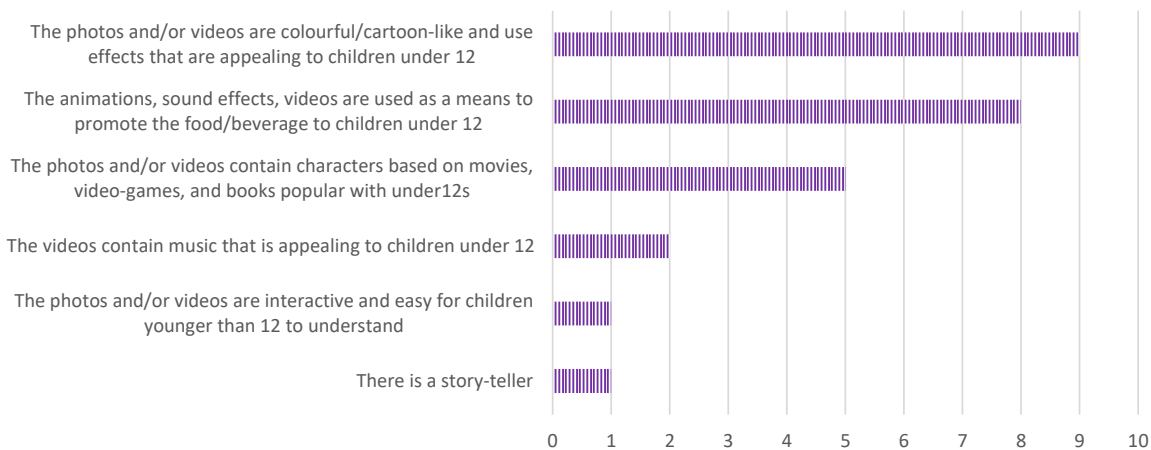
The SROs found that 19 social media profiles displayed animations, videos and sound effects, of which 16 featured content that was potentially appealing to children under 12. Another 3 of these profiles were marked as being in breach of the EU Pledge commitment as they were deemed to be primarily appealing to the demographic – they were discussed extensively earlier in the report. Below are discussed only the other 16 compliant profiles that were flagged for this factor.

Number of social media profiles flagged for the animations factor (N=142)



Below are the precise elements that brought the experts to flag the 16 compliant social media profiles.

Number of social media profiles flagged for each element (N=16)

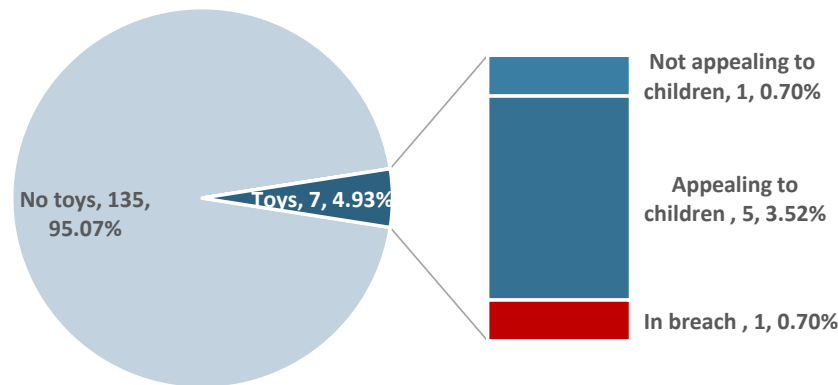


## 2.7 Toys used as premiums

The fifth factor closely examined by SR experts were the inclusion of toys in the social media content. Elements contributing to primary appeal to young children consist of, among other things, whether the toys were based on video-games, films, or book characters popular with under 12s, whether these were interacting with the product or featured prominently in the posts or stories, or whether the toys are seen as a rewards from purchasing or consuming the food or beverage product.

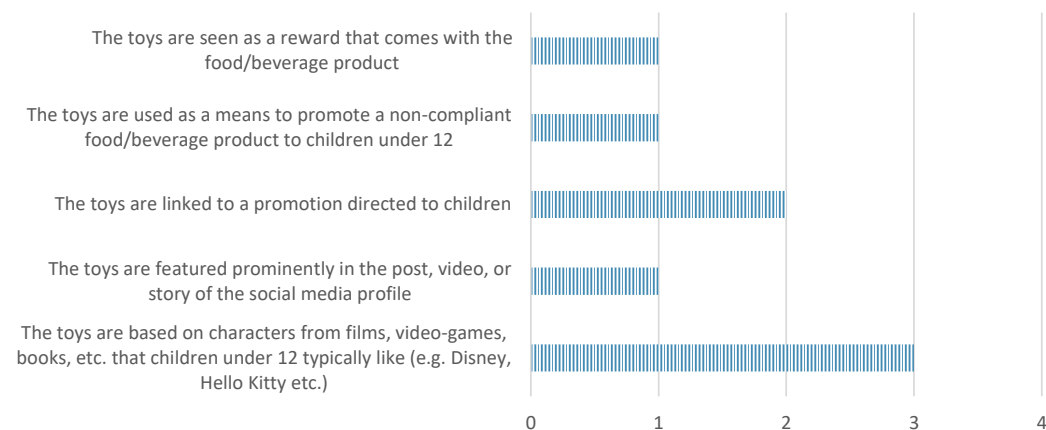
Reviewers found that 7 social media profiles featured toys in their creatives, of which 5 were deemed to be potentially appealing, and 1 was considered primarily appealing to children under 12.

*Number of social media profiles flagged for the toys factor (N=142)*



Below are the elements that brought the experts to flag the 5 compliant social media profiles for this factor.

*Number of social media profiles flagged for each element (N=5)*

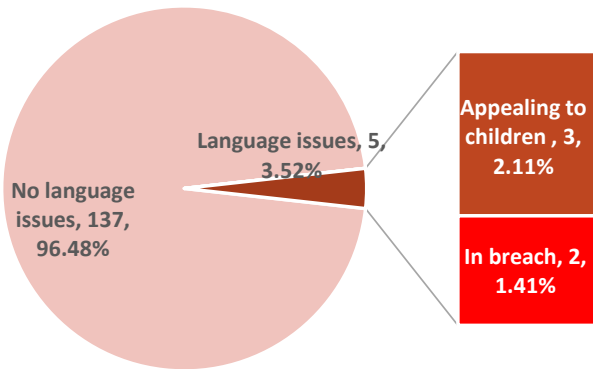


## 2.8 Language and interaction

The language style and tone of the text featured on the posts and stories were also closely analysed. Experts looked at whether the website as a whole was clearly directing their content to children under 12 via through the language style used, whether it was simple and plain enough for the them to understand, whether there were comments left by young online users (if applicable), whether it encouraged their participation in downloading an app or sharing their opinion for instance, or simply prompted interaction.

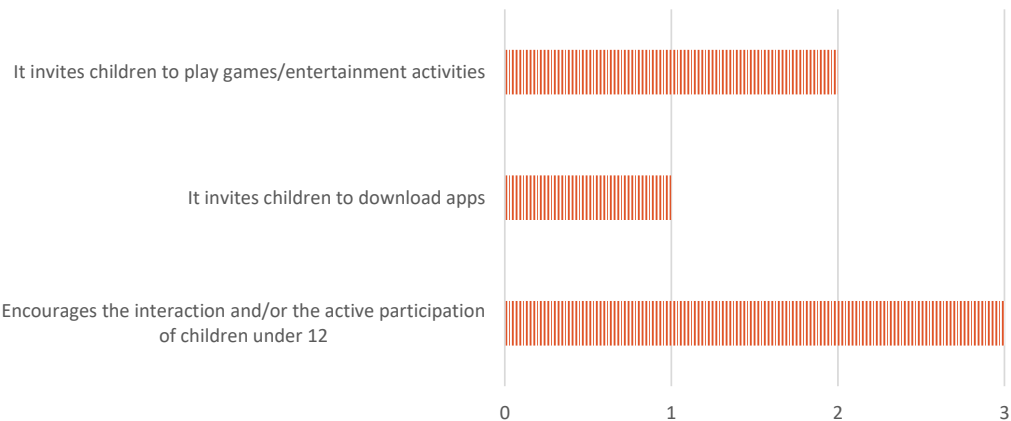
Experts found that 5 social media profiles displayed a language style and tone that was considered to be problematic in terms of appeal to children under 12, with 2 profiles deemed in breach of the commitment.

Number of social media profiles flagged for the language factor (N=142)



Below are the exact elements that brought the experts to flag the 3 compliant profiles for this factor.

Number of social media profiles flagged for each factor (N=3)

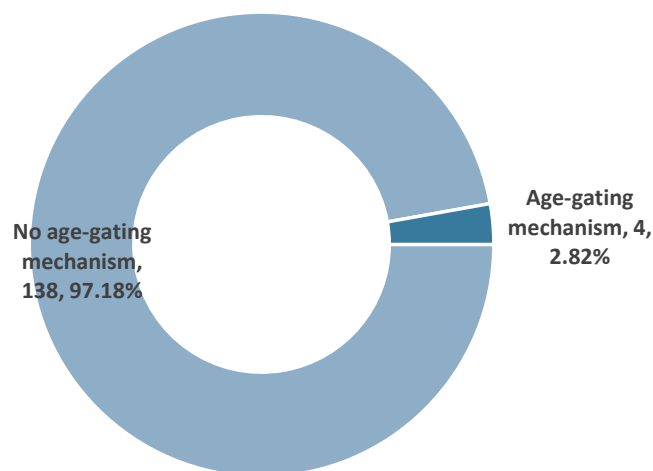


## 2.9 Age screening & parental consent

Although not interfering in the compliance assessment of social media profiles with the EU Pledge commitment, experts were also asked to review the presence or lack of an age-gating mechanism that would screen the age of users landing on the profiles or would prevent them from following it. This mechanism filters the potential viewers of the social media profiles and bars entry to, for example, anyone under the age of 12. This mechanism enables the brand to have an additional guarantee that their content, although perhaps not targeting young children, is difficult of access.

Reviewers found that 4 social media profiles contained age-gating mechanisms to filter the users before accessing the online content.

*Number of social media profile with an age-gating mechanism (N=142)*



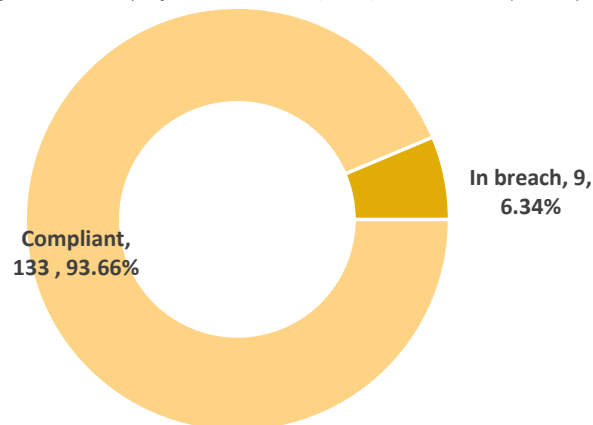
2 of the 4 social media profiles that featured an age-barrier were also flagged for factors relating to licensed characters, games, and promotional content.

## 2.10 Compliance with relevant local advertising codes and rules

SR experts were also tasked with assessing the compliance of websites and social media pages against local relevant self-regulatory rules, national advertising laws, and the ICC Code on Marketing Communications as well as the ICC Framework on Marketing Communications for Food and Beverage Products. This part of the survey does not interfere with the monitoring of the compliance with the EU Pledge commitment. It is merely an extension of the project with the aim to provide companies with a confidential and bespoke assessment of their online creatives, both on websites and social media, against relevant applicable codes, rules, and laws. The assessment supplied here is purely informative. SROs do not open investigations based on these critiques; only if consumers file a complaint with them directly.

**Reviewers found that 93.66% of social media profiles were compliant with relevant local self-regulatory rules, advertising legislation, and/or the ICC Code and Framework – 9 were marked as potentially in breach of various rules and codes.**

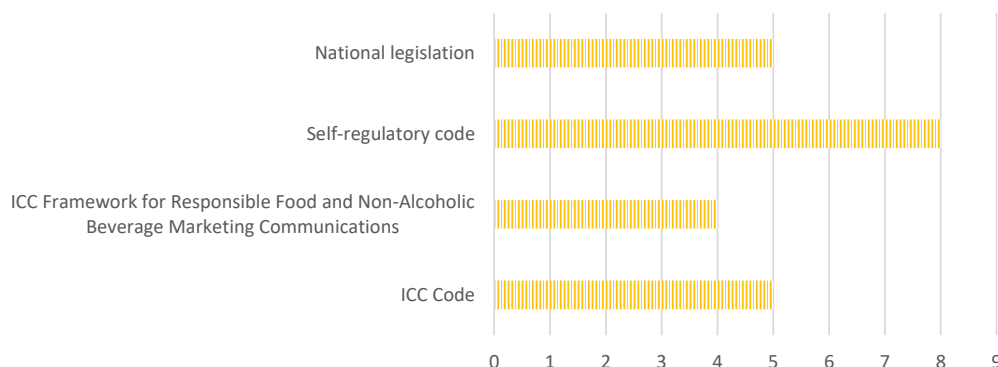
*Compliance of social media profiles with SR rules, laws, and ICC Code (N=142)*



## Detailed analysis of brand social media profiles in breach of local advertising rules

Below is an in-depth analysis of the social media pages that breached relevant advertising self-regulatory codes, advertising laws, or the ICC Code or Framework. The 9 social media profiles were in breach of the following body of law, codes, and rules at a national or international level:

*Number of social media profiles marked as non-compliant for each body of codes & laws (N=9)*



In the cases where social media profiles breached national legislation, 4 profiles related to Spanish competition law (article 3, §E of the General Advertising Law [*Ley 34/1988, General de Publicidad*] and article 7 of the Unfair Competition Law [*Ley 3/1991, de Competencia Desleal*]), where the terms of use and conditions of promotional actions and competitions, as well as the end date of these, are required to be clearly and concisely spelled out in the creatives. In only 1 case did it pertain to Belgian food advertising legislation on benefits claims. The latter covers implicit claims of the consequences of consuming the food or beverage product and linking it to daily activities that children might relate to.

The cases relating to local self-regulatory codes breached various food-related rules, such as:

- A [French SRO](#) ban on depicting individuals consuming food and beverages whilst watching TV;
- A video depicting inappropriate behaviour that could be understood by the [Belgian SRO's](#) jury as undermining positive social behaviour, lifestyles and attitudes, as well as undercutting the authority, judgement, and responsibility of parents;
- A breach of any Spanish legislation will automatically lead to a breach of the [Spanish SRO's Code](#).

The 4 cases that were deemed in breach of the [ICC Framework for Responsible Food and Non-Alcoholic Beverage Marketing Communications](#) related to the requirement to include a link or a concise summary of the terms of use and conditions of promotional actions in online creatives.

Finally, the 6 cases relating to the [ICC Code](#) pertained to breaches of:

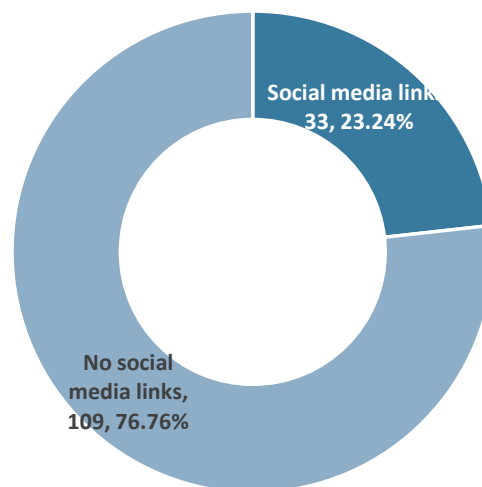
- Article 1: “all marketing communications should be legal, decent, honest, and truthful. [...]” If an ad was considered in breach of a piece of legislation, slightly misleading or indecent, it may have been flagged for this article of the ICC Code.
- Article 18: “special care should be taken in marketing communication directed to or featuring children or teens. [...]”

## 2.11 Links to other social media profiles

Experts have found that 33 social media profiles contained direct hyperlinks to the corresponding brands' pages on other social media sites, such as on Facebook, Instagram, TikTok, Twitter, YouTube, Foursquare, Snapchat, as well as leading to Spotify playlists created by the brands, to other websites, and to the Google or App Store to download the brands' apps.

SROs were asked to check whether the social media pages that they had to review were in some way linked to other social media ages of the same brands or products. This is to monitor whether profiles that are compliant with the EU Pledge commitment have direct links to social media pages that are not compliant or for which experts have flagged certain factors

*Number of social media profiles with links to other pages (N=142)*





### 3. Influencer marketing

The 2020 monitoring exercises included an expanded questionnaire on influencer marketing covering 96 influencers from eight countries that were recognised by EU Pledge members companies. Only 16 companies provided a list of influencers that have collaborated with the EU Pledge member companies in 2020 for marketing purposes. They were also asked to send through the specific posts and stories (if applicable) that were posted and sponsored to ensure that experts review only content that was officially recognised by signatory brands. This section of the monitoring covered influencer profiles featuring on YouTube, Facebook, and Instagram, with the bulk of influencers appearing on the latter platform. EASA selected a list of influencers based on an approved quota and crawled their profiles for any additional posts or stories appearing just before or during the review period. This ensured that out of 96 influencers, SROs had a body of 133 posts and stories up for review. Experts reviewed each post and story individually and independently of one another, providing an assessment for each post and story.

As mentioned earlier in the Methodology, due to the nature of the content displayed and the different aim of influencer marketing, EASA, the EU Pledge secretariat, and the independent reviewers of Ghent University have devised a different set of factors to analyse the content of the posts and stories published. These included the popularity of the influencer with under 12s, the age of the influencer (young teenager or under 12), language and writing style, humour, the visuals and animations, film tie-ins, promotional content displayed on the post, and whether there were any games or toys featured.

### 3.1 Compliance with the EU Pledge commitment

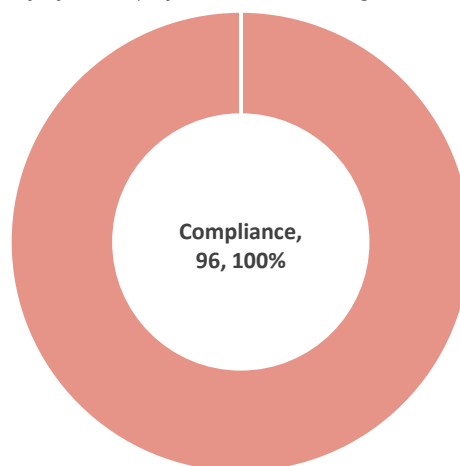
The 2020 monitoring exercise reviewed a total of 96 brand-recognised influencer profiles and 133 posts and stories across eight European countries. These profiles were provided by the company through the EU Pledge secretariat to EASA who then randomly selected a specific number based on an agreed quota. One post of an influencer profile was later removed from the exercise after the review period, as the corresponding company brought into view new evidence that it had not sponsored it, bringing the total number of monitored posts, stories, and videos to 132.

Country	Influencer profiles	Posts
JEP - Belgium	12	22
ARPP - France	12	12
DWR - Germany	12	17
SEE - Greece	12	20
IAP - Italy	12	19
RAC - Romania	12	12
AUTOCONTROL - Spain	12	18
Ro. - Sweden	12	12
<b>Total</b>	<b>96</b>	<b>132</b>

Platform	Influencer profiles
Facebook	6
Instagram	84
YouTube	6
<b>Total</b>	<b>96</b>

After careful review, the experts concluded that 100 % of all influencer profiles were compliant with the EU Pledge commitment.

*Compliance of influencer profiles with the EU Pledge commitment (N=96)*

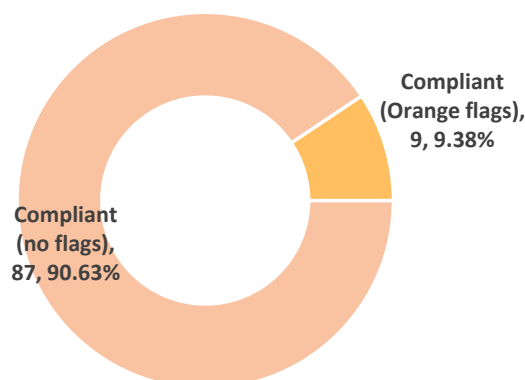


### 3.2 Orange category flags

As mentioned earlier in the Methodology, the 2020 monitoring exercise includes an “Orange category” that showcases profiles containing factors and elements potentially appealing to under 12s. This enables reviewers and experts to discuss more granular components of the influencer posts and stories, and stress certain specific aspects of the profiles that can pose problems. If experts assessed that the post or story was compliant with the EU Pledge commitment but flagged one or more factor in their review, then that post or story was automatically flagged as Orange. It is important to note that these profiles remain compliant with the EU Pledge commitment. SROs merely want to draw the attention to certain elements that would attract the attention of a broad demographic, including children under 12.

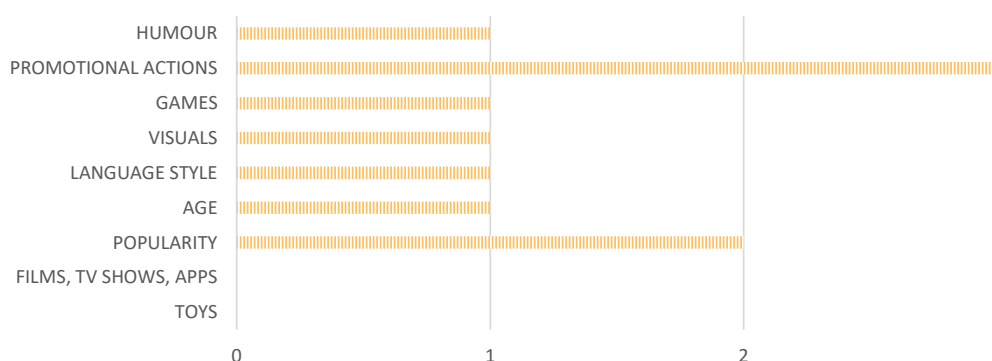
**Reviewers have flagged 9 influencer profiles out of the 96 compliant ones as appealing to children under the age of 12. These profiles are compliant with the EU Pledge commitment and were assessed as being not primarily appealing to the demographic. However, based on the content of the posts featuring on their social media profiles, experts wish to bring to the attention of brands these 9 influencer profiles as they appeal to a broad audience, including children under 12.**

*Number of influencer profiles flagged for any of the factors analysed during the monitoring (N=96)*



The following factors were flagged during the course of the monitoring across the 9 compliant influencer profiles.

*Number of influencer profiles flagged for each factor (N=9)*



*Top line report – Websites, social media, and influencer marketing*

### 3.3 Factors analysed during the monitoring

Below is a concise report on the different factors that have been flagged and what exactly experts mean when they highlight these aspects.

#### Popularity

Influencers popular with children younger than 12 years old are likely to be followed by this demographic. Such influencers include TV presenters of children's shows, film or music celebrities, or online content creators destined for young children.

Experts have found that 2 influencers were particularly popular with young children, either because they feature on TV channels or radios dedicated to children, or because under-12s have commented on their posts.

#### Age

Young teenagers or young celebrities that feature on influencers' content feed are also likely to attract the attention of children under 12. Combined with other factors, it could render the post or story, and indeed the whole influencer, as primarily appealing to young children.

Experts have found that the age of 2 influencers appearing in one posts was close to the 12 years old mark. Collaborating with influencers close to that age will inevitably target children under 12 as well as over 12. It is best to avoid collaborating with young teenagers.

#### Language

The influencer's choice of words and expressions are an indications of its target audience. If the bio of a post or story is plain and easy to understand by under 12s, such as including slang or children's talk, the post may be in breach of the commitment.

Experts have found that 1 influencer profile's post was particularly problematic in terms of the language used, such as jargons and jokes popular with children.

#### Visuals

Experts also looked at the animations, cartoons, illustrations, videos, and general feel of the content published on their feed.

Experts have found that 1 influencer profile had posts or videos whose visuals appeal to children under 12. The post simply featured a mother and her child laughing whilst consuming the food product. Although seemingly benign, such posts could still draw the attention of under-12s as they relate with the situation.

#### Games

Games or entertainment activities advertised in the post or story that are popular or easy to understand by under 12s may also be flagged as primarily appealing to children. This includes a video of the influencer playing a video-game, baking or cooking with the product in a playful manner, or instructions to create your own story on the social media platform.

Experts have found that 1 influencer profiles featured a picture of a mother and her child foraging and hunting for easter eggs, a popular activity with young children during spring time.

### Promotions

Reviewers also took into account the challenges or contests featuring in the stories or posts, as these may be directly targeting young children by offering toys as prizes.

Experts have found that 3 influencer profiles contained promotional actions that were considered to be appealing to children. The posts or videos either displayed the influencer interacting in funny and humorous ways with the product to further engage the user to participate in the promotional action, or by creating a video stint appearing on social media platforms popular with children, such as TikTok (and then uploading the video as well on Instagram).

### Humour

Any jokes or humour that children under 12 would find funny would also entail a possible breach of the commitment.

Experts have found that 2 influencer profiles made use of humour in their posts or videos. As mentioned previously in the section dedicated to the non-compliant profile, the use of childish situations and humorous tales will inevitably attract the attention of children under the age 12. They will relate with the situation and activity portrayed and identify with the influencer and therefore the brand due to the inside jokes featured in the videos.

### Toys

Reviewers also looked for influencers who discuss, unbox, play or promote a toy that is based on films popular with children or simply toys that a child would play with.

No flag was raised for this factor.

### Films

Finally, any allusion to a film popular with under 12s or content that is based on characters or scenes from such films is also likely to indicate that the target audience in this case is young kids.

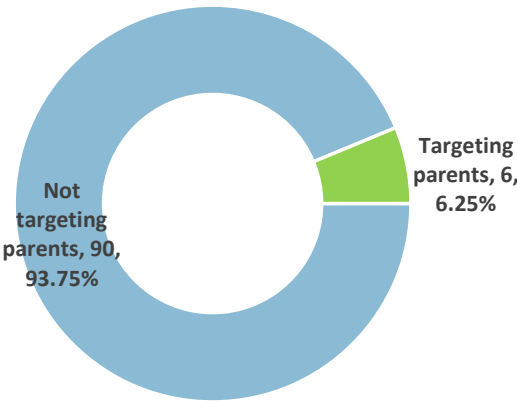
No flag was raised for this factor.

### 3.4 Targeting parents of young children

SROs also investigated whether the influencers’ posts selected for the monitoring were directly targeting parents of children under or around the age of 12. Whilst this factor was not involved in the post’s compliance with the EU Pledge commitment, experts still wished to bring to the brands’ attention such problematic posts.

Experts considered that 6 influencer profiles were targeting children’s parents through their online content and sponsored posts.

*Number of influencer profiles targeting children’s parents (N=96)*

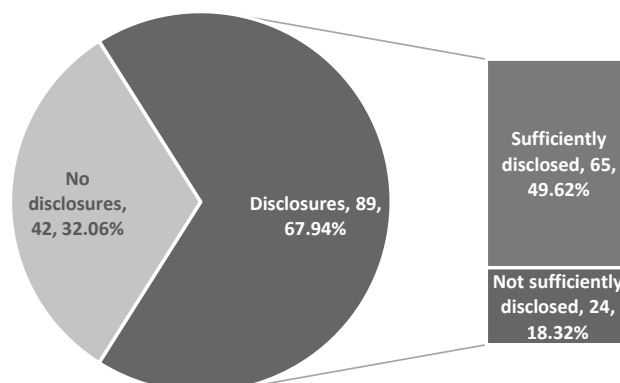


### 3.5 Transparency disclosures

Equally important, though not taken into account when assessing the compliance of the influencer posts and stories, are the transparency disclosures indicating that the posts are sponsored and in fact not editorial content but advertisements for food and beverage products. The exact rules on what influencers should indicate in their stories or posts differ from country to country. However, there is consensus and proof that simply indicating *#ad* or *#sponsored* in English or the native tongue increases the awareness of viewers and consumers that the content they interact with is in fact advertising. This is important as clearly labelling content as such leads to increased confidence in advertising as a whole but also with the brand involved. Moreover, simply stating the company or brand's name is not sufficient. Using the tools provided by social media platforms to disclose advertising content is also a great way to further engage with potential consumers and differentiate editorial and personal content from paid-for promoted advertising. This also allows influencers to clearly and transparently disclose their contractual relationship with brands and increase the confidence of viewers with their content. Below are the posts and stories that did not disclose their advertising nature and were in breach of relevant self-regulatory rules or advertising legislation.

**Reviewers found that 67.94% of influencer profiles' posts/videos contained some form of transparency disclosures. However, of the 89 with disclosures, only 65 were sufficiently disclosed according to local self-regulatory rules.**

*Number of influencer profiles' posts/videos featuring transparency disclosures (N=132)*



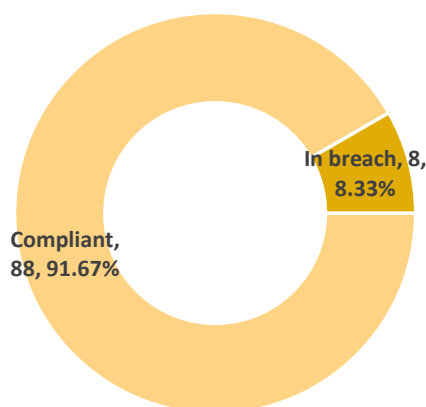
In most cases, posts that did not disclose properly simply include a tag of the brand or a hashtag followed by the brand's or product's name. In some particular cases displayed in Greece or Spain, the national SROs do not accept indicating *#ad* as a correct transparency disclosure – in these cases, it needs to be written in the local language. Similarly, Sweden does not accept the phrasing *"in cooperation with"* as a transparency disclosure, since the word cooperation does not reflect the financial relationship between influencer and brand. Finally, indicating *#ad* in English or the native local tongue at the very end or among other hashtags fails to achieve the intended purpose. It needs to be clearly shown at the beginning of the post's descriptions, preferably in conjunction with other transparency modalities.

### 3.6 Compliance with relevant local advertising codes and rules

SR experts were also tasked with assessing the compliance of influencer content against local relevant self-regulatory rules, national advertising laws, and the ICC Code on Marketing Communications as well as the ICC Framework on Marketing Communications for Food and Beverage Products. This part of the survey does not interfere with the monitoring of the compliance with the EU Pledge commitment. It is merely an extension of the project with the aim to provide companies with a confidential and bespoke assessment of their influencers' online creatives against relevant applicable codes, rules, and laws. The assessment supplied here is purely informative. SROs do not open investigations based on these critiques; only if consumers file a complaint with them directly.

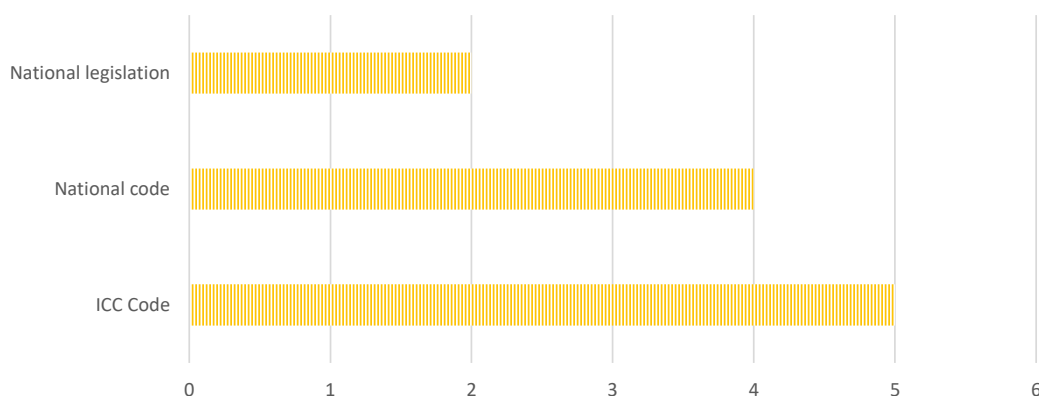
**Reviewers found that 91.67% of influencer profiles were compliant with relevant local self-regulatory rules, advertising legislation, and the ICC Code and Framework. In total, 8 influencer profiles featured elements that were considered in breach of various rules and laws.**

*Compliance of the influencer profiles with SR rules, laws, and ICC Code (N=96)*



The 8 influencer profiles were marked as non-compliant with regard to the following body of law and code:

*Number of influencer profiles flagged for each body of law/code (N=8)*





The cases relating to national laws involved breaches of Spanish legislation. Specifically, the influencer posts and videos that advertised promotional actions and competitions and which did not include a link to the terms of use and conditions or a concise summary of these were in breach of article 3, §E of the General Advertising Law [*Ley 34/1988, General de Publicidad*] and article 7 of the Unfair Competition Law [*Ley 3/1991, de Competencia Desleal*].

The 4 cases in breach of various national self-regulatory codes pertained to:

- Breach of the [French SRO](#) ban on depicting individuals consuming food and beverages whilst watching TV at home seated on a couch or sofa;
- Breach of the [Italian SRO](#) rules on children and teens: the code stipulates that care is required when addressing advertising content towards the demographic to not include any inappropriate content or socially unacceptable behaviour that might wrongly influence their decision-making processes or undermine personal responsibility morals;
- Any breach of Spanish legislation automatically involves a breach of the [Spanish SRO's Code](#).

The breaches relating to the [ICC Code](#) had to do with the following articles:

- Article 1: *“all marketing communications should be legal, decent, honest, and truthful. [...]”* If an ad was considered in breach of a piece of legislation, slightly misleading or indecent, it may have been flagged for this article of the ICC Code;
- Article 7: *“the identity of the marketer should be transparent.”* This relates to transparency disclosures that are required to be included on all sponsored content that influencers publish on their accounts.

## 4. Report of the Ghent University's independent reviewers

### 4.1 Assessment of the Reliability of the coding

#### 4.1.1 Research methodology and sample

Based on a standardized coding scheme, a total of 56 websites, 144 company owned social media pages (48 Instagram, 48 YouTube and 48 Facebook), and 133 posts of influencers (Instagram, YouTube and Facebook) from different countries were reviewed by SROs. A total number of eight countries were included in the reviews. These are Italy, Germany, France, Romania, Sweden, Greece, Spain and Belgium. In order to check the quality and reliability of the coding, 30% of these pages and profiles (based on a random selection) were double coded by an independent team of reviewers at Ghent University (Prof. Dienneke Van de Sompel, Prof. Liselot Hudders, Marloes De Brabandere, Elisabeth Van den Abeele, and Pauline Pieters). This is more than the asked 25% because some cases were added after the random selection, in order to ensure that the cases with an orange/red flag are double coded. In total, 18 websites, 45 social media pages (11 Facebook, 18 Instagram, 16 Instagram) and 37 influencer posts (Instagram, Facebook and YouTube) were evaluated and coded by the Ghent University Team.

For evaluating the different posts, the independent reviewers used the same coding scheme as the SROs. Afterwards, all data was entered in SPSS to analyze the intercoder reliability. Subsequently, the inter-coder reliability between the coding of Ghent University and the SROs was analysed in SPSS Statistics by calculating Cohen's Kappa. Cohen's Kappa can be interpreted as follows: the closer the Cohen's Kappa is to one, the more agreement in coding between the SROs' and the independent coders' coding; whereas the closer the Cohen's Kappa is to zero, the more disagreement between the coders<sup>7</sup>. The results of this analysis were further discussed within the Ghent University team and are reported in this note. In general, there is a reliability of .80 for the websites, .82 for the social media profiles and .78 for the influencer profiles. This indicates a good agreement for the three categories. In what follows, the reasons are outlined that may explain the (minor) disagreement in coding:

- First, some disagreement can be explained due to the ***difference in timing*** between the reviews of the independent coders and the SROs (a delay of one month and a half). In that period, there may have been some changes to the websites/ social media. For example, competitions, videos, etc., could have been added or removed. Furthermore, content around specific events, like Halloween, Christmas, Santa Claus, has been added after the coding of the SROs. Consequently, some of the new posts have been flagged by the independent reviewers and not by the SROs.
- A second point is the ***difference in language***. The different languages form a barrier when it comes to evaluating the language used on the websites and social media and influencer

<sup>7</sup> Cohen's Kappa is a measure used to assess inter-rater reliability in nominal data and compares to what extent the observations of two coders can be perceived as being alike. By doing so, measurement errors can be reduced. More agreement between the values of two coders (which is related to values closer to 1) indicates that there is more consensus about the question between the coders. Cohen, J. (1960). *A coefficient of agreement for nominal scales. Educational and psychological measurement*, 20(1), 37-46.

profiles. Content from websites could be easily translated by the coders, however, text that is, for example, integrated in pictures on social media, cannot be copy pasted in a translator. Furthermore, small nuances might have been missed which could have led to a different evaluation.

- A final reason for divergence in coding is the interpretation of what is seen as an **advertising disclosure** and what is seen as a sufficiently disclosed ad. The guidelines concerning the proper disclosure of sponsored posts are different in the different European countries. In the current monitoring, the Ghent University Team additionally found some differences concerning the sufficiency of tagging the brand as a disclosure of sponsored content and concerning the use of an ambassadorship disclosure. Some SROs considered a reference to the brand (@brandX or #brandx) in a post as a proper disclosure of sponsored content, while the independent reviewers disagreed this was sufficient. In addition, some influencers use the disclosure ‘ambassador’, while it can be questioned whether this is a clear disclosure.

#### 4.1.2 Inter-coder reliability analysis of company-owned websites

Eighteen websites were randomly selected and double coded by the independent reviewers. The results of the inter-coder reliability between the work of the SROs and of the independent coders for the websites are reported in **table 1** and show a good agreement, apart from the questions about ‘licensed characters/tie-ins/celebrities used as a means to promote a non-compliant food/beverage product to children under 12’, the ones about the ‘presence of games/entertainment activities’ and the questions about the ‘contests/ competitions/ promotional events’, which showed a moderate agreement.

The randomly selected websites that were coded by the independent reviewers contained **four websites** that were flagged **orange** by the SROs. The independent reviewer agreed, except for one website, where they gave a red flag - due to the presence of appealing colors and licensed characters in different sections of the site. Furthermore, comics for children are provided and children can participate in contests.

Both the SRO and the independent reviewer agreed on flagging **another website red**. The main reasons for this red flag are the use of bright colors, brand figures, gifts as prizes of a competition and cartoon like designs, which are all in breach with the EU Pledge criteria.

#### 4.1.3 Inter-coder reliability analysis of social media profiles (Facebook, Instagram and YouTube)

**Table 2** provides an overview of the Cohen’s Kappa of the coding of the social media sites. In total, 45 social media sites were double coded by the independent reviewer. When examining the questions separately, Cohen’s Kappa has a big range going from moderate to very good agreement.

First, both the SROs and the independent reviewers signaled **4 social media sites** (1 Facebook page, 2 Instagram pages and 1 YouTube channel) that are in breach with the EU Pledge criteria and were therefore given a **red** flag. These social media sites contain posts directed or appealing to children as they are colorful or demonstrate fun entertainment activities that are appealing for children under 12.

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Next to this, both the SRO and the independent reviewers gave an **orange** flag to **8 social media pages** (2 Facebook pages, 3 YouTube channels and 3 Instagram pages), mostly because of the use of licensed characters, games/entertainment activities, toys as prizes for contests and videos/photos appealing to children.

The independent reviewers additionally flagged **7 social media pages orange** that were believed to be in breach with the EU Pledge criteria (3 Instagram pages and 4 YouTube channels). This mainly because of colorful, fun images or videos with sounds that are appealing for children. Moreover, some social media pages targeted children through contests with attractive prizes or via entertainment activities/games for children. However, it should be noted that several of these posts date from after the evaluation of the SRO, which could partially explain the difference in flagging. Furthermore, one example concerns a hidden video on YouTube that is only visible when using the playlist. Consequently the SRO might not have taken this video into account. Lastly, the independent reviewers gave a **red flag** to 3 social media pages (2 Facebook pages and 1 YouTube channel) that were given an orange flag by the SRO.

#### 4.1.4 Inter-coder reliability analysis of influencer social media profiles (Instagram, Facebook & YouTube)

**Table 3** provides an overview of the Cohen's Kappa of the coding of the influencer profiles. The SROs provided a list of 133 influencer posts from influencers cooperating with different brands, of which the independent reviewers evaluated a random sample of 33 influencer posts. After adding the posts that the SROs coded as red and orange, we obtained 37 influencer posts that were double coded by the independent reviewers. The Cohen's Kappa varied from fair to perfect.

The SROs originally saw one post as being in breach (receiving a red flag), but this post had been deleted and could no longer be found at the time of the evaluation of the independent reviewers (therefore the independent reviewers randomly selected another post to be coded). In line with the SROs, the independent reviewer argued that **none** of the remaining coded posts were directly targeting children under 12.

However, **two influencers were clearly targeting parents and their young children together**, while promoting one of the brands committed to the EU-Pledge. In one post, the mother invites parents to participate with their children in a contest organized by the brand. The post of the other influencer shows a mother making pancakes with her son. Both the SRO and the independent reviewer gave these two posts an orange flag. Nevertheless, according to the independent reviewer, there was a **third influencer** targeting parents of young children. In the evaluated post she invites parents and their children to do a challenge from a specific brand. Although the SRO did not indicate that this influencer was targeting parents of children under 12, the influencer's post was flagged orange. Summarized, both the SRO and the independent reviewer gave **9 posts** an **orange** flag because of the use of techniques that appeal to children under 12. However, the independent reviewer flagged **2 additional posts** orange because of the lack of disclosures and because of the use of techniques that appeal to children under 12 (e.g. promotional actions, games ...) in the post. This small difference between the evaluation of the independent reviewer and the SRO may be due to a slightly different interpretation of the various techniques.

According to the SRO and the independent reviewer, **11 posts** were not accompanied by advertisement disclosures. The independent reviewer added **8 other posts** to this list. A possible explanation for this difference in evaluation is having another interpretation of what a disclosure should be. Some SROs considered a reference to the brand (@BrandX or #BrandX) in these influencers' posts as a disclosure. However, the independent reviewers argued that this disclosure is not sufficient as indicated in the EASA guideline. A sufficient disclosure should clearly inform consumers that a post is part of a commercial communication (e.g. paid partnership with X, #ad, #advertising). Nevertheless, it also depends on national guidance regarding influencer marketing whether something meets requirements for clear disclosure. Where #BrandXambassador is sufficient in some countries, in other countries merely using this hashtag is not enough to speak of sufficient disclosure. For next monitoring exercises, a clear overview about the rules in each country, provided by the EU Pledge, could help to properly evaluate the presence or absence of disclosures.

To conclude, when the independent reviewers went to look at the profiles of the mentioned social media influencers, they found that several posts (including posts targeting parents of young children) were not included in the list. For future monitoring exercises, we recommend that these posts should also be discussed by reviewers.

## 4.2. General conclusions

Based on the analysis of the independent reviewers, some general concerns and conclusions are generated:

- **Overall assessment**

Overall, the majority of the websites, social media pages and influencers analyzed by the independent reviewers are primarily designed for teenagers and adults. The general look and feel gives the impression that the pages are not primarily targeting children. Only a few websites and social media pages made their content specifically attractive for children and are consequently flagged by the independent reviewers.

- **The use of toy collectables in packaging**

Some websites and social media pages feature toy collectables for children. These are mostly toys that feature a licensed or brand character that can be collected by buying certain products of the brand. The independent reviewers state that it is unclear whether these toys could be considered as "an inherent part of the food product". We would recommend to include such techniques as a part of the monitoring, even if they are included in the product package. In some European countries, there are already some stricter guidelines for product packaging. For instance, in the Netherlands, licensed endorsers can no longer be used on packaging of unhealthy food products (Advertising Code, 1st of January 2019).

- **Other social media platforms**

Currently social media platforms that are included are Instagram, Facebook and YouTube. However, in the current digital landscape, there are a lot of social media platforms available. Platforms such as TikTok, Vero ... are also largely used by children under the age of 12. Therefore it could be interesting

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to devote extra attention to include these in the lists of posts and profiles that brands provide the SROs and independent reviewers, as children might also be targeted here.

- **Advertising disclosures with influencer marketing**

Most influencers included in the sample did not primarily target children under 12. However, teenagers are also a vulnerable target group and should not be misled, which is especially challenging in a digital context. Many influencers did not disclose their sponsored posts properly which makes it very difficult for children and teenagers to critically process the post. Furthermore, it depends on national guidance regarding influencer marketing whether or not something meets requirements for clear disclosure. Consequently, clearer guidelines on when an influencer post is sufficiently disclosed, are needed.

- **A strong focus on parents is debatable**

Some brands mainly use their websites, social media and influencers to convince parents of the suitability of the product for their children. However, some brands also portray those parents together with their young children. In this way, brands try to persuade the parents that their children would like the products by adding textual and/or visual elements to the website and social media (influencer) post (e.g. 'Product X will delight the little ones and satisfy the older ones' or 'Play and learn together'). The independent reviewers make a plea for a cautious use of such tactics. For instance, claims need to be put in such a way that they are clear to parents and provide correct information that is fully comprehensible to them and not misleading. Additionally, adding recipes and pictures of children to websites or social media pages, may make those pages also appealing to young children (even when the general tone of voice and textual elements are mainly targeting parents). The pictures do clearly target parents of little children and make references to the joy the products bring to children. Therefore a distinction could be made between posts that are targeting parents (and only parents) and posts that are, despite the presence of a caption directed to parents, also primarily appealing to children. This question could be implemented in the questionnaire.

Furthermore, on one website there was an age screening that was easy to circumvent by inserting a fake age. Consequently, children could easily access the website, which was clearly targeting them with colors, cartoon-like characters, contests ...

- **Persuasiveness of brand characters**

In many of the websites and social media pages, branded characters stimulate the child-like character of the site (animal or human-like characters). As branded characters are not included in the EU Pledge, no breach is officially coded in the coding system. However, the independent reviewers believe that including these characters in the sites or social media pages makes them particularly appealing to young children. Accordingly, they again suggest that brands should try to adjust these characters so that they appeal to older consumers instead of the young ones (as several brands already do). These brand characters are often portrayed in a funny situation or are designed to be liked by children. Brand equity characters are also marketing tools and even more powerful ones for children under 12. For example, a study by McGale, Halford, Harrold and Boyland (2016) showed that using a brand equity character on food packaging evokes unhealthy food choices in children<sup>8</sup>.

<sup>8</sup> McGale, L. S., Halford, J. C. G., Harrold, J. A., & Boyland, E. J. (2016). The influence of brand equity characters on children's food preferences and choices. *The Journal of Pediatrics*, 177, 33-38. doi: 10.1016/j.jpeds.2016.06.025

- **Blind spot in several (targeted) social media ads and Instagram stories**

This year, it was still difficult to retrieve some advertising tactics. Currently, some advertising tactics are not yet included in the monitoring exercise or are difficult to retrieve. In particular, YouTube pre- and mid-rolls, banners or sponsored social media posts cannot be retrieved on the brands' social media pages and thus cannot be checked by the SROs through the current approach. Moreover, due to the large amount of personal information consumers (including minors) share on social media and the use of cookies, advertisements can be specifically targeted and adapted to a certain audience. Another attention point that remains critical for this evaluation is the use of social media "stories". These stories are in essence short, temporary messages that disappear from the influencers' profile, usually after a day. Since the evaluation of the SROs and the independent reviewers happens at one point in time, the independent reviewers only checked the stories of that review period. However some stories can still be found on certain Instagram profiles, but this is a choice made by the influencer him/herself.

Hence, it is currently impossible to see and check these advertisements, even though young children and parents daily encounter them when browsing the internet and social media. These materials should be included in the monitoring.

Table 1. Inter-coder reliability of websites (Cohen's Kappa)

<b>Main questions of the website survey</b>	<b>Cohen's Kappa</b>
<i>Does the website or a section of the website have an age-screening/parental consent mechanism aimed at verifying the age of visitors before allowing access (i.e. select age range, request parental consent, etc.)?</i>	*
<i>Does the website feature licensed characters/tie-ins/celebrities (i.e. celebrities or fictional characters which are not owned by the company, e.g. sports athletes, actors or fictional characters linked to movies/entertainment, e.g. Shrek, Harry Potter, Cars)?</i>	.68
<i>Are the licensed characters/tie-ins/celebrities targeted primarily at an under-12 audience?</i>	.70
<i>Are the licensed character/tie-ins/celebrities used as a means to promote a non-compliant food/beverage product to children under 12</i>	.56
<i>Does the website feature any type of games and/or other entertainment activities such as puzzles, riddles, card games, racing, recipes, colouring or activity sheets, "Do it yourself" type of activities, apps, contests, competitions, etc.?</i>	.56
<i>Are the games/entertainment activities designed for children younger than 12</i>	.63
<i>Does the social media site feature any contests/competitions or promotional events?</i>	.57
<i>Are the contests/competitions or promotional events used to appeal primarily to under-12s, i.e. the participant can win a toy?</i>	.54
<i>Are the contests/competitions or promotional events used as a means to promote a food/beverage product to children under-12?</i>	.55



<i>Does the website feature animations (i.e. cartoons, animations depicting fantasy situations) and/or music/sound effects and/or videos?</i>	.62
<i>Are the animations and/or sound effects and/or video used designed to appeal primarily to under-12s</i>	.65
<i>Does the website feature toys used as premiums/prizes to promote a food/beverage product- Please don't include cases where toys are an inherent part of the food product.</i>	.64
<i>Are the toys designed to appeal primarily to children younger than 12?</i>	.64
<i>Is the language used on the website clearly directed at children under 12?</i>	*
<i>Do you think the website encourages the interaction and/or the active participation of children under 12?</i>	**
<i>Taking into account your answers to all the previous questions and all the aspects of a website's design like language/text/navigation, do you think that the website is clearly intended to be primarily appealing to children under 12</i>	.64
<i>General Kappa (all questions/variables)</i>	.80

\* Could not be calculated because both variables were constant. However the assessment of both coders on these variables is completely the same, which leads to 100 % agreement.

\*\* Could not be calculated because one variable was constant.

Table 2. Inter-coder reliability of social media profiles (Cohen's Kappa)

<b>Main question of the Social Media Survey</b>	<b>Cohen's Kappa</b>
<i>Does the social media page have an age-screening/parental consent mechanism aimed at verifying the age of visitors before allowing access?</i>	*
<i>Is the language used on the social media platform clearly directed at children under 12?</i>	.65
<i>Do you think the social media profile encourages the interaction and/or the active participation of children under 12?</i>	1
<i>Does the social media site feature licensed characters, tie-ins, and celebrities<sup>[1]</sup> (i.e. celebrities or fictional characters which are not owned by the company, e.g. sports athletes, actors or fictional characters linked to movies/entertainment, e.g. Shrek, Harry Potter, Cars)<sup>[2]</sup>?</i>	.59
<i>Are the licensed characters/tie-ins/celebrities targeted primarily at an under-12 audience?</i>	.63
<i>Does the social media profile feature any type of games and/or other entertainment activities such as puzzles, riddles, card games, racing, recipes, colouring or activity sheets, "Do it yourself" type of activities, apps, etc., or redirect to a webpage with such content?</i>	.49
<i>Are the games/entertainment activities designed for children younger than 12, i.e. are they easy enough to be played/performed by children younger than 12?</i>	.52
<i>Does the social media site feature any photos and/or videos that you consider appealing to children under 12?</i>	.67
<i>Are the animations, sound effects, videos are used as a means to promote the food/beverage to children under 12?</i>	.63

<i>Does the social media site feature toys used as premiums/prizes to promote a food/beverage product? Please don't include cases where toys are an inherent part of the food product<sup>31</sup>.</i>	.73
<i>Are the toys designed to appeal primarily to children younger than 12?</i>	.73
<i>Are the toys used as a means to promote a non-compliant food/beverage product to children under 12</i>	.70
<i>Does the social media profile feature contests/competitions?</i>	.83
<i>Are the contests/competitions used to appeal primarily to under-12s?</i>	.90
<i>Taking into account your answers to all the previous questions and all the aspects of a social media profile, do you think that the profile is clearly intended to be primarily appealing to children under 12?</i>	.69
<i>General Kappa (all questions/variables)</i>	.82

\* Could not be calculated because one of the variables was constant.

Table 3. Inter-coder reliability of influencer profiles (Cohen's Kappa)

<b>Main question of the Influencer Survey</b>	<b>Cohen's Kappa</b>
<i>Do you think the influencer is expressly targeting children under 12 in their profile?</i>	*
<i>Are there any disclosures in the post/video (i.e. paid partnership with, hashtags used by the influencer #ad, #sponsored, etc)?</i>	.57
<i>Does the influencer use popularity as a technique that appeals to children under 12?</i>	1
<i>Does the influencer use age as a technique that appeals to children under 12?</i>	1
<i>Does the influencer use language style as a technique that appeals to children under 12?</i>	1
<i>Does the influencer use visuals as a technique that appeals to children under 12?</i>	1
<i>Does the influencer use games as a technique that appeals to children under 12?</i>	.48
<i>Does the influencer use promotional actions as a technique that appeals to children under 12?</i>	.55
<i>Does the influencer use humour as a technique that appeals to children under 12?</i>	.79
<i>Does the influencer use toys as a technique that appeals to children under 12?</i>	*
<i>Does the influencer use films/tv-shows/apps as a technique that appeals to children under 12?</i>	*
<i>Taking the above questions and considerations, do you think the way it is advertised by the influencer could be considered primarily appealing to children under 12?</i>	*

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<i>Do you think the influencer is targeting parents of children under 12 in his/her posts/videos (indirectly addressing parents to buy unhealthy products for their children)?</i>	.79
<i>General Kappa (all questions/ variables)</i>	.78

*\* Could not be calculated because both variables were constant. However the assessment of both coders on these variables is completely the same, which leads to 100 % agreement.*



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