



2021

MONITORING REPORT

April 2022



THE Coca-Cola COMPANY



European
Snacks
Association

FERRERO



Intersnack

Kellogg's

KiMs

LINDT & SPRÜNGLI

Lorenz

MARS



Mondelēz
SNACKING-MADE RIGHT



PEPSICO



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EXECUTIVE SUMMARY & KEY RESULTS

BACKGROUND

The EU Pledge is a voluntary initiative by 23 leading food and beverage companies to change food and beverage advertising to children under the age of thirteen 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 13 years old by respecting the two following minimum common requirements:

- **No advertising of products to children under 13 years, except for products which fulfil common nutrition criteria¹.** Some EU Pledge member companies have taken the decision not to advertise any of their products to children under 13
- **No product marketing communications to children in primary schools**

This is the 13th 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 2021 by the following independent third parties:

Ebiquity², to review EU Pledge member companies' compliance with the commitment relating to TV advertising;

EASA – The European Advertising Standards Alliance³, 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 Dienneke Van de Sompel, visiting Professor at the Department of Communication Sciences at Ghent University.

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 July 2022. These are available on 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](http://www.easa.eu) brings together national advertising self-regulatory organisations in Europe. Based in Brussels, EASA is the European voice for advertising self-regulation.

KEY 2021 RESULTS

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

- **TV: The overall compliance rate is 98.84%**
- **96.49% of websites reviewed were deemed compliant with the EU Pledge. 2 out of 57 websites were found non-compliant with the commitment**
- **96.53% of social media profiles reviewed were deemed compliant with the EU Pledge. 5 out of 144 profiles were found non-compliant with the commitment**
- **100% of influencer profiles reviewed were deemed compliant with the EU Pledge.**

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.**

FURTHER ENHANCED COMMITMENTS

The EU Pledge is an evolving initiative aimed at addressing the dynamic marketing and media environment in the EU. 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 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 children⁴

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.

⁴ Further information about the enhanced commitments can be found here: <https://eu-pledge.eu/our-commitment/#enhanced-2014>

In July 2021, EU Pledge members enhanced their commitment by increasing the age of a child to 13 and lowering the audience threshold to 30%. The new policy also embeds qualitative requirements from the International Chamber of Commerce's (ICC) Framework for Responsible Food and Beverage Marketing Communications in all marketing communications. Members additionally revised the common nutrition criteria by further restricting which products are eligible to be advertised to children. Member companies abide by this enhanced commitment across the EU since 1st January 2022. The enhanced common nutrition criteria will be applied no later than 30th June 2022. These rules are applicable to all EU Pledge member companies across the EU. Individual member companies may maintain or adopt specific policies that go beyond the EU Pledge commitment.

MONITORING BASED ON 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 had used company-specific criteria to determine what foods they may advertise to children.

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 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 2019⁵.

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 were used as part of the 2021 monitoring.

In July 2021, EU Pledge member companies agreed to further revise the common nutrition criteria to limit the type of products that can be marketed to children. In addition to chocolates, candies/confectionery and soft drinks, members agreed not to advertise ice creams and potato crisps. They also strengthened the criteria for sweet biscuits and cakes, savoury crackers and meat-based products. The enhanced common nutrition criteria will be applied no later than 30th June 2022 and used for the 2022 compliance monitoring exercise.

5 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%.

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 website⁶.

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 organisations⁷ appointed by EASA.

In 2021, 69 complaints were filed through the accountability mechanism, as part of a campaign by the European Consumer Organisation BEUC. The cases were reviewed by a panel of independent experts for their compliance with the EU Pledge commitment. Despite the accountability mechanism being tested by a large number of complaints over a very short period, it delivered a comprehensive ruling on each complaint, including on 36 appeals lodged by BEUC in quick succession. In the eight cases which were found to be in breach, advertisers took corrective action. In several other cases, changes were made by advertisers despite not being in breach of the EU Pledge commitment.

Since its launch in November 2018, the EU Pledge accountability mechanism has processed 80 complaints, of which 14 were deemed out of scope and therefore not eligible to be reviewed under the accountability mechanism. Of the 66 complaints adjudicated by the panel of experts, 11 were upheld and 55 were found not to breach the EU Pledge commitment. All decisions on the processed complaints are publicly available at www.eu-pledge.eu.

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 July 2021, EU Pledge was submitted to the European Commission's Code of Conduct on Responsible Business and Marketing Practices to work towards the Code's objectives and targets, notably the Code's indicative action to "apply responsible food marketing and advertising practices, e.g. by adhering to self- and co-regulatory initiatives and standards". In the context of the EU's Code of Conduct, 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 International, 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.

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 requirements⁸:

- **No advertising of products to children under 12 years, except for products which fulfil common nutrition criteria⁹. 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%¹⁰ of children under 12 years¹¹
- **No communication related to products in primary schools, except where specifically requested by, or agreed with, the school administration for educational purposes**

In July 2021, EU Pledge member companies strengthened their commitment which applies since 1st January 2022. Members will be assessed against the following criteria in the 2022 compliance monitoring report:

- Not to advertise food and beverages to children under 13 years, except for products which fulfil the EU Pledge [common nutrition criteria](#) (the enhanced criteria will be applied no later than 30th June 2022).
- No marketing or advertising in primary schools, except where specifically requested by, or agreed with, the school administration for educational purposes.
- To abide by the International Chamber of Commerce (ICC) [Code of Advertising and Marketing Communication Practice](#); and the ICC [Framework for Responsible Food and Beverage Marketing Communications](#) in all marketing communications.

These rules are applicable to all EU Pledge member companies across the EU. The framework EU Pledge commitments provide a common benchmark against which companies can jointly monitor and verify implementation. Individual member companies may maintain or adopt specific policies that go beyond the EU Pledge commitment.

Since the initiative was launched, all participating companies have made their individual corporate commitments within the framework of the EU Pledge programme. All member company commitments are published on the EU Pledge website (www.eu-pledge.eu) and implemented across the EU¹².

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.

8 Effective until 31 December 2021.

9 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 July 2021. All applicable guidelines are published as part of the individual company commitments under the EU Pledge on www.eu-pledge.eu.

10 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

11 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.

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

THIRD-PARTY MONITORING

In line with the Terms of Reference of the EU's Code of Conduct for Responsible Business and Marketing Practices, 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 13th monitoring exercise. All previous Monitoring Reports are available on www.eu-pledge.eu.

In 2021, EU Pledge member companies commissioned the following independent third parties to monitor implementation of the EU Pledge commitments:

- **Ebiquity¹³**, to review EU Pledge member companies' compliance with the commitment relating to food and beverage advertising on TV.
- **EASA – The European Advertising Standards Alliance¹⁴**, 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).

¹³ 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.

¹⁴ The [European Advertising Standards Alliance](http://www.easa.europa.eu) 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 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:

- **98.84% 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%; 2020: 98.7%**).

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

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 Dieneke van de Sompel.

National self-regulatory organisations for advertising (SROs) from eight countries (**France, Germany, Greece, Italy, the Netherlands, Poland, 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 200 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 |
|---------------------|-----------|-----------|-----------|-----------|------------|----------------------|
| ARPP - FRANCE | 8 | 6 | 6 | 6 | 25 | 12 |
| DWR - GERMANY | 7 | 6 | 5 | 6 | 24 | 12 |
| SEE - GREECE | 7 | 7 | 6 | 5 | 25 | 12 |
| IAP - ITALY | 7 | 6 | 7 | 6 | 26 | 12 |
| SRC - NETHERLANDS | 7 | 6 | 6 | 6 | 25 | 12 |
| RR - POLAND | 7 | 6 | 6 | 6 | 25 | 12 |
| AUTOCONTROL - SPAIN | 7 | 5 | 6 | 7 | 25 | 12 |
| RO. - SWEDEN | 7 | 6 | 6 | 6 | 25 | 12 |
| TOTAL | 57 | 48 | 48 | 48 | 200 | 96 |

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 184 posts and stories. Only profiles that promoted non-compliant products with the applicable nutritional criteria were analysed.

| COUNTRY | INFLUENCER PROFILES | POSTS |
|---------------------|---------------------|-------|
| ARPP - FRANCE | 12 | 19 |
| DWR - GERMANY | 12 | 17 |
| SEE - GREECE | 12 | 28 |
| IAP - ITALY | 12 | 22 |
| SRC - NETHERLANDS | 12 | 25 |
| RR - POLAND | 12 | 32 |
| AUTOCONTROL - SPAIN | 12 | 21 |
| RO. - SWEDEN | 12 | 20 |
| TOTAL | 96 | 184 |

| PLATFORM | INFLUENCER PROFILES |
|-----------|---------------------|
| INSTAGRAM | 96 |
| TOTAL | 96 |

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 57 national brand websites, 144 company-owned social media pages, and 96 influencer profiles were reviewed, all of which contained product promotion.

Out of the 57 websites, 2 website was found not to comply with EU Pledge commitment. 56 websites reviewed were compliant with national advertising codes or relevant advertising laws.

Out of the 144 company-owned social media profiles reviewed, 5 were found in breach of the EU Pledge commitment. 12 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. 9 profiles reviewed also contained items that were in breach of advertising codes or relevant advertising laws.

- **96.49% of the company-owned websites reviewed were compliant with the EU Pledge commitment**
- **96.53% 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.

DIGITAL AVATAR PROJECT

In 2021, Nielsen carried out an **analysis on children's exposure to online marketing of food and beverages high in fat, salt, and sugar ('HFSS')** using its Nielsen **Avatar technology**. The results demonstrate relatively low levels of online ad exposure to 'HFSS' ads over the past year.

METHODOLOGY

The avatar monitoring technology, which has also been employed by regulators in Europe and the UK for similar reviews, aims to measure different consumer groups' exposure to different types of ads and targeting techniques. The avatars are online profiles that are designed to mimic browsing behaviour of people in different age categories (children, teenagers, adults, and a neutral/control profile) in order to capture the ads that the age group might typically be served online.

A total of 403,200 ads were "viewed" by Nielsen's four avatars across the 12 markets **(six of which in Europe, i.e. Belgium, Czech Republic, Denmark, Ireland, the Netherlands, and Spain)** across all product categories. The monitoring was carried out between 7th - 27th October 2021.

URLs were defined as having either Youth Appeal or General Appeal, using Nielsen's own proprietary methodology, which combines its own research and official third-party traffic statistics, rankings and classifications. The avatars did not access any non-logged in environments.

'HFSS' products were classified using a combination of the Ofcom and the Department of Health's nutrient profiling guidelines. Ads included food and drink brands, restaurants, and retailers. Nielsen classified a broad base of categories as 'HFSS' **to reflect the maximum possible amount of 'HFSS' advertising in markets.**

EXPOSURE FIGURES

Nielsen's avatar monitoring indicated that children (represented by the "child" avatar in the study) were exposed to **relatively low levels of ad exposure to 'HFSS' food and beverage marketing.** According to the Nielsen study:

- **Only 1.53% of ads served to children online are for 'HFSS' products**
- **On average, a child is served only one 'HFSS' ad per 450 websites visited**

These results do not measure real world exposure to ads (per day, or per week), in part because as an average person would not scan this number of websites in a short period of time.

REVISION OF THE EU PLEDGE NUTRITION CRITERIA WHITE PAPER

In July 2021, the EU Pledge signatories updated the EU Pledge Nutrition criteria for the fourth time, as part of the enhanced EU Pledge commitment submitted by the WFA to the European Commission's Code of Conduct for Responsible Business and Marketing Practices.

Members agreed not to advertise ice creams and potato-based products to children under 13, and further strengthened criteria for sweet biscuits and cakes, cereal-based snacks and meat-based products.

The enhanced common nutrition criteria will be applied no later than 30th June 2022.

The changes described above were incorporated and published on the EU Pledge website in July 2021. The full EU Pledge Nutrition Criteria White Paper is available at <https://eu-pledge.eu/eu-pledge-nutrition-criteria/>.

CONCLUSIONS AND NEXT STEPS

The EU Pledge continues 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 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.**

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, 2014, 2017, 2020, and 2021**. The latest strengthening of the EU Pledge commitment responds to a changing media landscape and societal expectations and raises the bar for food marketing self-regulation in Europe.

Once again, the 2021 monitoring has shown that member companies were able to achieve **high compliance levels** with the enhanced commitments. Nielsen's data on children's assumed exposure to food marketing online confirms that **children have relatively low exposure levels**. The ongoing improvement in compliance rates for company-owned websites and social media profiles gives evidence of members' commitment to the EU Pledge and points to the usefulness of the Implementation Guidance Note 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. Despite the complaints mechanism being tested in 2021 by a large number of complaints over a very short period of time, the mechanism has proven to provide additional external scrutiny and insights on potential company breaches by delivering a comprehensive ruling on each complaint.

Beyond monitoring compliance, EU Pledge signatories continue to be 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.

ANNEX I: EBIQUITY COMPLIANCE REPORT

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EU PLEDGE

Responsible Marketing to Children Commitment
Compliance Monitoring Report 2021



AGENDA

TV Compliance Monitoring

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

TV Compliance Monitoring

EU Pledge Q1 2021 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 markets were chosen for monitoring: Bulgaria, France, Germany, Italy, Poland and Spain.
All spots aired in these markets in Q1 2021 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.

Total number of spots that were analysed in Q1 2021:

| Country | Total Spots | Total Spots for Restricted products |
|----------|-------------|-------------------------------------|
| Bulgaria | 62,499 | 55,938 |
| France | 65,479 | 56,842 |
| Germany | 76,939 | 69,510 |
| Italy | 247,638 | 213,343 |
| Poland | 729,108 | 597,338 |
| Spain | 169,817 | 122,328 |
| All | 1,351,480 | 1,115,299 |

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.

TV Methodology

Statistical anomalies and overstatement of non-compliance

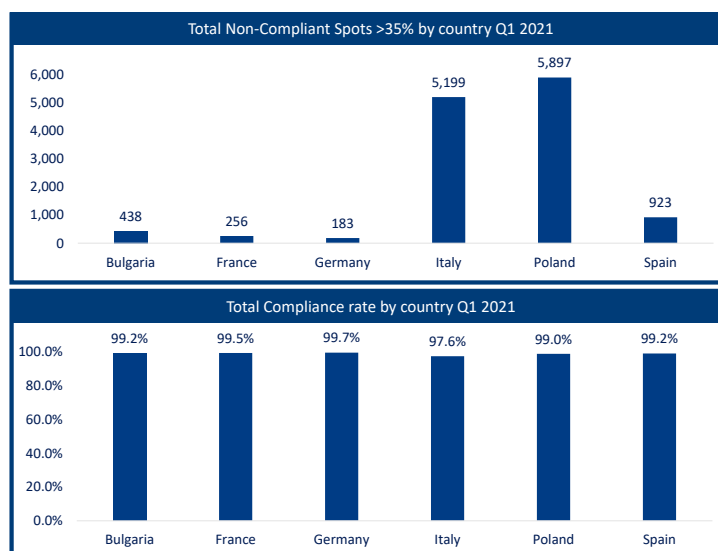
Of the vast majority of spots found technically non-compliant, only a few can be certainly in breach of the spirit of the EU Pledge commitment. These spots often display an implausible share of under-12 viewers: e.g. a spot during a sports programme broadcast at 2am shows a child audience of 100%. This 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 2021 – all markets: All Spots (all GRPs, all time) show a compliance rate of 98.84%

| 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 |
|------------------|-------------|-------------------------------------|---|--|--|-----------------|
| Bulgaria Q1 2021 | 62,499 | 55,938 | 8 | 438 | 0.8% | 99.2% |
| Bulgaria Q1 2020 | 88,600 | 80,100 | 16 | 1,493 | 1.9% | 98.1% |
| France Q1 2021 | 65,479 | 56,842 | 821 | 256 | 0.5% | 99.5% |
| France Q1 2020 | 75,363 | 62,669 | 1,142 | 531 | 0.8% | 99.2% |
| Germany Q1 2021 | 76,939 | 69,510 | 256 | 183 | 0.3% | 99.7% |
| Germany Q1 2020 | 55,118 | 47,958 | 387 | 87 | 0.2% | 99.8% |
| Italy Q1 2021 | 247,638 | 213,343 | 806 | 5,199 | 2.4% | 97.6% |
| Italy Q1 2020 | 242,758 | 210,314 | 997 | 3,958 | 1.9% | 98.1% |
| Poland Q1 2021 | 729,108 | 597,338 | 612 | 5,897 | 1.0% | 99.0% |
| Poland Q1 2020 | 718,249 | 562,293 | 865 | 5,770 | 1.0% | 99.0% |
| Spain Q1 2021 | 169,817 | 122,328 | 356 | 923 | 0.8% | 99.2% |
| Spain Q1 2020 | 199,635 | 110,354 | 452 | 782 | 0.7% | 99.3% |
| All markets 2021 | 1,351,480 | 1,115,299 | 2,859 | 12,896 | 1.16% | 98.84% |
| All markets 2020 | 1,379,723 | 1,073,688 | 3,858 | 12,621 | 1.2% | 98.8% |

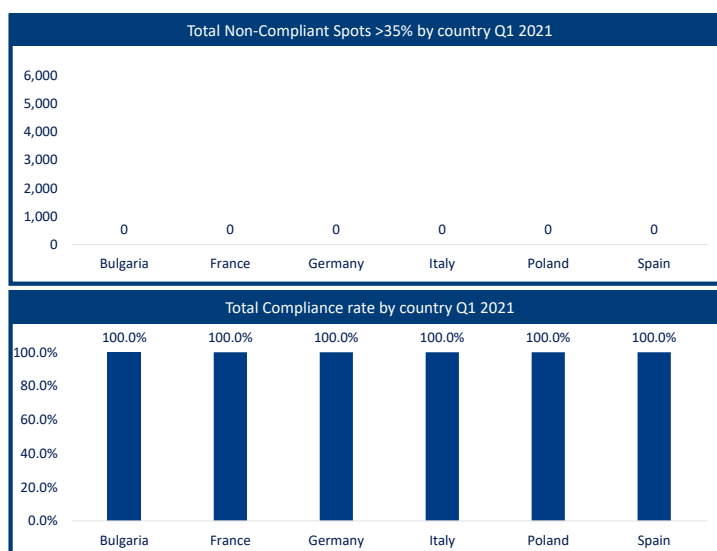
Aggregate results for Q1 2021 – all markets: All Spots (all GRPs, all time)



Aggregate results for Q1 2021 – 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 |
|------------------|-------------|-------------------------------------|---|--|--|-----------------|
| Bulgaria Q1 2021 | 5,796 | 5,210 | 4 | 0 | 0% | 100% |
| Bulgaria Q1 2020 | 7,621 | 6,898 | 8 | 0 | 0% | 100% |
| France Q1 2021 | 5,958 | 5,027 | 426 | 0 | 0% | 100% |
| France Q1 2020 | 8,481 | 6,779 | 604 | 0 | 0% | 100% |
| Germany Q1 2021 | 3,438 | 3,115 | 66 | 0 | 0% | 100% |
| Germany Q1 2020 | 4,106 | 3,704 | 119 | 0 | 0% | 100% |
| Italy Q1 2021 | 7,023 | 6,459 | 238 | 0 | 0% | 100% |
| Italy Q1 2020 | 8,392 | 7,856 | 321 | 0 | 0% | 100% |
| Poland Q1 2021 | 11,687 | 9,040 | 163 | 0 | 0% | 100% |
| Poland Q1 2020 | 15,216 | 12,135 | 350 | 0 | 0% | 100% |
| Spain Q1 2021 | 6,060 | 3,843 | 100 | 0 | 0% | 100% |
| Spain Q1 2020 | 11,646 | 6,212 | 109 | 0 | 0% | 100% |
| All markets 2021 | 39,962 | 32,694 | 998 | 0 | 0% | 100% |
| All markets 2020 | 55,462 | 43,584 | 1,511 | 0 | 0% | 100% |

Aggregate results for Q1 2021 – all markets: Daytime spots with at least 1 GRP (Daytime: 06.00-20.59)



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



Exposure: Extent to which a message is encountered 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 | DIEMA | MAGIC TV | NOVA TV |
| | AXN | DIEMA FAMILY | MAX SPORT 2 | RING |
| | BTV | DISCOVERY CHANNEL | MAX SPORT 3 | SUPERTOONS |
| | BTV ACTION | DISNEY CHANNEL | NAT GEO WILD | THE VOICE |
| | BTV CINEMA | EUROSPORT | NATIONAL GEOGRAPHIC | TLC |
| | BTV COMEDY | FOX | NICK JR | TRAVEL CHANNEL |
| | BTV LADY | FOXCRIME | NICKELODEON | TV EVROPA |
| | BULGARIA ON AIR | FOX LIFE | NICKTOONS | WNess TV |
| | CARTOON NETWORK | ID | NOVA NEWS | |
| | City TV | KINO NOVA | NOVA SPORT | |
| France | BFM TV MAX | France 3 | NRJ12 | TFX |
| | C8STAR+ | France 5 | PUISSANCE TNT | TMC |
| | CHERIE25 | LA CHAINE L EQUIPE | RMC ² | |
| | CNEWS | LCI | TF1 | |
| | France 2 | M6 | TF1 SERIES FILMS | |
| Germany | 13th Street | Nickelodeon | Sky BuLiMFG2 | Sky Sport News |
| | ARD | Nitro | Sky Cin. Action | Sport 1 |
| | BibelTV | N-TV | Sky Cin. Best Of | Super RTL |
| | Comedy Central | Pro 7 | Sky Cin. Classics | SyFy |
| | Comedy Central Deutschland | Pro 7 Maxx | Sky Cin. Family | Tele 5 |
| | Crime + Investigation | RTL | Sky Cin. fun | TLC |
| | Deluxe Music | RTL 2 | Sky Cin. Krimi | TNT Comedy |
| | Disney Channel | RTL+ | Sky Cin. Premieren | TNT Film |
| | Dmax | Sat.1 | Sky Cin. Premieren +24 | TNT Serie |
| | FOX | Sat.1 Gold | Sky Cin. Special | Vox |
| | HGTV | Schlager Deluxe | Sky Cin. Thriller | Welt |
| | Kabel 1 | Servus TV Deutschland | Sky One | ZDF |
| | Kabel 1 Doku | Sixx | Sky Sport MF 1 | |
| | National Geographic Wild | Sky BuLi MFG1 | Sky Sport MF 2 | |

13 EU Pledge - 2021 Monitoring Report



TV Channels Monitored

| | | | | | |
|-------|----------------------|------------------------|----------------------------|-----------------------|----------------------|
| Italy | 20 Mediaset | Fox Crime +1 | Nickelodeon | Retequattro | Sky Sport Arena |
| | 7 Gold | Frisbee | Nickelodeon +1 | Sky Arte | Sky Sport Calcio |
| | Blaze | Gambero Rosso Channel | NOVE | Sky Atlantic | Sky Sport F1 |
| | Boing | Giallo | Paramount Network | Sky Atlantic +1 | Sky Sport Football |
| | Boing Plus | HGTV - Home & Garden | Premium Action (DTT+Sat) | Sky Cinema Action | Sky Sport MotoGP |
| | Canale 5 | History | Premium Cinema 1 (DTT+Sat) | Sky Cinema Collection | Sky Sport NBA |
| | Cartoonito | History +1 | Premium Cinema 1 +24 (Sat) | Sky Cinema Comedy | Sky Sport Uno Dth |
| | Cielo | Iris | Premium Cinema 2 (DTT+Sat) | Sky Cinema Drama | Sky Sport Uno Dtt |
| | Cine34 | Italia 1 | Premium Cinema 3 (DTT+Sat) | Sky Cinema Due | Sky Tg24 |
| | Comedy Central | Italia 2 | Premium Crime (DTT+Sat) | Sky Cinema Due +24 | Sky Tg24 Dtt |
| | Comedy Central +1 | K2 | Premium Stories (DTT+Sat) | Sky Cinema Family | Sky Tg24 Primo Piano |
| | Crime Investigation | La5 | Radio 105 Tv | Sky Cinema Romance | Sky Uno |
| | Deejay Tv | La7 | Radio Italia Tv | Sky Cinema Suspense | Sky Uno +1 |
| | Discovery Channel | La7d | Radio Montecarlo Tv | Sky Cinema Uno | Spike |
| | Discovery Channel +1 | Mediaset Extra | Rai 1 | Sky Cinema Uno +24 | Sportitalia |
| | Discovery Science | Motor Trend | Rai 2 | Sky Meteo 24 | Super! |
| | DMax | Mtv | Rai 3 | Sky Sport 24 | Tgcom 24 |
| | Eurosport | Mtv Music | Rai 4 | Sky Sport 251 | Top Crime |
| | Eurosport 2 | Nat Geo Wild | Rai Gulp | Sky Sport 252 | TV 2000 |
| | Focus Mediaset | Nat Geo Wild +1 | Rai Movie | Sky Sport 253 | TV8 |
| | Food Network | National Geographic | Rai News24 | Sky Sport 254 | VH1 |
| | Fox Channel | National Geographic +1 | Rai Premium | Sky Sport 255 | Virgin Radio Tv |
| | Fox Channel +1 | Nick Jr | Rai Sport 1 | Sky Sport 256 | |
| | Fox Crime | Nick Jr +1 | Real Time | Sky Sport Action | |

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TV Channels Monitored

| | | | | | | |
|--------|--------------------|----------------------|--------------------------|-----------------------------|-----------------------|----------------------|
| Poland | 13 Ulica | CBS Europa | Fokus TV | Novelas | Polsat Viasat Nature | TVN Fabula |
| | 4FUN DANCE | CBS Reality | Food Network | Nowa TV | Power TV | TVN Style |
| | 4FUN KIDS | CI Polsat | FOX | nSport+ [nSport] | Puls 2 | TVN Turbo |
| | 4FUN.TV | Comedy Central | Fox Comedy | NUTA.TV | Red Carpet TV [E TV] | TVN24 |
| | Active Family | Da Vinci | Gametoon | Paramount Channel HD | Romance TV | TVN24 Biznes i Swiat |
| | Adventure | Disco Polo Music | Gold TV | Planete+ | Scifi Universal | TVN7 |
| | Ale Kino+ | Discovery Historia | Golf Channel Polska | Polo TV | Sportklub | TVP ABC |
| | AMC | Discovery Life | HGTV | Polonia 1 | Stars.tv | TVP Dokument |
| | Animal Planet HD | Discovery pl | History | Polsat | Stopklatka | TVP HD |
| | ATM Rozrywka | Discovery Science | History2 [H2] | Polsat 2 inf | StudiosMED TV | TVP Historia |
| | AXN | Disney Channel | HOME TV | Polsat Cafe | Sundance Channel | TVP Info |
| | AXN Black | Disney Junior | Investigation Discovery | Polsat Comedy Central Extra | Super Polsat | TVP Kobieta |
| | AXN Spin | Disney XD | Kino Polska | Polsat Doku | Tele5 | TVP Kultura |
| | AXN White | DTX | Kino Polska Muzyka | Polsat Film | teleTOON+ | TVP Polonia |
| | BBC Brit | E!Entertainment | Kino TV | Polsat Games | Telewizja WPOLSC.PL | TVP Rozrywka |
| | BBC CBeebies | Eleven Sports 1 | Lifetime | Polsat JimJam | TLC | TVP Seriele |
| | BBC Earth | Eleven Sports 2 | Metro | Polsat Music HD | TNT | TVP Sport |
| | BBC First | Epic Drama | MiniMini+ | Polsat News | TOP KIDS | TVP1 |
| | BBC Lifestyle | Eska Extra [Eska TV] | Motowizja | Polsat News 2 | Top Kids Jr | TVP2 |
| | BIZNES24 | Eska Rock TV | MTV pl | Polsat Play | Travel Channel | TVP3 |
| | Boomerang | Eska TV [8TV] | Nat Geo People | Polsat Rodzina | TTV - Twoja Telewizja | TVS |
| | CANAL+ DOMO | e-sport tv | National Geographic | Polsat Seriele | TV PULS | ULTRA TV |
| | Canal+ Family | Eurosport 2 PL | National Geographic Wild | Polsat Sport | TV Republika | Vox Music TV |
| | CANAL+ KUCHNIA | Eurosport PL | Nick Jr | Polsat Sport Extra | TV4 pl | Water Planet |
| | Canal+ Sport | Extreme Sports | Nickelodeon pl | Polsat Sport News HD | TV6 | WP |
| | Canal+ Sport2 | Fightklub | Nicktoons | Polsat Viasat Explore | TVC | Wydarzenia24 |
| | Cartoon Network pl | FILMAX | Novela TV | Polsat Viasat History | TVN | Zoom TV |

TV Channels Monitored

| | | | | | |
|-------|-----------------|------------------------|------------------------|------------------------------|--------------------------|
| Spain | #0 | CMM | FOX | MOVISTAR LALIGA | SYFY |
| | #VAMOS | COMEDY CENTRAL | FOX LIFE | MOVISTAR LALIGA1 | T5 |
| | 3/24 | COSMO | GOL | MOVISTAR LALIGA3 | TELEDEPORTE |
| | 8TV | COSMOPOLITAN | IB3 | MOVISTAR LIGA DE CAMPEONES | TELEMADRID |
| | A PUNT | CRIMEN + INVESTIGACION | IB3 GLOBAL | MOVISTAR LIGA DE CAMPEONES 1 | TELEMADRID INTERNACIONAL |
| | A3 | CUATRO | La 7 | MOVISTAR SERIES (MO) | TEN |
| | AMC | DARK | LA 7TV | MOVISTAR SERIESMANIA | TNT |
| | AND-TV | DECASA | LA SEXTA | MTV ESP | TPA |
| | ARAGON TV | DISCOVERY | La1 | NATIONAL GEOGRAPHIC | TPA2 |
| | ATRESERIES | DISNEY CH +1 | LAOTRA | NEOX | TRECE |
| | AXN | DISNEY CHANNEL | MEGA | NGC WILD | TV MEDITERRANEO |
| | AXN WHITE | DIVINITY | MOVISTAR ACCION | NICK JR | TV3 |
| | BEMADtv | DKISS | MOVISTAR CINE ESPAÑOL | NICKELODEON | TV3CAT |
| | BLAZE | DMAX | MOVISTAR CINEDOC&ROLL | NOVA | TVCAN |
| | BOING | ENERGY | MOVISTAR COMEDIA | ODISEA | TVG |
| | BOM Cine | ESPORT3 | MOVISTAR CRIMEN | PARAMOUNT NETWORK | XTRM |
| | C.SUR | ETB1 | MOVISTAR DEPORTES | REAL MADRID HD | |
| | CALLE 13 | ETB2 | MOVISTAR DRAMA | SELEKT | |
| | CANAL COCINA | ETB4 | MOVISTAR ESTRENOS (MO) | SOMOS | |
| | CANAL HISTORIA | EUROSPORT | MOVISTAR F1 | SUNDANCE TV | |
| | CANAL HOLLYWOOD | FDF | MOVISTAR GOLF | SUPER3/33 | |

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 |

ebiquity

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



2021

PUBLIC REPORT



E.U. PLEDGE MONITORING

Social media, websites, and influencer marketing

Top line report

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.

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 February 2022

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Introduction

The EU Pledge¹ 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 2021, 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 2021 project continued the exercise with the monitoring of company-owned websites and social media and influencer profiles.

The purpose of the 2021 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, social media profiles, and influencer 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, social media profiles, and influencer 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 2021 methodology was adapted by EASA, the EU Pledge secretariat, and Professor Liselot Hudders²

¹ 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/>.

² **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

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

Introduction

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¹ 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/>.

² **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









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

from Ghent University, the independent reviewer of this exercise. The role of the independent reviewer 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 accounts 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 | | |
|---|--------------------|---------------------------|
|  | France | <u>ARPP</u> |
|  | Germany | <u>DWR</u> |
|  | Greece | <u>SEE</u> |
|  | Italy | <u>IAP</u> |
|  | Netherlands | <u>SRC</u> |
|  | Poland | <u>RR</u> |
|  | Spain | <u>AUTOCONTROL</u> |
|  | Sweden | <u>Ro.</u> |

Below is the list of the EU Pledge member companies participating in the 2021 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 | |

published in over 60 academic journals, such as New Media and Society, Journal of Interactive Marketing, Journal of Business 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 websites³ 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 |
|---------------------|-----------|-----------|-----------|-----------|------------|----------------------|
| ARPP - France | 8 | 6 | 6 | 6 | 25 | 12 |
| DWR - Germany | 7 | 6 | 5 | 6 | 24 | 12 |
| SEE - Greece | 7 | 7 | 6 | 5 | 25 | 12 |
| IAP - Italy | 7 | 6 | 7 | 6 | 26 | 12 |
| SRC - Netherlands | 7 | 6 | 6 | 6 | 25 | 12 |
| RR - Poland | 7 | 6 | 6 | 6 | 25 | 12 |
| AUTOCONTROL - Spain | 7 | 5 | 6 | 7 | 25 | 12 |
| Ro. - Sweden | 7 | 6 | 6 | 6 | 25 | 12 |
| Total | 57 | 48 | 48 | 48 | 200 | 96 |

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.⁴ 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 184. The complete analysis of this part **can be found on page 43**.

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 reviewer. The latter was designed with the intent of having all companies proportionally represented across all digital platforms.

³ Where available, at least 1 website per company.

⁴ 15 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 activities⁵, promotional events and contests, animations sound effects and videos, licensed characters and celebrities⁶, 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.

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 2021 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 were meant to evaluate the websites and social media sites and examine whether they contained elements and factors that would cross red lines for the reviewers. **A profile will be considered in breach of the EU Pledge commitment if it displays components that are clearly and evidently primarily appealing to children under 12. It will then be automatically coded as a "red flag".**

⁵A 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.

⁶Characters acquired externally and linked for example to films, cartoons or sports.

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 reviewer.** This is also a consequence of the high compliance level achieved by companies in recent years. EASA has implemented this new category in 2020 - 2021 exercises. **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. These were however 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 reviewer Professors Liselot Hudders. 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 should bear this in mind.

Executive summary

Brand-owned websites:

- A total of 57 national brand websites were reviewed;
- 96.49% of brand-owned websites were compliant with the EU Pledge commitment – 2 out of the 57 breached the commitment;
- 56 out of the 57 brand-owned websites reviewed (98.24%) were compliant with the relevant local advertising codes and laws.

Brand-managed social media profiles:

- A total of 144 social media profiles were reviewed;
- 96.53% of the brand-owned profiles were compliant with the EU Pledge commitment – 5 out of the 144 breached the commitment. In more detail,
 - 95.83% of the Facebook profiles were compliant with the commitment – 2 out of the 48 profiles were in breach;
 - 95.83% of the Instagram profiles were compliant with the commitment – 2 out of the 48 profiles were in breach;
 - 97.92% of the YouTube profiles were compliant with the commitment – 1 out of the 48 profiles was in breach.
- 91.67% of brand-owned social media profiles reviewed were compliant with the relevant local advertising codes or laws – 12 out of 144 contained items that were potentially in breach of relevant local advertising rules.
 - 91.67% of Facebook profiles were compliant with relevant local rules – 4 out of the 48 profiles were in breach;
 - 85.42% of Instagram profiles were compliant with relevant local rules – 7 out of the 48 profiles were in breach;
 - 97.92% of YouTube profiles were compliant with relevant local rules – 1 out of the 48 profiles was in breach.

Brand-recognised influencer profiles:

- A total of 96 of brand-recognised influencer profiles and 184 posts, videos, and stories were analysed;
- All influencer profiles (100%) were compliant with the EU Pledge commitment – no profiles breached the commitment;
- 90.62% of influencer profiles were compliant with the relevant local advertising codes and laws – 9 out of the 96 profiles were in breach.

1. Brand-owned websites

1.1 Compliance with the EU Pledge commitment

The 2021 monitoring exercise reviewed a total of 57 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

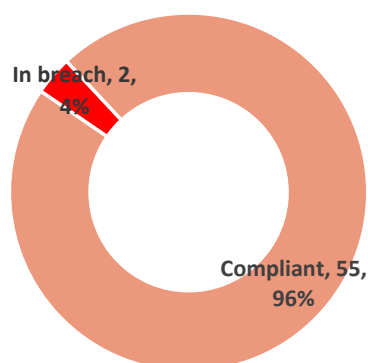
| Country | Websites |
|---------------------|-----------|
| ARPP - France | 8 |
| DWR - Germany | 7 |
| SEE - Greece | 7 |
| IAP - Italy | 7 |
| SRC - Netherlands | 7 |
| RR - Poland | 7 |
| AUTOCONTROL - Spain | 7 |
| Ro. - Sweden | 7 |
| Total | 57 |

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 96.5% of the websites were compliant with the EU Pledge commitment – 2 websites were deemed primarily appealing to children under 12.

Compliance of the websites with the EU Pledge commitment (N=57)



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

Below is an in-depth analysis of the 2 websites 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.

1 website contained factors that were deemed to be primarily targeting and appealing to children under 12:

Promotional events, contests

- a. A child younger than 12 could easily follow the instructions;
- b. The instructions are concise (they are short and do not contain much text);
- c. The contests/competitions or promotional events are used as a means to promote a food/beverage product to children under-12.

Animations, sound effects, and videos

- a. The animations and/or videos are interactive;
- b. The animations and/or videos are easy for under- 12s to understand;
- c. The animations and/or sound effects and/or videos contain music that is appealing to children under 12;
- d. The animations and/or videos are colourful/cartoon-like;
- e. The animations and/or videos use effects that are appealing to children under 12;
- f. The product is featured around the animations/sound effects and/or in the videos;
- g. The animations, sound effects, videos are used as a means to promote the food/beverage to children under 12.

Toys used as premiums

- a. The toys are linked to a promotion directed to children;
- b. The toys are used as a means to promote a non-compliant food/beverage product to children under 12.

Meanwhile, the other website displayed elements that reviewers found to be primarily appealing to children under the age of 12:

Licensed characters, tie-ins, and celebrities

- a. The licensed characters/tie-ins/celebrities are based on movies, video-games, books etc. that children under 12 typically like (e.g. Disney, Hello Kitty etc.)
- b. The licensed character/tie-ins/celebrities are used as a means to promote a non-compliant food/beverage product to children under 12?

Entertainment activities & games

- a. The game/entertainment activity is easy enough to be played by children younger than 12;
- b. The game/entertainment activity is colourful/cartoon-like and uses drawings/animations, etc. that are appealing to children under 12;
- c. A child younger than 12 could easily follow the instructions to play the game;
- d. The instructions are concise (they are short and do not contain much text);
- e. The instructions contain more visuals/animations than written text.

Animations, sound effects, and videos

- a. The animations and/or videos are interactive;
- b. The animations and/or videos are easy for under- 12s to understand;
- c. The animations and/or sound effects and/or videos contain music that is appealing to children under 12;
- d. The animations and/or videos are colourful/cartoon-like;
- e. The animations and/or videos use effects that are appealing to children under 12;
- f. The product is featured around the animations/sound effects and/or in the videos?;
- g. The animations, sound effects, videos are used as a means to promote the food/beverage to children under 12.

Toys used as premiums

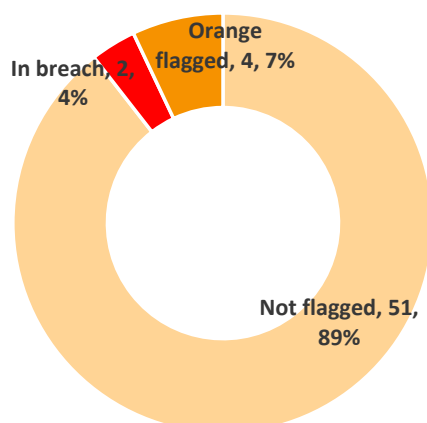
- a. The toys are based on characters from films, video-games, books, etc. that children under 12 typically like (e.g. Disney, Hello Kitty etc.);
- b. The toys are interacting with the food/beverage product;
- c. The toys are used as a means to promote a non-compliant food/beverage product to children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

1.2 Orange category flags

As mentioned earlier in the Methodology, the 2021 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 the attention of 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=57)



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

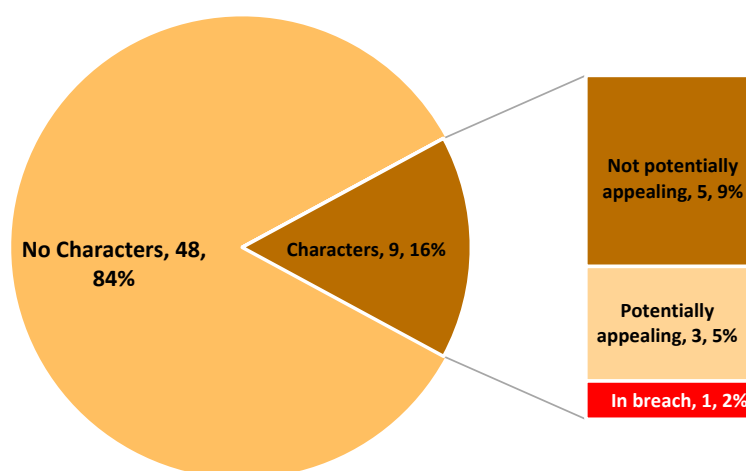
1.3 Licensed characters, tie-ins & celebrities

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 on 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.

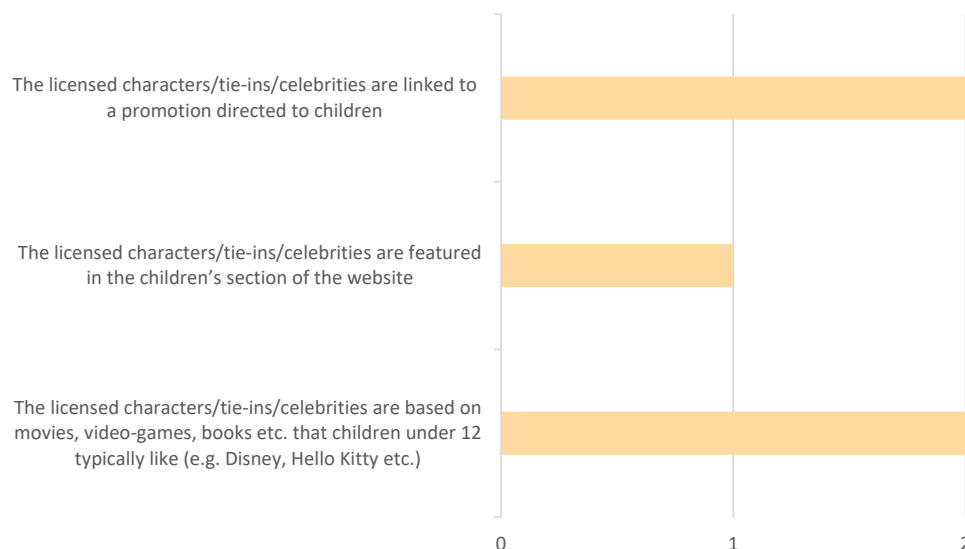
Reviewers found that 3 compliant websites out of the 9 featured licensed characters or celebrities that were potentially appealing to children under 12. Five websites out of the 9 were not deemed to be in any way appealing to children.

Number of websites flagged for the licensed characters factor (N=57)



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=3)

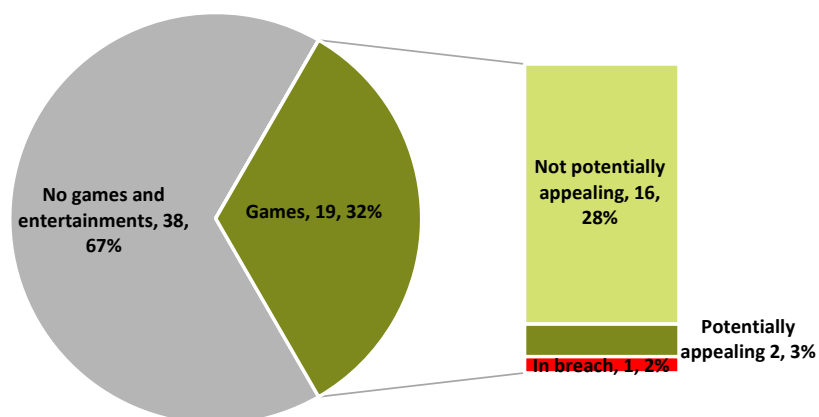


1.4 Entertainment activities & games

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 could potentially attract the attention of children.

Number of websites flagged for the games factor (N=57)



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

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

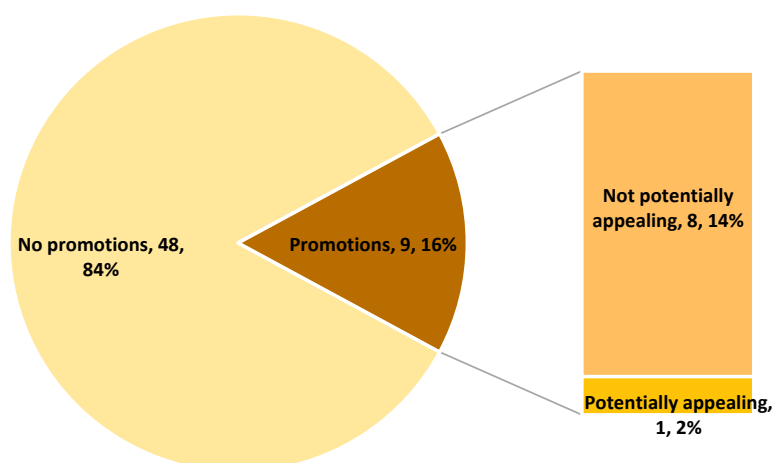


1.4 Promotional events & contests

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 1 website featured promotional actions and contests that were flagged as potentially appealing to children under 12.

Number of websites flagged for the promotional content factor (N=57)



Below are the elements that brought experts to raise concern for a flagged website.

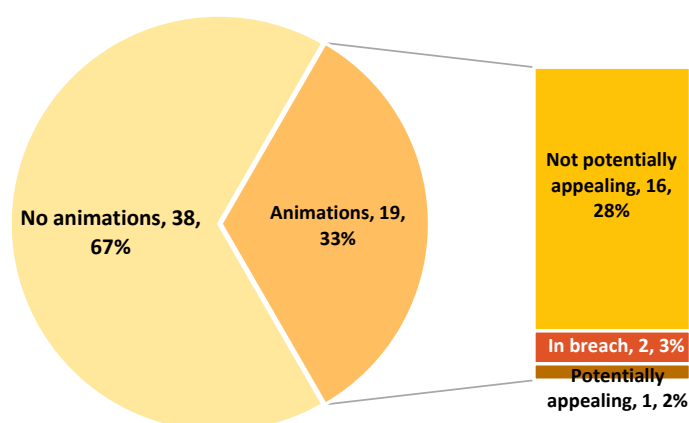
- The instructions contain more visuals/animations than written text;
- The contests/competitions or promotional events are colourful/cartoon-like and use drawings/animations, etc. that are appealing to children under 12;
- The contests/competitions or promotional events are used as a mean to promote a food/beverage product to children under-12.

1.5 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 experts found that the 1 website displayed animations and videos that were considered as potentially appealing to children.

Number of websites flagged for the animations factor (N=57)



The following elements were highlighted during the review mentioned website:

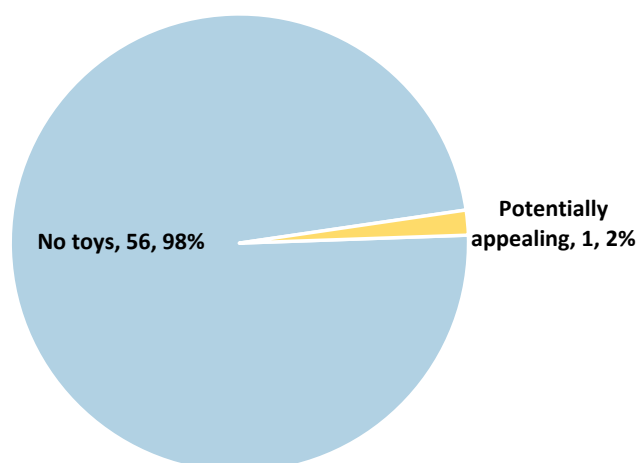
- The animations, sound effects, videos are used as a means to promote the food/beverage to children under 12;
- The animations and/or videos use effects that are appealing to children under 12;
- The animations and/or videos are easy for under- 12s to understand.

1.6 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 toys that could attract the attention of children.

Number of websites flagged for the toys factor (N=57)



Experts highlighted the following criteria as problematic for the website:

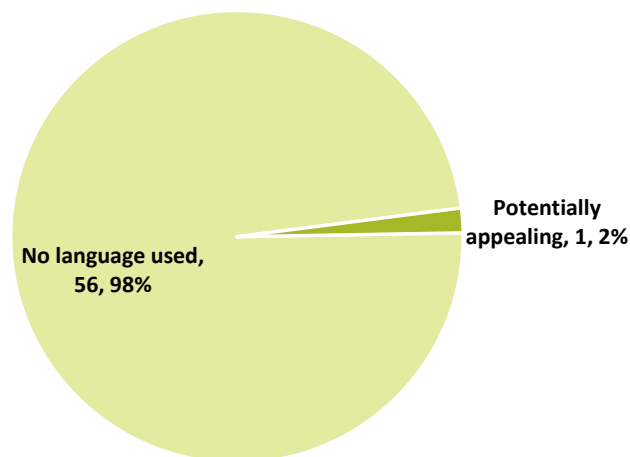
- The toys are featured in the children's section of the website.

1.7 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 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 1 website used language that was potentially appealing to children.

Number of websites flagged for the language factor (N=57)



Experts highlighted the following criteria as problematic for the website:

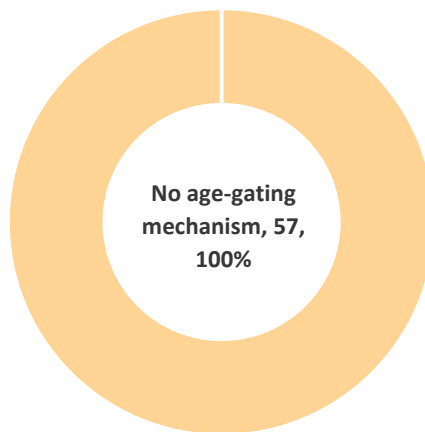
- The website directly addresses young children;
- The language used is plain and easy to understand by young children.

1.8 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 none of the 57 monitored websites featured an age-gate mechanism.

Number of websites with age-gating mechanisms installed (N=57)

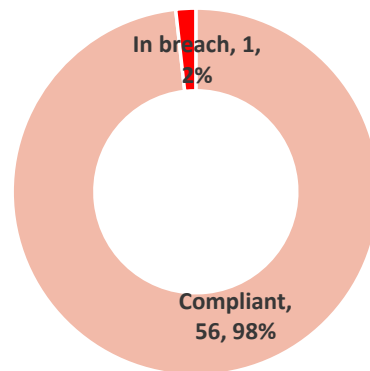


1.9 Compliance with relevant local advertising codes and rules

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 56 out of the 57 websites (98.24%) 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=57)



Detailed analysis of the brand-owned website in breach of relevant local advertising codes and 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.

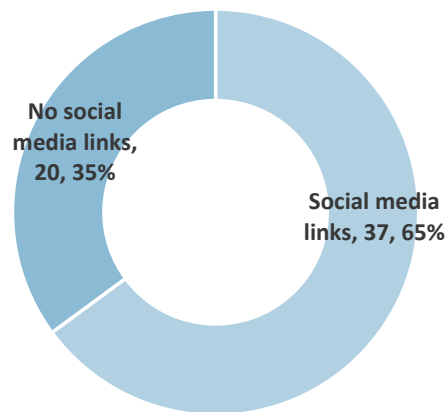
Reviewers found that 1 website contained elements that were deemed to be primarily appealing to children under 12. According to the German SRO, DWR, the website has used the animation video, which advertised the product in a form that is appealing to under 14-year-olds. Therefore, this would be a breach of DWR Code of Conduct on all Forms of Commercial Communication for Foods and Beverages, 2.13.

1.10 Links to social media profiles

Experts 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.

Experts have found that 64% of all websites monitored, or 37 out of the 57, featured direct links of the corresponding brand's pages on social media profiles, such as on Facebook, Instagram, YouTube, LinkedIn, and App stores.

Number of websites with direct links to social media pages (N=57)



2. Brand-owned websites

2.1 Compliance with the EU Pledge commitment

The 2021 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.

Number of social media profiles reviewed per country and per platform (N=144)

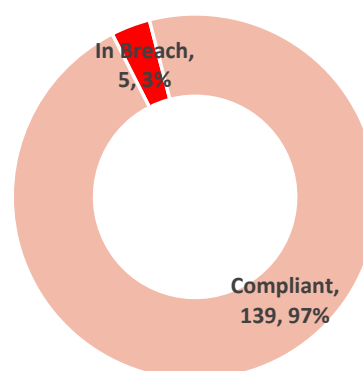
| Country | Facebook | YouTube | Instagram | Total |
|---------------------|-----------|-----------|-----------|------------|
| ARPP - France | 6 | 6 | 6 | 18 |
| DWR - Germany | 6 | 5 | 6 | 17 |
| SEE - Greece | 7 | 6 | 5 | 18 |
| IAP - Italy | 6 | 7 | 6 | 19 |
| SRC - Netherlands | 6 | 6 | 6 | 18 |
| RR - Poland | 6 | 6 | 6 | 18 |
| AUTOCONTROL - Spain | 5 | 6 | 7 | 18 |
| Ro. - Sweden | 6 | 6 | 6 | 18 |
| Total | 48 | 48 | 48 | 144 |

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 96.53% of social media profiles were compliant with the EU Pledge commitment.

Compliance of the social media profiles with the EU Pledge commitment (N=144)



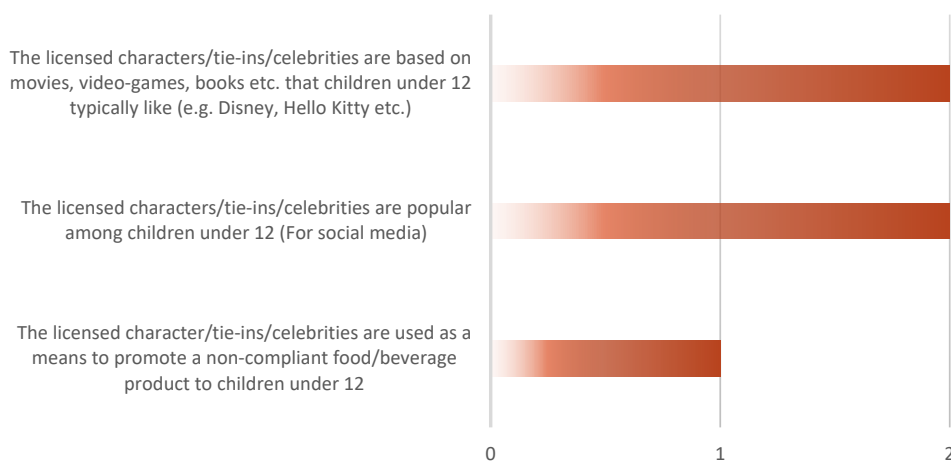
Detailed analysis of the brand social media profile in breach of the EU Pledge commitment

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 5 social media profiles were flagged for the following factors:

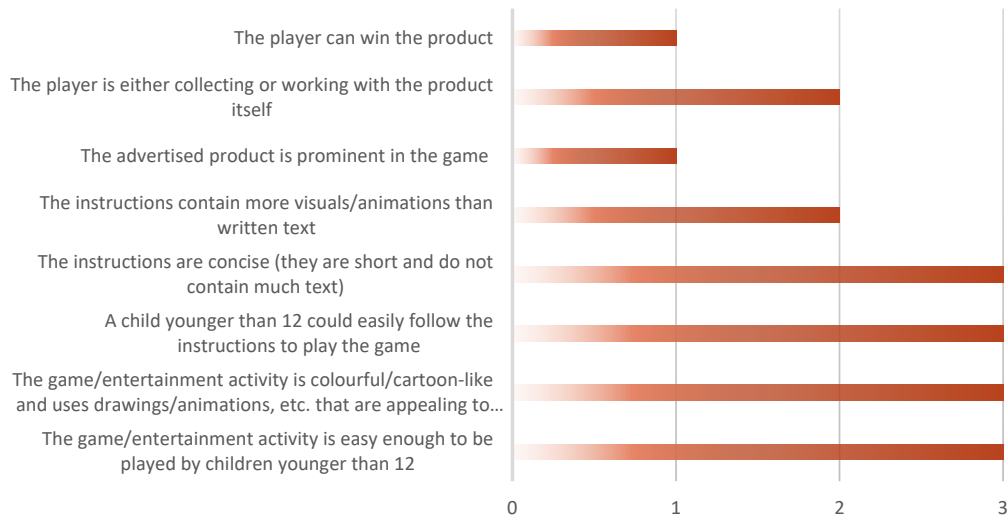
1. **Licensed characters & celebrities:** 2 social media profiles contained tie-ins and licensed characters from popular films with young children. More specifically, the following elements were highlighted:

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



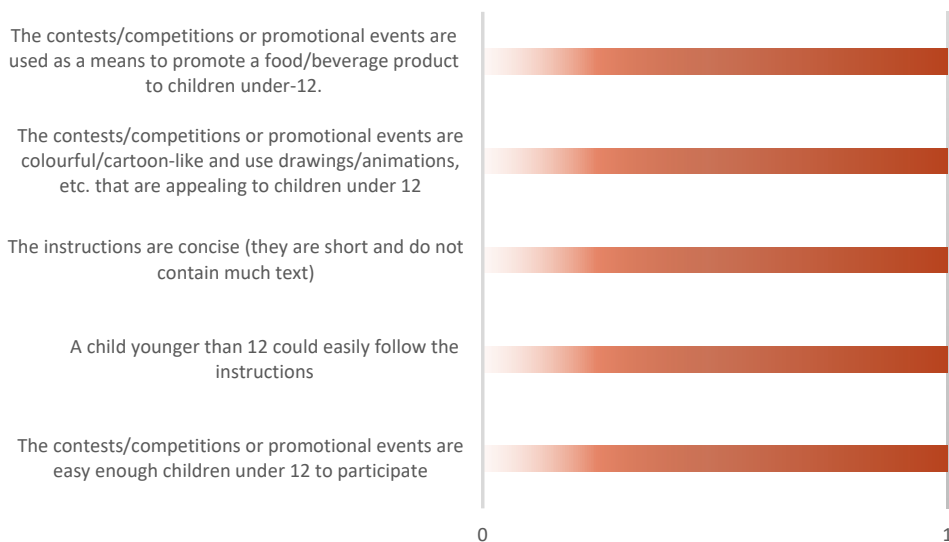
- 2. Games & entertainment activities:** 3 social media profiles featured games and activities that would inevitably attract the attention of young children. More specifically, the following elements were highlighted:

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



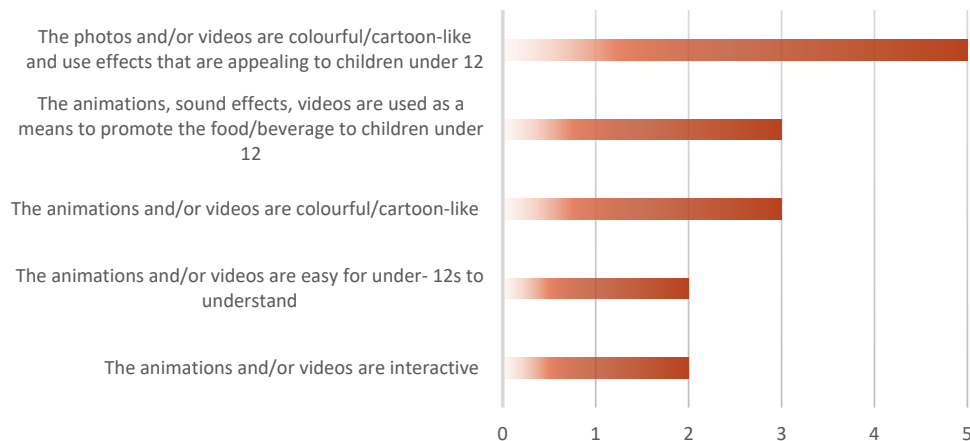
- 3. Promotional actions & contests:** 1 social media profile contained promotional competitions and actions that were deemed to be primarily appealing to children under 12. Specifically, the following elements were highlighted:

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



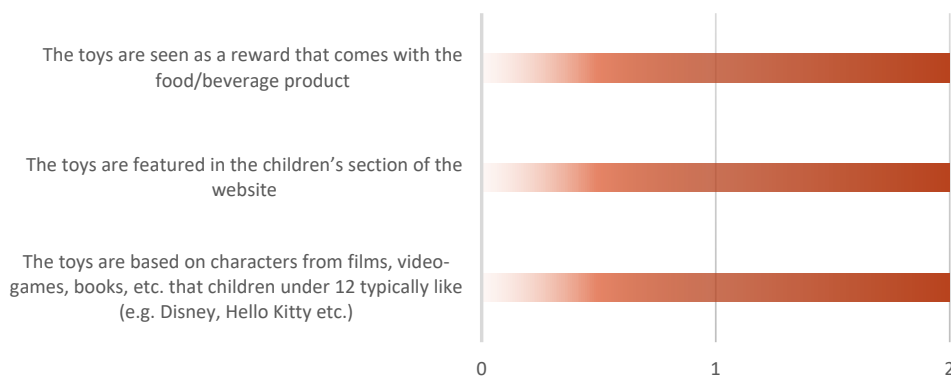
4. **Animations, sound effects, & videos:** 5 social media profiles displayed animations and videos on their content feed that were considered to be primarily appealing to children under 12. In fact, the following elements were highlighted by experts during the monitoring:

Number of non-compliant social media profiles flagged for the following elements (N=5)



5. **Toys:** 2 social media profiles featured toys within the creatives displayed on the content feed. The following elements were put forward as problematic by experts:

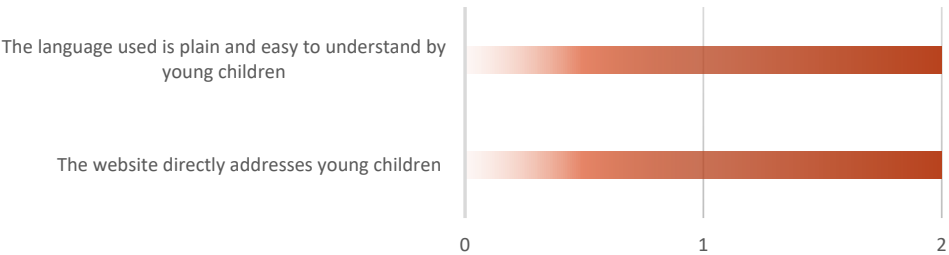
Number of non-compliant social media profiles flagged for the following elements (N=2)



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)

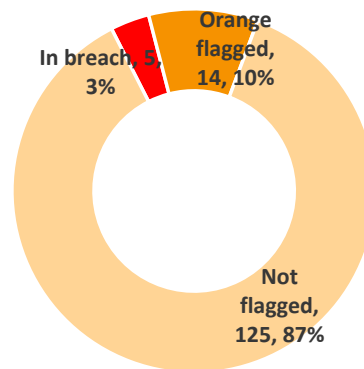


2.2 Orange category flags

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 14 compliant social media profiles out of the 139 as potentially appealing to children under 12. These profiles are compliant with the EU Pledge commitment and were assessed as not being primarily appealing to the demographic. However, based on the content featured in the social media profiles, experts wish to bring to the attention 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=144)



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

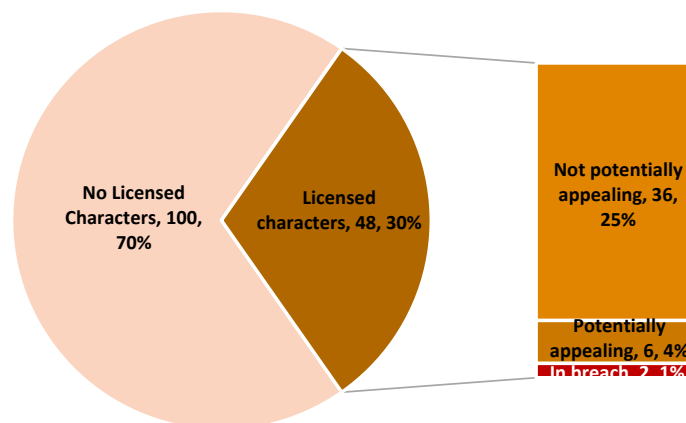
2.3 Licensed characters, tie-ins, and celebrities

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.

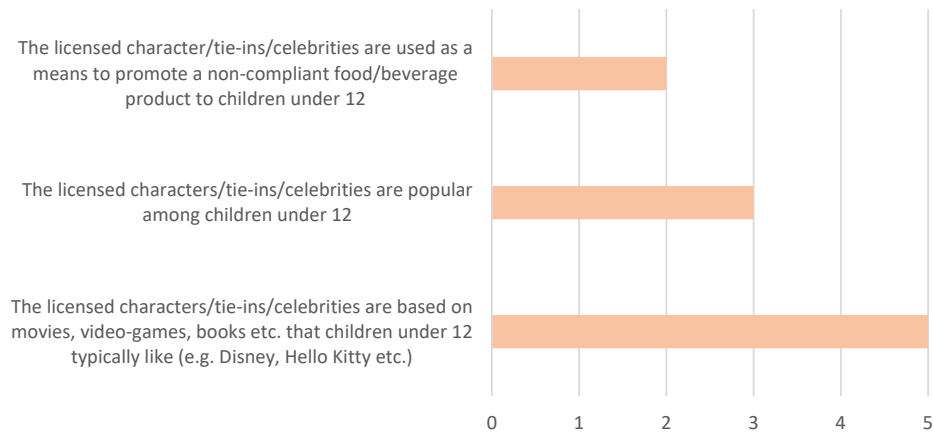
Reviewers found that 44 social media profiles featured licensed characters, celebrities, or other tie-ins. However, only 6 of these were deemed to be problematic in terms of appeal to children under 12. Two out of the 44 social media pages were in breach with the EU Pledge commitment.

Number of social media profiles flagged for containing licensed characters (N=144)



Below are the specific elements experts have flagged during the course of the review, across the 6 compliant social media profiles.

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

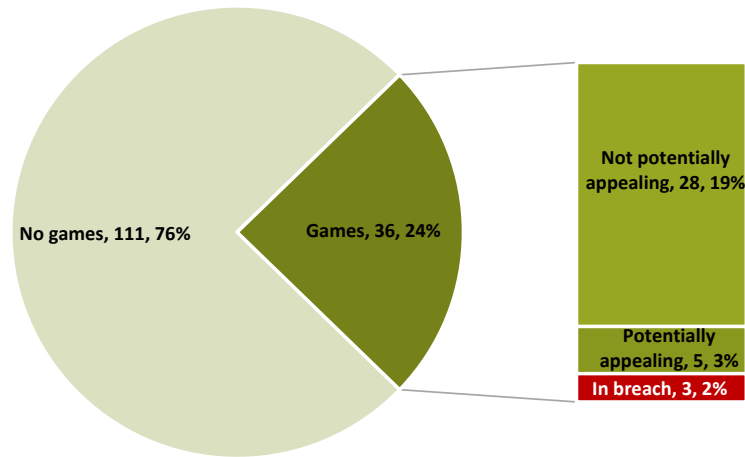


2.4 Entertainment activities & games

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.

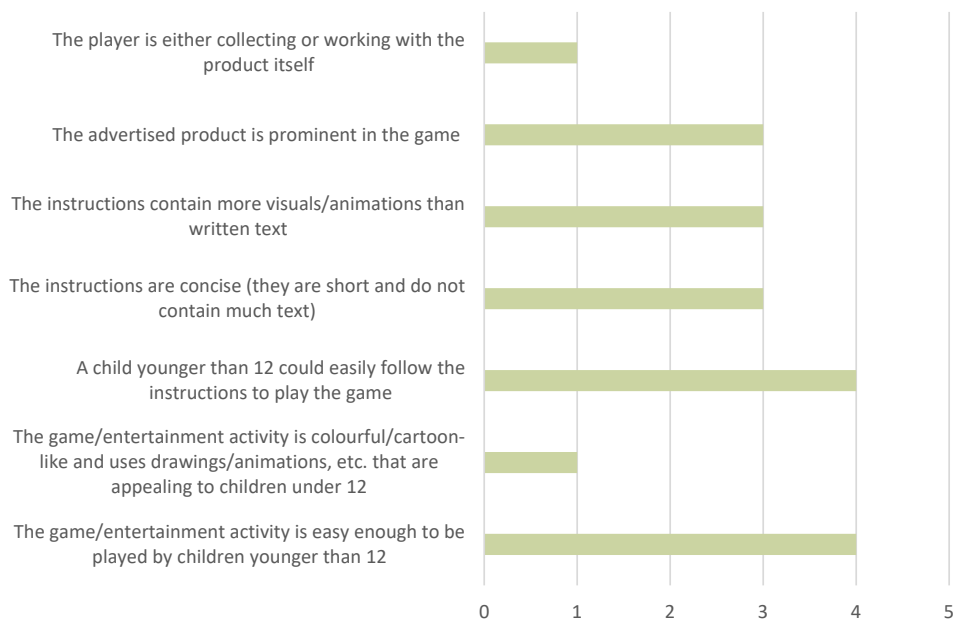
Reviewers found that 36 social media profiles were marked as containing games and entertainment activities, of which only 5 were flagged as potentially appealing to children under 12. An additional 3 are shown in the graph below in red as they represent the 3 non-compliant profiles of the 5 discussed earlier in the report.

Number of social media profiles flagged for the games factor (N=144)



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)

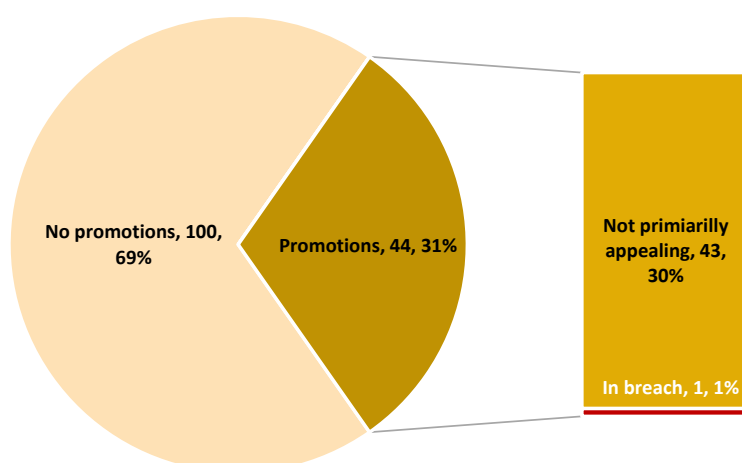


2.5 Promotional events & contests

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 13 social media profiles contained promotional events and contests. However, 12 of them were not deemed to be primarily appealing to children. One social media profile was considered as non-compliant.

Number of social media profiles flagged for the promotional actions factor (N=144)

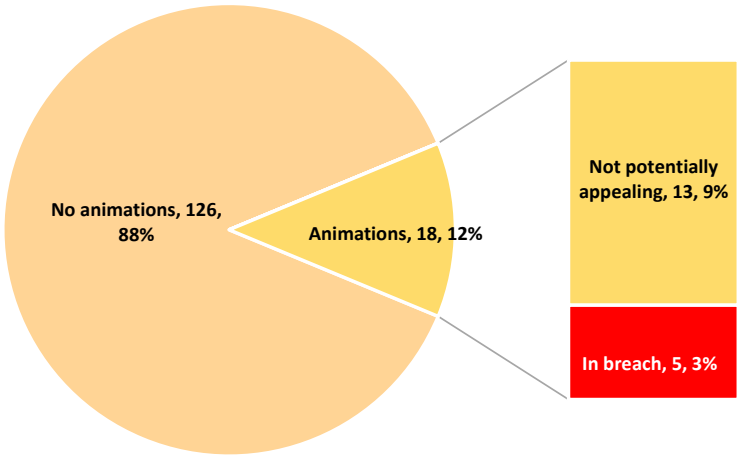


2.6 Animations, sound effects and videos

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.

Reviewers found that 18 social media profiles displayed animations, videos and sound effects, of which 5 were marked as being in breach with the EU Pledge commitment as they were deemed to be primarily appealing to the demographic – they were discussed extensively earlier in the report.

Number of social media profiles flagged for the animations factor (N=144)

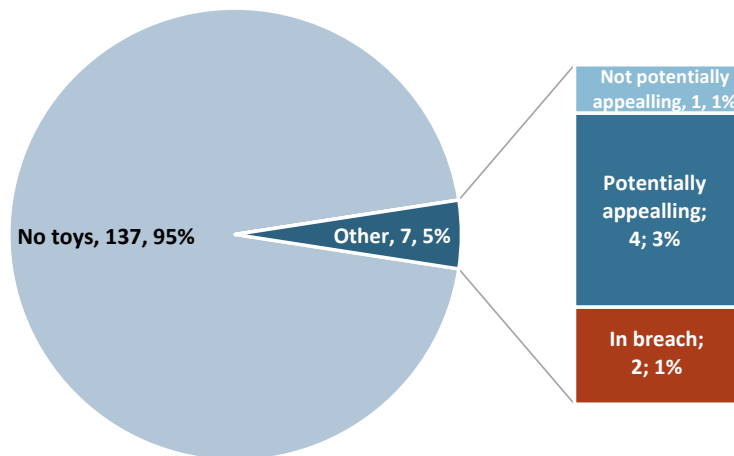


2.7 Toys used as premiums

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.

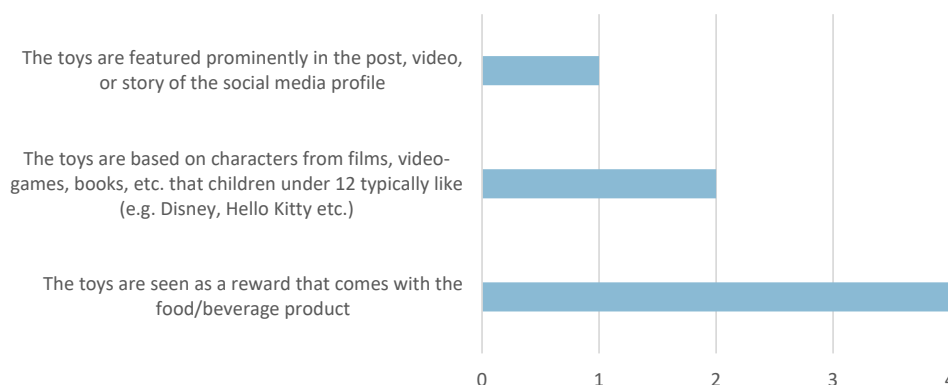
Reviewers found that 7 social media profiles featured toys in their creatives, of which 4 were deemed to be potentially appealing to children under 12 and 2 were in breach.

Number of social media profiles flagged for the toys factor (N=144)



Below are the elements that brought the experts to flag the 4 compliant social media profile for the following factors:

Number of social media profiles flagged for the toys factor (N=4)

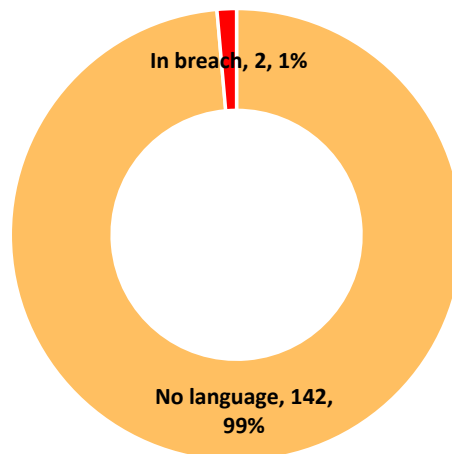


2.8 Language and interaction

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 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 2 social media profile displayed a language style and tone that was considered to be primarily appealing to children due to the breach to the commitment of the EU Pledge. This was discussed in the previous section of the report.

Number of social media profiles flagged for the language factor (N=144)

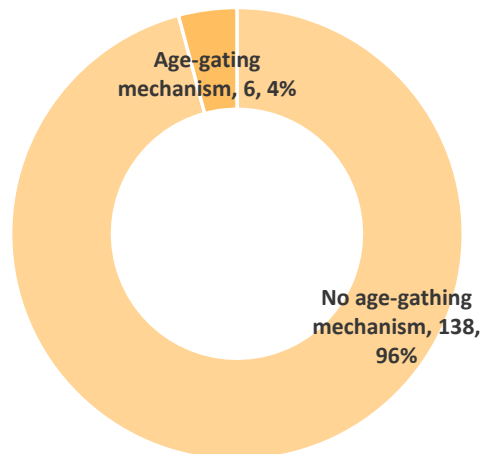


2.9 Age screening & parental consent

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 6 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=144)

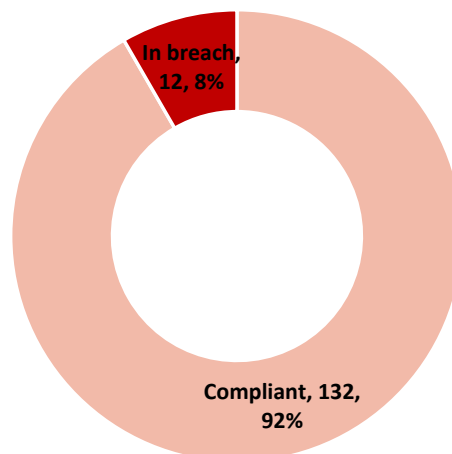


2.10 Compliance with relevant local advertising codes and rules

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 92% of social media profiles were compliant with relevant local self-regulatory rules, advertising legislation, and/or the ICC Code and Framework – 12 were marked as potentially in breach of various rules and codes.

Compliance of social media profiles with SR rules, laws, and ICC Code (N=144)



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 12 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=12)



In the cases where social media profiles breached national legislation, 6 profiles related to the French Law on the usage of the French language (*Loi du 4 août 1994 relative à l'emploi de la langue française*). Moreover, 2 French social media profiles were taken into account because of health messages that did not have banners (*arrêté du 27 février 2007 concernant les messages sanitaires*). Furthermore, 3 Spanish social media profiles have breached the Spanish competition law (article 3, §E of the General Advertising Law [*Ley 34/1988, General de Publicidad*] and article 19.1 Law 7/1996, on retail commerce [*Ley 7/1996, de Ordenación del Comercio Minorista*]). Finally, 1 Swedish social media profile has breached the marketing act by including misleading environmental claims.

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

- The [French SRO](#) ban on depicting individuals consuming food and beverages whilst watching TV, as well as banning the presence of alcohol in advertisements;
- A lack of transparency disclosures, including terms and conditions. According to the [Spanish SRO](#), all influencer posts should include terms and conditions as well as the ending date of the promotional action;
- The [Spanish SRO](#) forbids to use animations, characters or celebrities in food advertising intended to attract children under 12 years old.
- A misleading message on environmental claims is forbidden by the [Swedish SRO](#).

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 5 cases relating to the [ICC Code](#) pertained to breaches of:

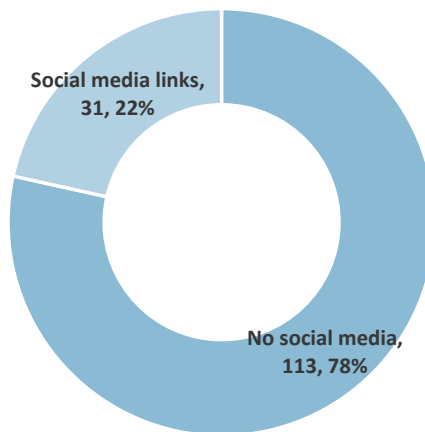
- Article 1: *“all marketing communications should be legal, decent, honest, and truthful. [...]”* If an ad was considered in breach of a piece of legislation, slightly misleading or indecent, it may have been flagged for this article of the ICC Code.
- Article 2: *“Marketing communications should respect human dignity and should not incite or condone any form of discrimination, including that based upon ethnic or national origin, religion, gender, age, disability or sexual orientation.”*
- Article 3: *“Marketing communications should not contain statements or audio or visual treatments which offend standards of decency currently prevailing in the country and culture concerned.”*
- Article 6: *“Descriptions, claims or illustrations relating to verifiable facts in marketing communications should be capable of substantiation. Claims that state or imply that a particular level or type of substantiation exists must have at least the level of substantiation advertised.”*

2.11 Links to other social media profiles

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.

Experts have found that 31 social media profiles contained direct hyperlinks to the corresponding brands' pages on other social media sites, such as on Facebook, Instagram, Twitter, YouTube, Pinterest, LinkedIn as well as leading to the Google or App Store to download the brands' apps.

Number of social media profiles with links to other pages (N=144)



3. Influencer marketing

The 2021 monitoring exercises included an expanded questionnaire on influencer marketing covering 96 influencers from eight countries that were recognised by EU Pledge members companies. Only 15 companies provided a list of influencers that have collaborated with the EU Pledge member companies in 2021 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 featured only on Instagram. 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 184 posts and stories captured on Instagram. 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 reviewer 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

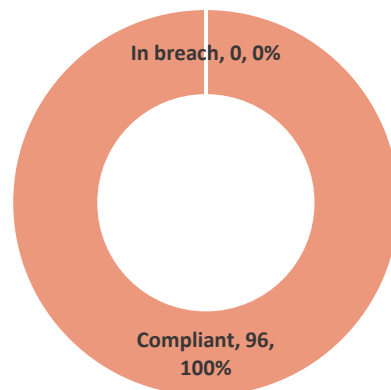
The 2021 monitoring exercise reviewed a total of 96 brand-recognised influencer profiles and 184 posts and stories across eight European countries. These profiles were provided by the company through the EU Pledge secretariat to EASA who then randomly selected a specific number based on an agreed quota.

| Country | Influencer profiles | Posts |
|---------------------|---------------------|------------|
| ARPP - France | 12 | 19 |
| DWR - Germany | 12 | 17 |
| SEE - Greece | 12 | 28 |
| IAP - Italy | 12 | 22 |
| SRC - Netherlands | 12 | 25 |
| RR - Poland | 12 | 32 |
| AUTOCONTROL - Spain | 12 | 21 |
| Ro. - Sweden | 12 | 20 |
| Total | 96 | 184 |

| Platform | Influencer profiles |
|--------------|---------------------|
| Instagram | 96 |
| Total | 96 |

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

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

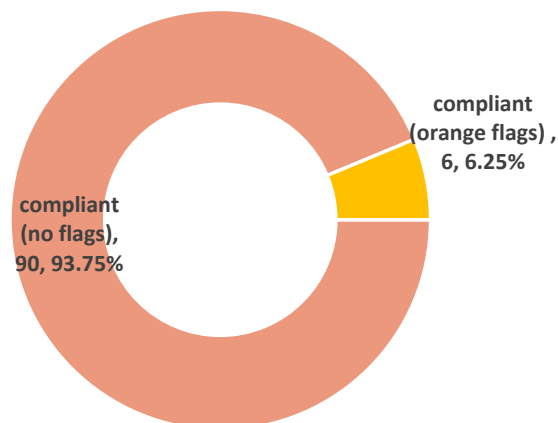


3.2 Orange category flags

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.

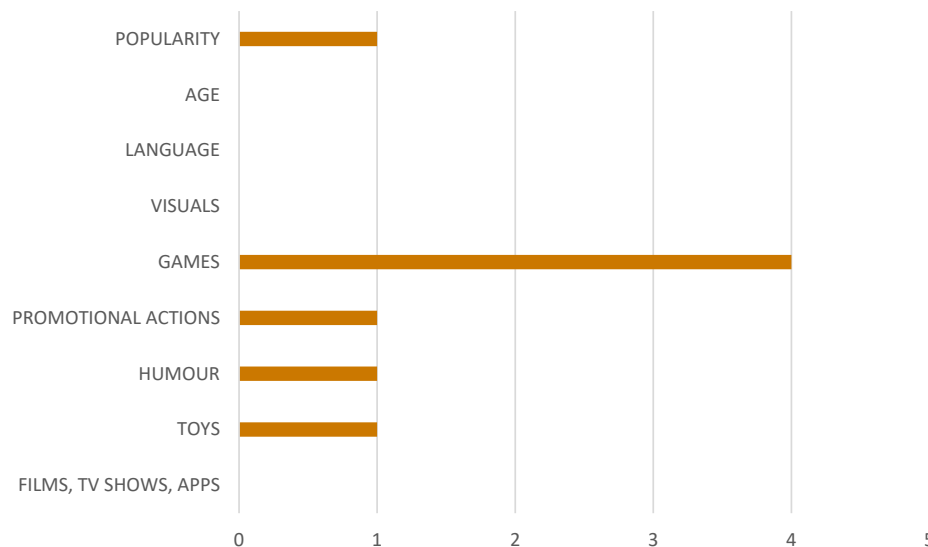
Reviewers have flagged 6 influencer profiles out of the 96 compliant ones as appealing to children under the age of 12. These profiles are compliant with the EU Pledge commitment and were assessed as not being primarily appealing to the demographic. However, based on the content of the posts featuring on their social media profiles, experts wish to bring to the attention of these 6 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 6 compliant influencer profiles.

Number of influencer profiles flagged for each factor (N=6)



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 1 influencer was particularly popular with young children, either because they feature on TV channels or radios dedicated to children.

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.

No flag was raised for this factor.

Language

The influencer's choice of words and expressions are 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.

Reviewers did not highlight any language issues potentially attracting children's attention.

Visuals

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

No such animations or visuals were flagged during the review period.

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.

Reviewers found that 4 influencer profiles contained games or challenges to attract the attention of children under 12 by. For instance, one of the influencer profiles showed what can be done during the Halloween in order to have fun with the children and with the advertised product.

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 1 influencer profile contained promotional actions that were considered to be appealing to children. The posts or videos either displayed the influencer interacting in funny and humoristic 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 Tok-tok (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 1 influencer profile contained posts humoristic in a way that could be considered to be primarily appealing to children.

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.

Experts have found that 1 influencer profile contained toys a child would play with.

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.

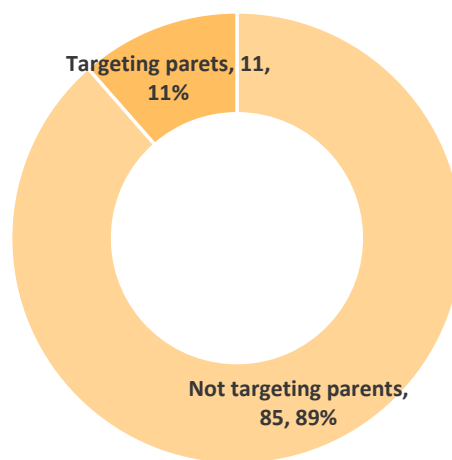
Experts have not found any mention to films popular with teenagers or children.

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 11 influencer profiles were targeting children's parents through their online content and sponsored posts.

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

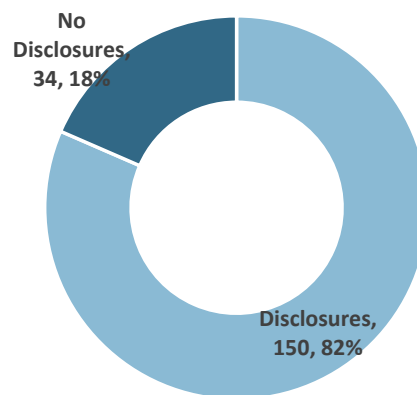


3.5 Transparency disclosures

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 82% of influencer profiles' posts/videos contained some form of transparency disclosures.

Number of influencer profiles' posts/videos featuring transparency disclosures (N=184)



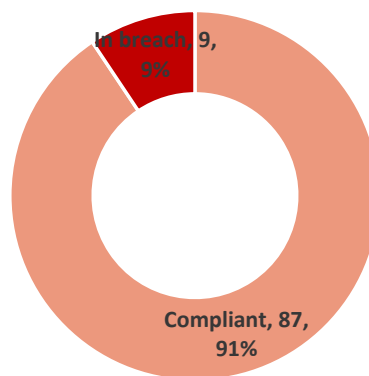
In most cases, posts that did not disclose properly simply include a tag of the brand or a hashtag followed by the brand's or product's name. In some particular cases displayed in Greece or Spain, the national SROs do not accept indicating *#ad* as a correct transparency disclosure – in these cases, it needs to be written in the local language. Furthermore, according to the Code of Conduct on the use of Influencers in Advertising, disclosures must be clear, generic, explicit, immediate and appropriate. Finally, experts highlight that the partnership between influencer and the company must be clearly identified in the beginning of the advertisement.

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.

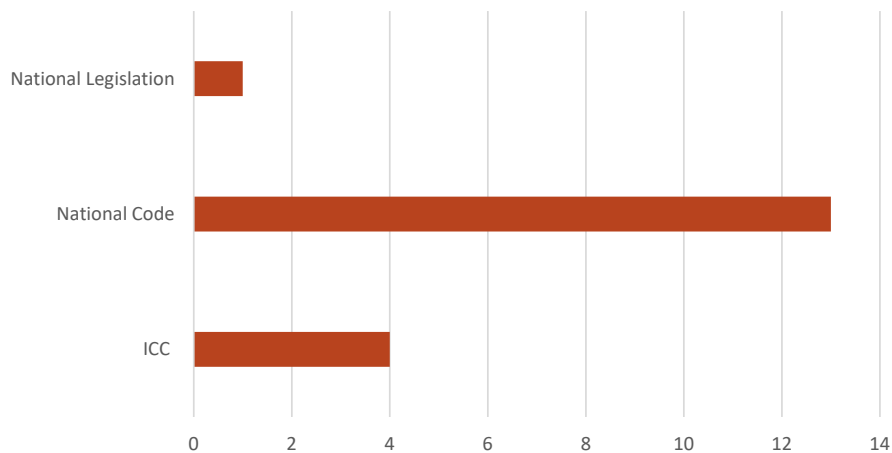
Reviewers found that 90.62% of influencer profiles were compliant with relevant local self-regulatory rules, advertising legislation, and the ICC Code and Framework. In total, 9 influencer profiles featured elements that were considered in breach of various rules and laws.

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



The 9 influencer profiles were marked as non-compliant with regard to the following body of law and code:

Number of influencer posts flagged for each body of law/code (N=12)



The 1 case 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 12 cases in breach of various national self-regulatory codes pertained to:

- The SR code of the [French SRO](#) forbids to visualise meals that do not have well-balanced diet. Moreover, SR rules ban highlighting environmental claims that are not in line with the sustainable development code.
- The SR code of the [Greek SRO](#) relating to misleading advertising.
- The SR code of the [Spanish SRO](#) requires that all influencer posts should include terms and conditions as well as the ending date of the promotional action.

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 5: *“Marketing communications should be truthful and not misleading”*;
- Article 6: *“Descriptions, claims or illustrations relating to verifiable facts in marketing communications should be capable of substantiation. Claims that state or imply that a particular level or type of substantiation exists must have at least the level of substantiation advertised”*.

4. Report of the Ghent University's independent reviewers

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4.1 Critical Notes on the SRO reviews based on an Analysis of Inter-Coder Reliability

4.1.1 Research Methodology and Sample

A total of 56 websites, 143 social media pages (48 Instagram, 48 YouTube and 47 Facebook), and 187 profile pages of influencers (Instagram) from different countries were reviewed by SROs based on a standardized coding scheme. An independent team of reviewers at Ghent University double coded 25% of these pages and profiles (based on a random selection, $N = 122$) to check the quality and reliability of the coding. This eventually resulted in a total of 18 websites, 49 company-owned social media pages (19 Instagram, 9 YouTube and 21 Facebook pages) and 56 influencer profile posts (all on Instagram) that have been coded by the Ghent University team.

The independent reviewers used the same coding scheme as the SROs and all data were entered in SPSS. Subsequently, the inter-coder reliability between the coding of Ghent University and the SROs was analyzed in SPSS Statistics by calculating *Cohen's Kappa*. The closer the Cohen's Kappa is to one, the more agreement in coding between the independent coder and the SROs' coding; the closer the Cohen's Kappa is to zero, the more disagreement there is between the coders⁷. The results were further discussed within the team and are reported in this note. The results of the Cohen's Kappa analysis show a general reliability of **.80** for the websites, **.92** for the social media profiles and **.87** for the influencer profiles. This indicates a good agreement for the websites, an excellent agreement for the social media profiles and an excellent agreement for the influencer profiles. Furthermore, individual Cohen's Kappas were calculated per question of each of the three questionnaires. These results are shown in table 1, 2 and 3. Important to mention here is that some Cohen's Kappa scores were complemented with a percentage of agreement. In some cases, this was because one (or more) of the variables was constant, meaning that the Kappa could not be calculated. In other cases, the Cohen's Kappa score was quite low, even though there were only a few differences between the coding of the SRO and the independent reviewer. Consequently, the percentage of agreement was calculated and added as an extra check of the inter-coder reliability. Below, the reasons are outlined that may explain the (minor) disagreement in coding:

- Firstly, 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

⁷ 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.

period, there may have been some changes to the websites/ social media. For example, competitions, videos, etc., could have been added or removed.

- 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 profiles. All content has been translated by the coders, however, small nuances might have been missed which could have led to a different evaluation. Also, each SRO coded cases for his/her own country, which might also generate differences in coding across SROs. The independent coding team coded cases across countries and was able to compare these different cases and evaluate them accordingly.
- Third, there was some confusion among coders with regard to the difference between the second and third theme: *“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.?”* and: *“Does the social media site feature any contests/competitions or promotional events?”* as both themes contain “contests and competitions”. As such, the independent reviewers classified competitions or contests where the consumer could win something under theme three, other competitions or contests were classified under the second theme. The independent reviewers however have the feeling that this led to answers that were in some cases divergent from the ones of the SROs. For example, one website contained a contest where visitors could vote for their favourite new taste. As such, the independent reviewer classified this under theme two, as one could not win something with this contest and it was more an entertainment activity.
- A final reason for divergence in coding is the way in which sponsoring is **disclosed** on social media. Where some SROs considered a reference to the brand (@brandX) in a post as a disclosure, independent reviewers disagreed that this was sufficient, in line with EASA. Additionally, the independent reviewers believed that although #AD is considered as an appropriate disclosure, it should be placed in a prominent place (i.e. at the beginning of the caption or ranked as the first hashtag between all those that are used).

4.1.2 Inter-coder reliability analysis of company-owned websites

The results of the inter-coder reliability for the websites are reported in **table 1**. Eighteen websites were coded by the independent reviewers. The results of the inter-coder reliability between the work of the SROs and of the independent coders show a good or excellent agreement, except for a few questions about contests/competitions or promotional events, about animations and about toys. On these questions, the independent reviewers and SROs had only a fair to moderate agreement. This may be explained by the fact that it is difficult to judge whether or not a price is attractive for children and under which theme certain contests and competitions should be classified (theme two or three).

The randomly selected websites that were coded by the independent reviewers contained two websites that were flagged red by the SROs. Our analysis also identified **two sites** that can be considered to be in breach (due to the presence of videos, apps and licensed characters that are appealing to young children). In addition, **four sites** were flagged with an orange code because they contained multiple elements that were in breach with EU Pledge criteria. For example, some websites contained cartoon-like animations, toys, games etc. that were appealing to children.

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 social media sites. In total, 49 social media sites were double coded by the independent reviewers. When examining the questions separately, Cohen’s Kappa ranges from good to excellent agreement except for some questions about

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contests/competitions or promotional events and the language used. On these questions, the independent reviewers and SRO's had only a fair to moderate agreement.

First, both the SROs and the independent reviewers signaled **5 social media sites** (three Instagram pages, one Facebook page and one YouTube channel) that are in breach with the EU Pledge criteria. The primary reason these pages were flagged was because the overall content can be very appealing to children. For example, the site used bright colors and cartoon characters. In addition, several licensed characters were featured on the posts and various games were provided.

The independent reviewers additionally flagged **7 social media pages** that they believed to be appealing to young children (three Facebook pages, three Instagram pages and one YouTube video). While the overall look and feel of the page is not directed toward children, there are some posts that might attract children under the age of twelve. For example, tutorials are shown on how to use the product to make decorations for Halloween/Christmas. In addition, a couple of posts featured licensed characters that are appealing to children under the age of twelve. Furthermore, challenges are occasionally proposed that children under twelve would enjoy, however, the instructions are usually too complicated for them to participate. Similar to last year, there is still old content (year 2018) available that needs to be removed as it can attract children. It is also notable that young children are often featured on the posts, which does indicate that the products are designed for them.

In addition, there are a lot of posts that aim to target parents of young children. These posts are in line with the EU Pledge guidelines, however, this can encourage pester power. Also, there are sometimes references to the fact that 'you are a good parent if you buy this product' or 'the child will love you if you buy this product' (not explicit) but this can raise ethical questions.

4.1.4 Inter-coder reliability analysis of influencer social media profiles (Instagram)

Table 3 provides an overview of the Cohen's Kappa of the coding of the influencer profiles. Of the 187 influencer posts that were evaluated by the SROs, 49 posts were checked and double coded by the independent reviewer. The results of the inter-coder reliability analyses show a good to excellent agreement on all questions, except for the question on the SR rules and laws of the country where a moderate agreement was found.

The independent reviewers argued that **two of the 56** influencer posts and videos that were double coded were primarily appealing to children under twelve and as such in breach, while SROs flagged only one influencer post as non compliant. The SROs argued that the overall feel of one influencer was not applicable to children under twelve, the independent reviewers believed otherwise as the influencer posted a video on Instagram of her toddlers doing a DIY with the product and, when exploring the influencer's profile, it became clear that the influencer's profile targets both parents and young children since toddlers are depicted in almost every published post. Furthermore, **eight posts were flagged orange** because they contained at least one element that was appealing to children under twelve.

According to the independent reviewers, **11 of the 56** double-coded influencer posts did not use any form of advertising disclosure. Some SROs considered a reference to the brand (@BrandX) in these influencers' posts as a disclosure, however, the independent reviewers argued that this disclosure is not sufficient as indicated in the recent EASA guideline. **46 out of 56** double-coded influencer posts and videos did use a form of disclosure according to the independent reviewers. However, the independent reviewers believed that **17 out of 46** posts were not sufficiently disclosed and not clearly distinguishable as an ad. According to the EASA, the disclosure should appear instantly and it should be presented in a way that the audience immediately identifies the commercial intent. For example, several posts used a hashtag at the end of the caption or between several other hashtags. Also, #ad is not always clear for non-native speaking countries. To conclude, 16 Instagram posts used Instagram's paid partnership feature. While this is certainly a good way to create more transparency, it depends on national guidance regarding influencer marketing whether this meets requirements for clear disclosure.

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 influencer profiles 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.

- **Do not display children under twelve and avoid claims that appeal to parents' emotions**

It is advisable for brands to ***not display children under twelve*** on their posts. This may make the post appealing to children and may indicate that the product is especially suited for them. As such, we noticed that some brands use their websites and social media to convince parents of the suitability of the product for their 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. Accordingly, they often portray those parents together with their young children. Although this is in agreement with the commitments of the EU Pledge, 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 (e.g., 'Product X will delight the little ones and satisfy the older ones' or 'Play and learn together'). 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).

Further, although the vast majority of coded ***influencers*** did not explicitly target children with their posts, **children under twelve were sometimes depicted** within the posts. Within this published content, the child often interacts with the product and it is suggested that the products may bring much joy to their children. As a result, we would advise against depicting the young child with the product.

Finally, we want to bring under the attention the subjectivity of the phrasing "primarily appealing to children under twelve". Some sites are clearly directed at older children (teenagers), but children around the age of 10-11 might be visiting these sites and find them appealing. It may therefore be advisable to include young children in the monitoring exercise.

- **Engagement with the brand through challenges and contests**

This year, the reviewers noticed that some brands are trying to encourage interaction with their followers through ***challenges and contests***. Followers are invited to post or forward a video/photo in which the product is featured and the individual performs a certain activity. The given challenge (e.g., do a little dance, take a fun picture) **can often be easily performed by young children**. Furthermore, this challenge is often linked to a contest in which one can win the product/something related to the brand. Some contests with an age limit (+18) are easy to circumvent by inserting a fake age. It is important to make those challenges and contests not particularly attractive to young children.

It would be recommended to integrate a separate section on 'interaction' in the coding instrument (instead of being a sub dimension) as it has become more prominent in the marketing communication strategy in recent years with the success of challenges and competitions.

- **Toy Premiums**

Some brands offer **toy premiums** when buying their food products. While it may be obvious for some toys that they **are intended for young children** (e.g., stickers of minions), for others it may be more questionable (e.g., playstation). It is therefore advisable to avoid including toy premiums that may be attractive for young children as well (e.g., new smartphone, game consoles, or VR glasses). Additionally, there might be some issues with toy premiums that are an inherent part of the food product. First, it is not always clear when a toy is an inherent part of a food product. Furthermore, a lot of websites and social media pages clearly display those toys (often licensed characters that are very attractive to children). As such, clearly showing these toys may be very appealing for children and stimulate them to pester their parents for a non-compliant food product. Hence, the companies should be more careful when depicting toys on their website or social media pages.

- **Influencer marketing should be disclosed correctly**

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. Several influencers did not **disclose their sponsored posts properly** which makes it very difficult for children and teenagers to critically process the post. For example, using a hashtag at the end of the caption or in-between several other hashtags makes the post not clearly distinguishable as an ad. It is advisable to use both the platform disclosure as well as a clear influencer generated disclosure (oral disclosure or hashtag) that informs the user about the nature of the commercial deal (free gift, brand ambassador).

- **TikTok and YouTube influencers**

It is advisable to **include TikTok as a social media channel** since a great number of children under the age of twelve are active on this platform and can therefore get in contact with brand endorsements on this platform. This year, it was remarkable that all influencers that were listed by the brands were Instagram influencers. It would be advisable to include influencers that are active on YouTube and TikTok as well as these platforms are more often used by young children compared to Instagram. This bias can lead to unreliable results of the monitoring.

Moreover, it is recommended for brands **not to cooperate with family or kidfluencers** to promote their unhealthy food products. Most influencers in this year's monitoring were adult influencers clearly targeting an adult audience. Their expertise was primarily in food and lifestyle, with less emphasis on family life. Although family influencers are primarily followed by parents, it is likely that children also follow these profiles and, as a result, are influenced by the influencer's commercial content. Additionally, academic research has shown that kidfluencer profiles (YouTube stars) abundantly endorse unhealthy food products⁸. It is therefore advisable that brands actively reach out to those influencers when they endorse their unhealthy food products (whether being sponsored or not) to inform those influencers about the EU pledge agreement. Given the strong impact of kidfluencers on their audience, it is advisable that brands monitor this issue more closely and take action to prevent those endorsements.

⁸ Alruwaily, Amaal, Chelsea Mangold, Tenay Greene, Josh Arshonsky, Omni Cassidy, Jennifer L. Pomeranz, and Marie Bragg. 2020. "Child Social Media Influencers and Unhealthy Food Product Placement." *Pediatrics* 146 (5): e20194057.
 Coates, A. E., C. A. Hardman, J. C. G. Halford, P. Christiansen, and E. J. Boyland. 2019a. "Food and Beverage Cues Featured in YouTube Videos of Social Media Influencers Popular With Children: An Exploratory Study." *Frontiers in Psychology* 10.
 Martínez-Pastor, Esther, Ricardo Vizcaino-Laorga, and David Atauri-Mezquida. 2021. "Health-related food advertising on kid YouTuber vlogger channels." *Heliyon* 7 (10): e08178.

- **The use of endorsers and brand characters**

Related to the previous point, it might be important to *carefully select brand endorsers* as some of these endorsers may be very appealing to young children (e.g., popular TikTok stars). Further, some brands partner with popular sports athletes (e.g., soccer players), which may connect their unhealthy food products with perceptions of healthiness and fitness (which are connected to the sports personalities). This tactic may be questionable as it may mislead children.

Additionally, *branded characters* are often used to *stimulate the child-like character of the site* (animal or human-like characters). Because of this, no breach is officially coded in the coding system (as branded characters are not included in the Pledge). However, the independent reviewers believe that including these characters in the site makes the site 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 children⁹. The same remarks hold for the product packaging, which is also often especially designed to attract young children. The independent reviewers recommend including this packaging in the pledge agreement too.

- **Availability of applications**

In addition, some social media sites often encourage users to download applications. The advertising for these apps clearly targets young children as bright colors are used and games are presented. However, these apps are not further examined and therefore no conclusions can be drawn about them. In the future, it may be interesting to *include these apps in the monitoring* as they are explicitly intended for young children.

- **Older posts/materials in breach still available**

The independent reviewers found some websites and social media pages that contained posts from before 2019 or *older that were in breach*. This content should be deleted, as children can still access them. In addition, for some sites it was not possible to assess the recent content and it remains unclear if they are still operational. When the independent reviewers checked the global account, they noticed that these were frequently used and up to date. Accordingly, they question the inclusion of the local social media pages in the monitoring exercise when no longer used or updated.

- **Impossible to retrieve (targeted) social media ads and Instagram stories**

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

⁹ 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
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review period. Hence, it is currently impossible to see and check these advertisements, even though young children and parents encounter them daily when browsing the internet and social media. These materials should be included in the monitoring.

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

| <i>Questions of the website survey</i> | <i>Cohen's Kappa</i> | <i>% of agreement</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? | * | 89% |
| There is a pop-up to ask whether the visitor is older than a certain age. | * | 89% |
| There is a field where the child must enter his/her age or date of birth. | * | 89% |
| The visitor needs to select his/her age/age range from provided options. | * | 89% |
| The visitor is asked to get parental consent, e.g. through a registration form. | * | 89% |
| Does the website feature licensed characters/tie-ins/celebrities (i.e. celebrities or fictional characters which are not owned by the company)? | .769 | Good |
| If yes, are the licensed characters/tie-ins/celebrities targeted primarily at an under-12 audience? | .693 | Good |
| The licensed characters/tie-ins/celebrities are based on movies, video-games, books etc. that children under 12 typically like (e.g. Disney, Hello Kitty etc.). | .609 | Good |
| The licensed characters/tie-ins/celebrities are featured in the children's section of the website. | .743 | Good |
| The licensed characters/tie-ins/celebrities are linked to a promotion directed to children. | .625 | Good |
| The licensed character/tie-ins/celebrities are used as a means to promote a non-compliant food/beverage product to children under 12? | .746 | Good |
| Does the website feature any type of games and/or other entertainment activities such as puzzles, card games, racing, recipes, colouring or activity sheets, "Do it yourself" type of activities, etc.? | .609 | Good |
| If yes, are the games/entertainment activities designed for children younger than 12? | .647 | Good |
| The game/entertainment activity is easy enough to be played by children younger than 12. | .806 | Excellent |
| A child younger than 12 could easily follow the instructions to play the game. | .806 | Excellent |
| The instructions are concise (they are short and do not contain much text). | .806 | Excellent |

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| The instructions contain more visuals/animations than written text. | 1 | Excellent |
| The game/entertainment activity is colourful/cartoon-like and uses drawings/animations, etc. that are appealing to children under 12. | .806 | Excellent |
| The advertised product is prominent in the game. | 1 | Excellent |
| The player is either collecting or working with the product itself. | .806 | Excellent |
| The player can win the product. | .806 | Excellent |
| The game is constantly showing messages about the product. | 1 | Excellent |
| Does the social media site feature any contests/competitions or promotional events? | .500 | Moderate 78% |
| If yes, are the contests/competitions or promotional events used to appeal primarily to under-12s, i.e. the participant can win a toy? | .550 | Moderate 78% |
| The contests/competitions or promotional events are easy enough children under 12 to participate. | 1 | Excellent |
| A child younger than 12 could easily follow the instructions. | .727 | Good |
| The instructions are concise (they are short and do not contain much text). | .727 | Good |
| The instructions contain more visuals/animations than written text . | 1 | Excellent |
| The contests/competitions or promotional events are colourful/cartoon-like and use drawings/animations, etc. that are appealing to children under 12. | .727 | Good |
| The contests/competitions or promotional events are used as a means to promote a food/beverage product to children under-12. | 1 | Excellent |
| Does the website feature animations (i.e. cartoons, animations depicting fantasy situations) and/or music/sound effects and/or videos? | .571 | Moderate 78% |
| If yes, are the animations and/or sound effects and/or video used designed to appeal primarily to under-12s? | .636 | Good |
| The animations and/or videos are interactive. | .811 | Excellent |
| The animations and/or videos are easy for under- 12s to understand. | 1 | Excellent |
| The animations and/or sound effects and/or videos contain music that is appealing to children under 12. | .806 | Excellent |
| The animations and/or sound effects and/or videos contain characters based on movies, video-games, and books etc. that children under 12 would typically like (e.g. Disney, Hello Kitty, etc.). | 1 | Excellent |

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| | | |
|--|------|-----------------|
| The animations and/or videos are colourful/cartoon-like. | .806 | Excellent |
| The animations and/or videos use effects that are appealing to children under 12. | 1 | Excellent |
| The product is featured around the animations/sound effects and/or in the videos? | 1 | Excellent |
| The animations, sound effects, videos are used as a means to promote the food/beverage to children under 12? | 1 | Excellent |
| Does the website feature toys used as premiums/prizes to promote a food/beverage product? | .471 | Moderate 83% |
| Are the toys designed to appeal primarily to children younger than 12 | .471 | Moderate 83% |
| The toys are based on characters from films, video-games, books, etc. that children under 12 typically like (e.g. Disney, Hello Kitty etc.). | .345 | Fair 78% |
| The toys are interacting with the food/beverage product. | .321 | Fair 78% |
| The toys are featured in the children's section of the website. | .495 | Moderate 83% |
| The toys are linked to a promotion directed to children. | .339 | Fair 78% |
| The toys are used as a means to promote a non-compliant food/beverage product to children under 12. | .500 | Moderate 83% |
| The toys are seen as a reward that comes with the food/beverage product. | .351 | Fair 78% |
| Is the language used on the website clearly directed at children under 12? | * | 94% |
| The website directly addresses young children. | * | 94% |
| The language used is plain and easy to understand by young children. | * | 94% |
| The website includes posts/comments/interactions from children younger than 12. | * | 94% |
| Do you think the website encourages the interaction and/or the active participation of children under 12? | * | 94% |
| It invites children to download apps. | * | 94% |
| It invites children to participate in contests/competitions/events. | * | 94% |

| | | |
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| It encourages children to share their opinions. | * | 94% |
| It invites children to play games/entertainment activities. | * | 94% |
| It encourages children to “like” products featured on the website. | * | 94% |
| Taking into account your answers to all the previous questions and all the aspects of a website’s design like language, text, and navigation, do you think that the website is clearly intended to be primarily appealing to children under 12, therefore in breach of the EU Pledge? | 1 | Excellent |
| Does the website feature links to mobile apps and/or social media sites – either brand-owned or influencers profiles (Facebook, YouTube, Instagram, TikTok, etc)? | .769 | Good |

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

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

| <i>Questions of the social media survey</i> | <i>Cohen's Kappa</i> | <i>% of agreement</i> |
|--|----------------------|-----------------------|
| Does the social media page have an age-screening/parental consent mechanism aimed at verifying the age of visitors before allowing access? | .789 | Good |
| Does the social media site feature licensed characters/tie-ins/celebrities (i.e. celebrities or fictional characters which are not owned by the company)? | .826 | Excellent |
| If yes, are the licensed characters/tie-ins/celebrities targeted primarily at an under-12 audience? | .927 | Excellent |
| The licensed characters/tie-ins/celebrities are based on movies, video games, books etc. that children under 12 typically like (e.g. Disney, Hello Kitty, etc.). | .921 | Excellent |
| The licensed characters/tie-ins/celebrities are popular among children under 12. | .924 | Excellent |
| The licensed characters/tie-ins/celebrities are used as a means to promote a food/beverage to children under 12. | .925 | Excellent |
| Does the social media profile feature <u>any type</u> 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? | .824 | Excellent |
| If yes, are the games/entertainment activities designed for children younger than 12? | .846 | Excellent |
| The game/entertainment activity is easy enough to be played by children younger than 12. | .854 | Excellent |
| The game/entertainment activity is colourful/cartoon-like and or uses drawings/animations, etc. that are appealing to children under 12. | .786 | Good |
| A child younger than 12 could easily follow the instructions to play the game/entertainment activity. | .854 | Excellent |
| The instructions are concise (they are short and do not contain much text). | .796 | Good |
| The instructions contain more visuals/animations than written text. | .796 | Good |
| The advertised product is prominent in the game. | .857 | Excellent |
| The player is either collecting or working with the product itself. | .924 | Excellent |
| The player can win the product. | .921 | Excellent |
| The game is constantly showing messages about the product. | .921 | Excellent |
| Does the social media site feature any contests/competitions or promotional events? | .956 | Excellent |

| | | |
|---|------|-----------------|
| If yes, are the contests/competitions or promotional events used to appeal primarily to under-12s, i.e. the participant can win a toy? | .917 | Excellent |
| The contests/competitions or promotional events are easy enough for children under 12 to participate. | .484 | Moderate 96% |
| A child younger than 12 could easily follow the instructions. | .484 | Moderate 96% |
| The instructions are concise (they are short and do not contain much text). | .660 | Good |
| The instructions contain more visuals/animations than written text. | .487 | Moderate 96% |
| The contests/competitions or promotional events are colourful/cartoon-like and use drawings/animations, etc. that are appealing to children under 12. | .487 | Moderate 96% |
| The contests/competitions or promotional events are used as a means to promote a food/beverage product to children under-12. | .382 | Fair 94% |
| Does the social media site feature any photos and/or videos that you consider appealing to children under 12? | .934 | Excellent |
| The photos and/or videos are interactive and easy for children younger than 12 to understand. | .876 | Excellent |
| The videos contain music that is appealing to children under 12. | 1 | Excellent |
| The photos and/or videos contain characters based on movies, video-games, and books etc. that children under 12 typically like (e.g. Disney, Hello Kitty etc.). | 1 | Excellent |
| The photos and/or videos are colourful/cartoon-like and use effects that are appealing to children under 12. | .876 | Excellent |
| The animations, sound effects, videos are used as a means to promote the food/beverage to children under 12. | .877 | Excellent |
| Does the website feature toys used as premiums/prizes to promote a food/beverage product? | .897 | Excellent |
| Are the toys designed to appeal primarily to children younger than 12? | .897 | Excellent |
| The toys are based on characters from films, video-games, books, etc. that children under 12 typically like (e.g. Disney, Hello Kitty etc.). | .801 | Excellent |
| The toys are interacting with the food/beverage product. | .897 | Excellent |
| The toys are featured prominently in the post, video, or story of the social media profile. | .801 | Excellent |
| The toys are linked to a promotion directed to children. | .899 | Excellent |
| The toys are used as a means to promote a non-compliant food/beverage product to children under 12. | .897 | Excellent |

| | | |
|--|------|-----------------|
| The toys are seen as a reward that comes with the food/beverage product. | .900 | Excellent |
| Is the language used on the social media site clearly directed at children under 12? | .657 | Good |
| The social media site directly addresses young children. | .487 | Moderate 96% |
| The language used is plain and easy to understand by young children. | .487 | Moderate 96% |
| The social media site includes posts/comments/interactions from children younger than 12. | 1 | Excellent |
| Do you think the social media site encourages the interaction and/or the active participation of children under 12? | .636 | Good |
| It invites children to download apps. | .848 | Excellent |
| It invites children to participate in contests/ competitions/ events. | .846 | Excellent |
| It encourages children to share their opinions. | .731 | Good |
| It invites children to play games/entertainment activities. | .643 | Good |
| It encourages children to “like” products featured on the profile. | .846 | Excellent |
| Taking into account your answers to all the previous questions and all the aspects of the social media site, do you think that the site is clearly intended to be primarily appealing to children under 12, therefore in breach of the EU Pledge? | .878 | Excellent |

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

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

| <i>Questions of the Influencer Survey</i> | <i>Cohen's Kappa</i> | <i>% of agreement</i> |
|---|----------------------|-----------------------|
| Do you think the influencer is expressly targeting children under 12 in their profile? | * | 100% |
| Are there any disclosures in the post/video (i.e. paid partnership with, hashtags used by the influencer #ad, #sponsored, etc)? | .655 | Good |
| According to the SR rules and laws in your country is the post sufficiently disclosed and clearly distinguishable as an ad? | .531 | Moderate 76% |
| Does the influencer use any of the following techniques that appeal to children under 12? ● POPULARITY | * | 95% |
| Does the influencer use any of the following techniques that appeal to children under 12? ● AGE | * | 100% |
| Does the influencer use any of the following techniques that appeal to children under 12? ● LANGUAGE STYLE | * | 98% |
| Does the influencer use any of the following techniques that appeal to children under 12? ● VISUALS | * | 100% |
| Does the influencer use any of the following techniques that appeal to children under 12? ● GAMES | .700 | Good |
| Does the influencer use any of the following techniques that appeal to children under 12? ● PROMOTIONAL ACTIONS | * | 95% |
| Does the influencer use any of the following techniques that appeal to children under 12? ● HUMOUR | .658 | Good |
| Does the influencer use any of the following techniques that appeal to children under 12? ● TOYS | 1 | Excellent |
| Does the influencer use any of the following techniques that appeal to children under 12? ● FILMS/ TV SHOWS/ APPS | * | 98% |
| 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? | .382 | Fair 95% |

| | | |
|---|------|-----------|
| 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)? | .853 | Excellent |
|---|------|-----------|

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

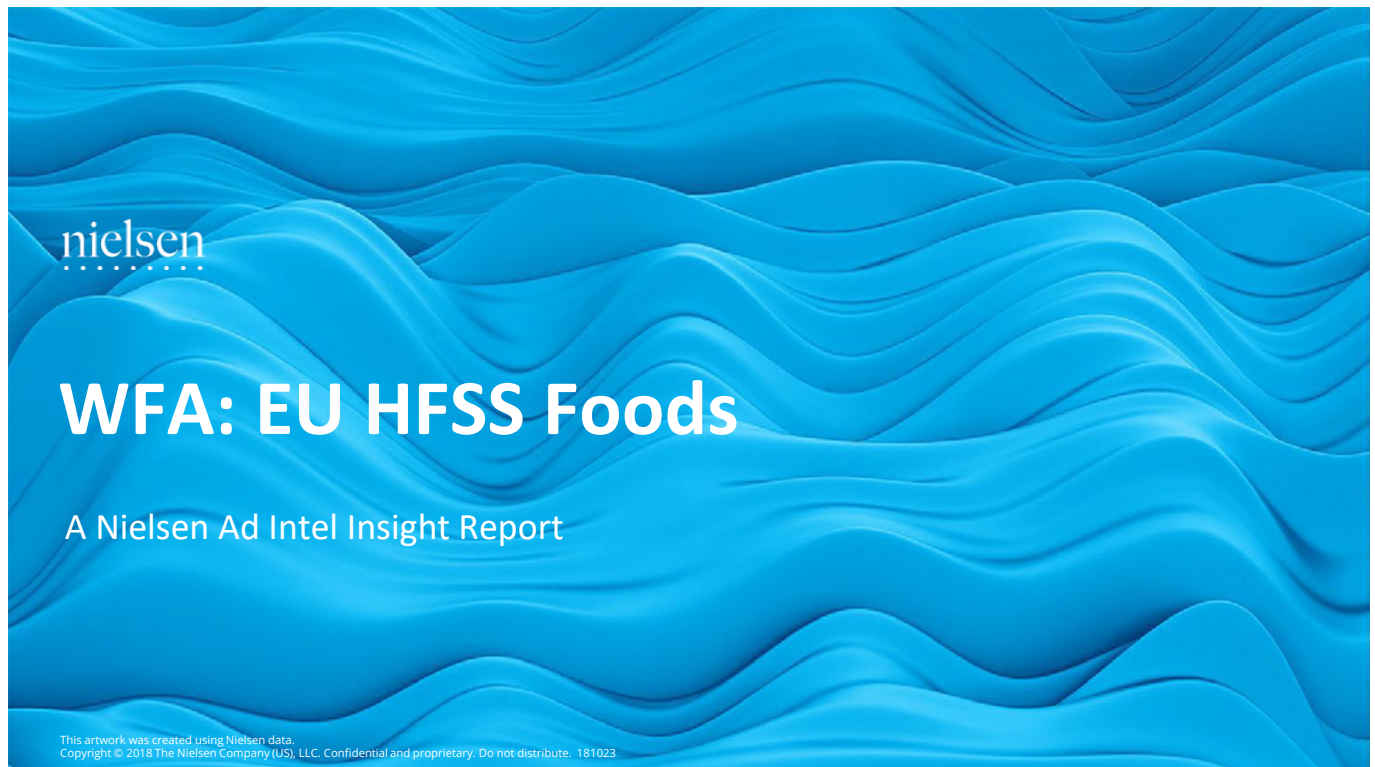


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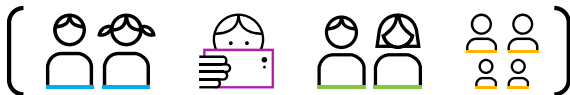
ANNEX III: NIELSEN EXPOSURE ANALYSIS



What is the Digital Avatar Project?

The following insight report is based upon the findings of our Digital Avatar project, which used four avatars (simulated consumer profiles) to track advertising activity across a media universe of 100 distinct URLs (websites/YouTube) in 12 nominated markets. Through the findings, we were able to determine the general pervasiveness of HFSS Food advertising. We were also able to estimate a probabilistic rate of child/teen exposure to HFSS advertising.

The study employed four simulated consumer profiles, also known as avatars: **Child Under 12**, **Teenager 12-17**, **Adult** and **Neutral**



Each of the four avatars visited **100 primary URLs per market** across both desktop and mobile devices, with a randomly selected subpage also monitored.

This created **1,600 hits a day per country**. We ran the avatars for 21 days between 7th – 27th Oct 2021, resulting in a **total of 33,600 hits per country, for a total of 201,600**.

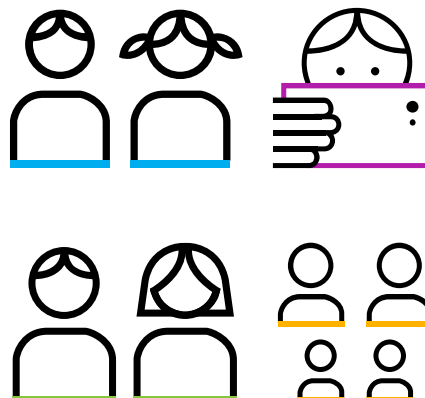
The media universe was formulated as a mix of sites & channels popular with – and having content/genre affinity with – teen and children audiences, as well as generally top ranking sites & channels, to achieve a simulation of the average browsing habits in each country.

Creating our Avatar personalities

The panel consists of simulated consumers, also known as avatars. Each avatar is programmed to express a specific personality – with specific hobbies, interests and desires – through regular browsing activity, like a real online user would do.

In order to build its designated personality, an avatar performs three types of browsing activity on a daily basis. For example, an avatar designed to represent a Teenager aged 12-17 will:

- visit websites known to be popular with the 12-17 audience (as per official/industry statistics)
- visit websites and YouTube channels researched and selected by our experts as representative of the activity of an 12-17 year old (using thematic/genre information from official/industry sources)
- run Google and Bing searches on topics (researched and selected by our experts) pertinent to the intended profile, as well as clicking on the search results to reach the websites behind them



3

HFSS Definitions

Using the combination of OFCOM and DOH guidelines, the HFSS products identified in advertising broadly fell under the below categories:

| HFSS Categories | | | | | |
|-------------------|-----------------------------------|--------------|-----------------|--------------------------|----------------|
| Breakfast Cereal | Chips & Potato Products | Fast Food | Morning Goods | Pudding & Dairy Desserts | Sweet Biscuits |
| Butters & Spreads | Chocolate Confectionary | Ice Cream | Nuts | Soft Drinks | Yoghurts |
| Cakes | Complete Main Meals (Ready Meals) | Juice Drinks | Pizza | Stocks / Sauces / Dips | |
| Cheese | Crisps & Savoury Snacks | Milk Drinks | Processed Foods | Sugar Confectionary | |

The classification of some of these categories as HFSS can sometimes be questioned (e.g. things like Juice Drinks / Breakfast Cereals / Nuts also have significant health benefits). We have classified a broad base of categories as HFSS to reflect the **maximum possible amount** of HFSS advertising in market.

4

nielsen

HFSS Findings

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CHILD

HFSS ads represented only 1.53% of the total advertising seen by the child avatar

n

Ads seen by CHILD AVATAR ONLY

% of ads that are HFSS

| | |
|------------|-------|
| | 2021 |
| EU average | 1.53% |

Ads seen by CHILD AVATAR ONLY by MARKET

% of ads that are HFSS

| | |
|----------------|-------|
| | 2021 |
| Belgium | 2.42% |
| Czech Republic | 0.21% |
| Denmark | 1.62% |
| Ireland | 0.65% |
| Netherlands | 1.07% |
| Spain | 0.39% |

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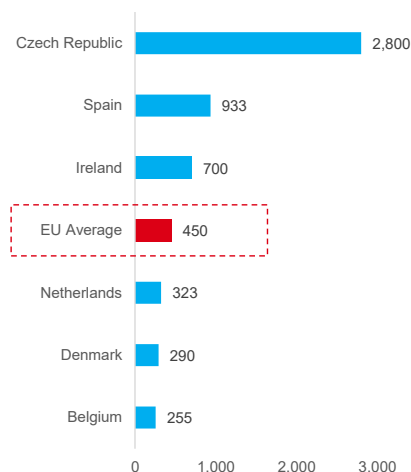
A child would need to visit an “average site” 450 times before being served an HFSS ad

n

By calculating the average number of impressions seen per site visit, we can determine the number of visits that the child avatars would have to make to that “average site” before they encountered a HFSS impression. This calculation assumes that the HFSS ad would always appear after the ratio of non-HFSS to HFSS is achieved, and that the average impressions per site remains constant.

| | No. of <u>all</u> Ad Impressions | No. of HFSS Ad Impressions | No. of Ad Impressions per single HFSS Ad Impression | Total No. of URL Visits by Child Avatars | Avg. No of Ad Impressions per URL visit | No. of visits until a Child is served a HFSS Ad Impression |
|----------------|----------------------------------|----------------------------|---|--|---|--|
| Belgium | 1,365 | 33 | 41 | 8,400 | 0.16 | 255 |
| Czech Republic | 1,437 | 3 | 479 | 8,400 | 0.17 | 2,800 |
| Denmark | 1,787 | 29 | 62 | 8,400 | 0.21 | 290 |
| Ireland | 1,854 | 12 | 155 | 8,400 | 0.22 | 700 |
| Netherlands | 2,434 | 26 | 94 | 8,400 | 0.29 | 323 |
| Spain | 2,317 | 9 | 257 | 8,400 | 0.28 | 933 |
| EU Average | 11,194 | 112 | 100 | 50,400 | 0.22 | 450 |

No. of URL Visits until a Child is served an HFSS Ad Impression



N.B: Avg. no of ad impressions calculated as: No. of all Ad Impressions / Total No. of URLs Visited

7

On average, a child would see an HFSS ad every 1,300 minutes, or 21 hours 40 minutes

n

Using Nielsen data from our Desktop @ Home panels, we are able to calculate an ‘average child user’ from our audiences. This usage data comes from households in AU / DE / IT / UK / US during the full month of Oct-21 using a desktop PC within the home, and does not include mobile/tablet browsing. Due to a different market scope and timeframe, the Desktop @ Home panel data is not directly comparable with the findings of our Digital Avatar Study. However, by using it to create average values, we can calculate an **estimated overall amount of time** a child would need to spend online before being served an HFSS ad.

| Age Range | Panel Size | Page Views | Total Minutes (Mins) |
|-------------|------------|------------|----------------------|
| Ages 2 – 12 | 17,172 | 1,874,601 | 5,431,316 |

Across 17,172 panellists, the average figures are as follows:

| Average per child | 1 | 109 | 316 |
|-------------------|---|-----|-----|
|-------------------|---|-----|-----|

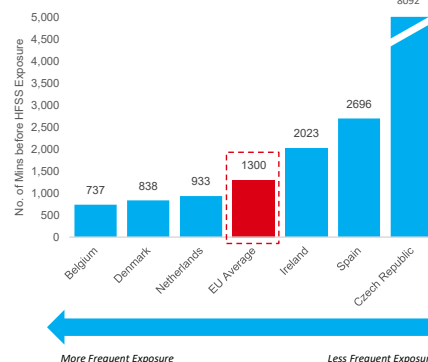
Therefore, an average child visits **109 pages** in **316 mins**

Our data shows that, across the EU, an average child would see an HFSS ad every **450 pages**. The calculation for average amount of time spent online before seeing an HFSS ad is as follows:

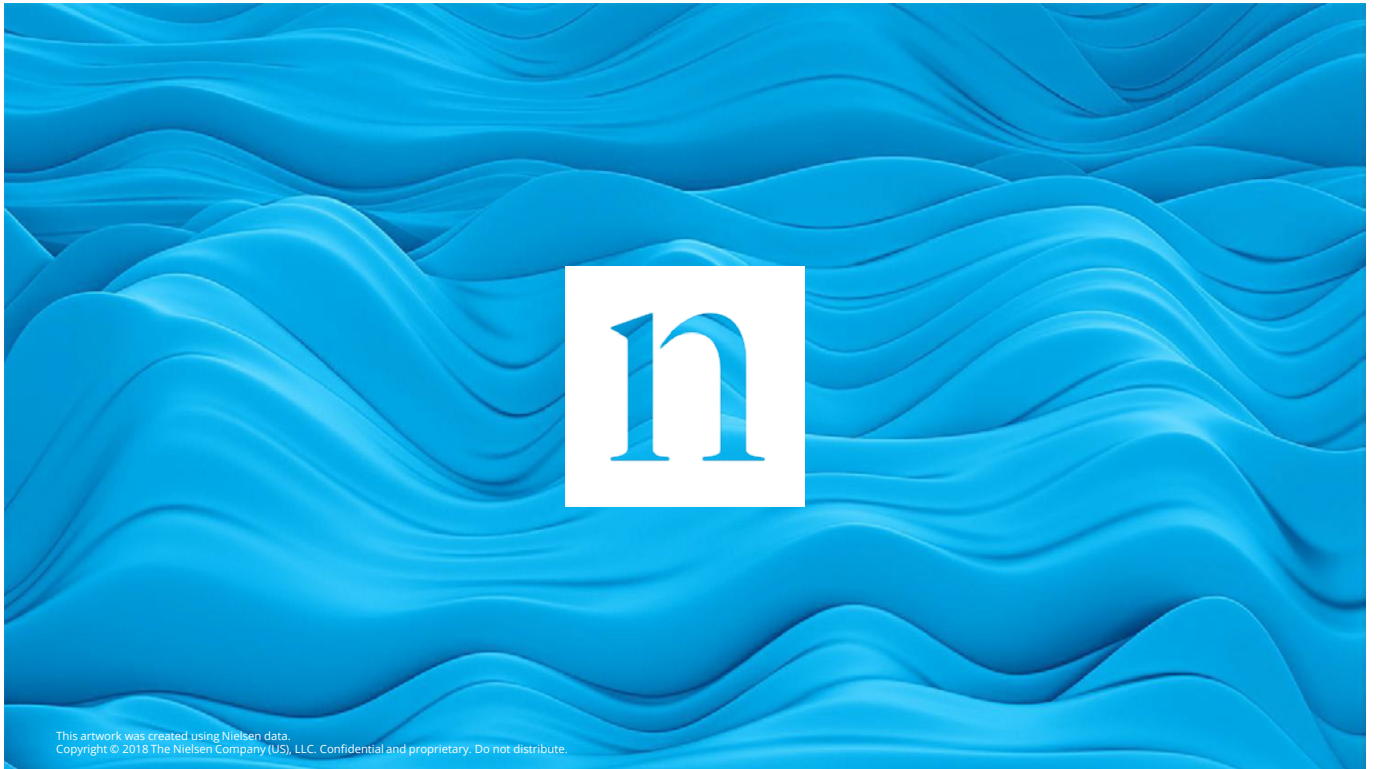
| | |
|----------------------|--|
| $(316 / 109) = 2.89$ | 2.89 mins per page (or 2 mins 53 seconds) |
| $2.89 * 450$ | 1,300 minutes |

Across the EU, on average, a child would see an HFSS ad every **1,300 minutes, or 21 hours 40 mins**

No. of Mins usage until Child Avatar is served an HFSS Ad Impression



8



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