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COMMISSION STAFF WORKING DOCUMENT

**STAFF WORKING DOCUMENT ATTACHED TO THE FIRST REPORT FROM
THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE
EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE
OF THE REGIONS ON THE APPLICATION OF DIRECTIVE 2010/13/EU
'AUDIOVISUAL MEDIA SERVICES'**

Accompanying the document

**First Report from the Commission to the European Parliament, the Council, the
European Economic and Social Committee and the Committee of the Regions on the
application of Directive 2010/13/EU "Audiovisual Media Service Directive"**

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TABLE OF CONTENTS

| | | |
|----|-------------------------------------|---|
| 1. | Context | 3 |
| 2. | General methodology | 3 |
| 3. | Alcohol advertising | 5 |
| 4. | Advertising targeting children..... | 7 |
| 5. | Discrimination..... | 8 |

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Methodology for monitoring the qualitative aspects of advertising

1. CONTEXT

Pursuant to Article 33 of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services 2010/13/EU (the 'Audiovisual Media Services Directive', hereinafter 'the AVMS Directive'), not later than 19 December 2011, and every 3 years thereafter, the Commission should submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the application of the Directive.

The report must also assess the issue of television advertising accompanying or included in children's programmes, and in particular whether the quantitative and qualitative rules contained in the AVMS Directive have afforded the required level of protection.

For the first time, therefore, the qualitative provisions on advertising were monitored separately in order to assess their effective implementation and level of compliance with the Directive. This monitoring has made it possible to evaluate the effectiveness of the protection provided by the current legal framework in relation to the Directive's objectives.

The monitoring was carried out in 8 Member States over the reference period¹.

2. GENERAL METHODOLOGY

The relevant provisions are Article 9 and Article 22 of the AVMS Directive². In particular, there has been close monitoring of the application of Article 9 (1)(c)(i) and (ii), 9(1)(e) and

¹ Data available until April 2011 were taken into account.

9(1) g), and Article 22. These provisions concern alcohol advertising, gender discrimination and advertising targeted at minors.

The most appropriate methodology was found to be content analysis, which is a research technique for the objective, systematic and quantitative description of the real content of communication. It serves to highlight realities or patterns which would otherwise remain hidden. This methodology provides a systematic and objective analysis of commercial spots. In content analysis, aspects of the phenomenon being studied are coded and analysed to reveal information. All messages (in this case advertisements) are subject to the same analytical rules, which are applied uniformly.

By means of an analytic grid based on the scientific literature the consultant developed a series of indicators to assess objectively whether the qualitative requirements for advertising had been met. This involved specific coding schemes for each provision of the AVMS Directive analysed. Content analysis is a 'quantitative' method in the sense that it seeks to calculate or measure qualitative content as objectively as possible.

² *Article 9:* 1. Member States shall ensure that audiovisual commercial communications provided by media service providers under their jurisdiction comply with the following requirements:

- (a) audiovisual commercial communications shall be readily recognisable as such. Surreptitious audiovisual commercial communication shall be prohibited;
- (b) audiovisual commercial communications shall not use subliminal techniques;
- (c) audiovisual commercial communications shall not:
 - (i) prejudice respect for human dignity;
 - (ii) include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;
 - (iii) encourage behaviour prejudicial to health or safety;
 - (iv) encourage behaviour grossly prejudicial to the protection of the environment;
- (d) all forms of audiovisual commercial communications for cigarettes and other tobacco products shall be prohibited;
- (e) audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages;
- (f) audiovisual commercial communication for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the media service provider falls shall be prohibited;
- (g) audiovisual commercial communications shall not cause physical or moral detriment to minors. Therefore they shall not directly exhort minors to buy or hire a product or service by exploiting their inexperience or credulity, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or unreasonably show minors in dangerous situations.

Article 22: Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:

- (a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;
- (b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;
- (c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;
- (d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;
- (f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.
- (e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;
- (f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages. .

3. ALCOHOL ADVERTISING

The analysis covers all the spots advertising alcohol broadcast during a monitoring period of two months in each of the eight Member States monitored.

The analytical grid is based on the scientific literature, specialist websites on the issue of alcohol abuse by minors, and the criteria set out in the Directive³. This grid is divided into three parts: visual representations, speech (oral and/or written) and visual techniques. Research from the field of marketing is used to gain a better understanding of how a spot is designed to promote products, depending on the target audience and sales objectives⁴.

For the content analysis of alcohol advertising, the following grid was developed:

| Target minors | Physical performance | Associated sexual & social success | Therapeutic sedative effects | Negative image of abstinence |
|---|--|---|--|--|
| VISUAL REPRESENTATIONS | | | | |
| * Animal metaphor: yes/no * 'young' music: yes/no * Age of central figure: - under 18 years - over 18 years | * Representation of athletic bodies: yes/no * Setting: - indoor - outdoor - undetermined * driving /performance: - sporting performance - driving a car - none | * Sumptuous social environment: yes/no (e.g. luxury car, exotic beach, manor/penthouse, sumptuous meals) * Celebrity: yes/no * Sexualisation of product: - Man - Woman - Both | * Behaviour of persons after/ associated with consumption: - excited - euphoric - playful - dynamic - calm * Association of contrasting/ complementary images: yes/no | * Presence of abstinent person: yes/no * Relation of abstinent person with others: - accomplice - bad |

³ See CHEN, M-J, GRUBBE, J.W., BERSAMIN, M., WAITERS, E., KEEFE, D.B., Alcohol Advertising: What makes it attractive to Youth?, *Journal of Health Communication*, 10:553-565, 2005.

⁴ JOANNIS, H. & de BARNIER, V., De la stratégie marketing à la création publicitaire, Paris, Dunod, 2^o Ed., 2005, pp. 157-190.

VERBAL / WRITTEN DISCOURSE

Do messages reinforce the observations above: yes/no

(e.g. direct link with representations/situations? Delivered in neutral/familiar/deferential style?)

VISUAL TECHNIQUES

Do visual techniques reinforce the above observations?

(e.g. exaggeration of the image, humour, appeal to fantasy, cartoons, sequencing of clip)

The analytical grid above addresses the issues raised by the AVMS Directive on television advertising for alcoholic beverages as follows:

1. Does the spot use specific means to target young people and capture their attention?

Objective indicators were examined (age of the key figures) as were additional attributes particularly appealing to young people (music, clothes and setting). Other indicators include the use of metaphors (animals, nature, science fiction), but also specific types of humour that could trivialise questionable behaviour.

2. Does the spot create a link between performance and alcohol?

Indicators include representations of good performance in areas such as sports, dancing and driving, but also the staging of athletic young bodies.

3. Does the spot create a link between alcohol and social success?

Indicators include the representation of a wealthy or sumptuous social environment, other attributes of material success, or the creation of scripts or images associating social success with the consumption of alcohol. Other pointers include the presence of celebrities, stars from showbiz or sport, etc.

4. Does the spot create a link between alcohol and sexual success?

Indicators include attributes of implicit or explicit sexual success (flirting, seduction), but also the 'sexualisation' of the product and the use of the human body (especially the female body) for the sole purpose of attracting attention to a product as an object of desire, unrelated to its real content and practical purpose.

5. Does the spot show positive effects of alcohol consumption?

Indicators include contrasting images 'before and after' consumption (for example a visible improvement in the mood or the well-being of a drinking protagonist), or the association of alcohol with the soothing, therapeutic or conflict-solving effects of alcohol, but also more subtle indicators associated with the visual techniques employed, such as the accelerating rhythm of the spot, changing colours or environment, etc.

6. Does the spot stigmatise abstinence?

Indicators include the presence of abstinent persons who are portrayed negatively and/or suffer negative effects as a result of their abstinence (exclusion from a group, victim of derision, etc.).

4. ADVERTISING TARGETING CHILDREN

As regards the monitoring of advertising targeting minors, the 100 most broadcast advertising spots during the period in question were analysed in eight Member States. This sample was compared with the total number of spots broadcast over that period in order to ensure representativeness.

Based on the scientific literature, which provides relevant responses to several key questions raised by the application of the provision, the following analytical grid was established.

| Product categories | Directly exhort minors | Encourage / persuade parents to purchase | Exploit trust placed in parents, teachers, etc. | Show minors in dangerous situations |
|--------------------------------|-------------------------|--|--|--|
| - Food/snack/soda | * Minor user: yes/no | * Voice of child/young person carries the message: yes/no | * Central person = 'authority': yes/no (parent, teacher, scientists, not identified) | * Dangerous environment: yes/no (e.g. wild nature, risky sports, lack of surveillance, dangerous tools or products, etc.) |
| - Alcoholic beverages | | | | |
| - Personal & beauty care | | | | |
| - Cars & accessories | * Young Context: | * Adult addressing minor: yes/no | | |
| - Restaurants & retail outlets | - Humour | | | |
| - Household cleaning agents | - Music | * Adult voice: | | |
| - Household furnishing | - Setting | - dominant | | |
| - Electronic/communication | - Clothes | - complicity | | |
| - Clothing | | - empathic | | |
| - Toys | | - playful | | |
| - Pet food & assimilated | | | | |
| - Bank/insurance | | | | |

Research provides relevant responses⁵ to several key questions raised in the course of establishing the analytical grid relating to minors under the AVMS Directive.

1. How can an advertisement directly exhort minors?

Research highlights the significance of the minor's position (user or non-user of the advertised product). Other relevant features for the analysis include the backdrop, the use of humour or types of music associated with young people, familiar surroundings appreciated by young people, etc.

2. How can a message incite minors to encourage their parents to purchase the advertised product?

The voiceover is widely regarded as crucial for audiences to identify with the message. Opting for a child's voice as the bearer of the message reinforces the attractiveness of the product for children and young adolescents. When the voiceover is an adult voice directly addressing the child, certain features such as empathy or complicity can attract the attention of children and young audiences.

3. How can a message exploit the trust placed by children in parents or other persons of reference or authority?

It is possible to analyse whether the central character of the message is perceived as an 'authority' — such as teacher, parent, doctor, etc. — by young viewers, and whether he/she interacts directly or indirectly with a child/young person in the spot.

4. Does the commercial show children in dangerous situations?

Hazardous situations for young people were examined. These include children being left unattended, performing risky activities or extreme sports, or using dangerous products.

The four criteria contained in the Directive were translated into categories for the analytical grid.

The identification of 'dangerous situations' and 'exploitation of trust in authorities' is relatively straightforward. The other two aspects — the 'direct exhortation of minors' and the (indirect) 'incitation of adults through minors' — are more difficult to capture. Exhortation requires the identification of minors as the target audience. Incitement can be identified through the presence of specific techniques, so-called 'baits', which are used to capture the attention of young and adult audiences. According to the scientific literature, these aspects are reflected in categories which identify the presence of a 'young' context, of a "minor" voice or adult voiceover.

The analytical grid also distinguishes between categories of advertised products such as food, cars, beauty care or cleaning supplies, which can be an indicator of the targeted audience.

⁵ GUNTER, B., OATES, C., BLADES, M., Advertising to Children on TV, Content, Impact and Regulation, Lawrence Erlbaum Associates Publishers Eds, London, 2005. ROEDDE JOHN, D., Consumer Socialisation of Children: A Retrospective Look at Twenty five Years of Research. *Journal of Consumer Research*, vol.26, Dec. 1999. AMAS, YA, The Effects of Television Food Advertisements on Children's Food purchasing Requests, *Pediatrics International*, vol. 48, 2006, pp.138-145.

The results show that in all the countries monitored a significant proportion of the spots analysed (25 % to 44 %) uses one or more of the techniques described in the Directive, such as directly exhorting minors to buy or hire a product by exploiting their inexperience or credulity, directly encouraging them to persuade their parents to purchase the goods being advertised, or exploiting the special trust they place in parents, teachers or other people. The way this is done varies from one country to another. Sometimes children are depicted as persuading their parents. In some cases the trust placed in reference persons (such as parents or teachers) is exploited, whereas in other instances the appeal to minors will be made by the use of a special setting (clothes, colours, music, cartoons, etc.).

5. DISCRIMINATION

The AVMS Directive prohibits commercial communications which undermine respect for human dignity and include or promote discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation. the systematic stereotyping or non-representation of certain categories of the population can amount to overall discrimination.

As regards monitoring of the provisions concerning discrimination, the 100 advertising spots most broadcast during the monitored period were analysed. This sample was compared with the total number of spots broadcast over the monitored period in order to ensure representativeness.

The analysis focused on the problem of discrimination and stereotypes.

Analytical grids for gender stereotypes have been defined and applied repeatedly since the 1970s, mainly in Anglo-Saxon countries. There are a number of different formulations based on different variables, depending on the specific objectives of the research. For the purpose of this analysis, the grid is based on gender stereotypes but includes other categories of possible discrimination as identified in the Directive.

The analytical grid for discrimination is as follows:

| Central figure | Age | Product use | Occupation /Environ. | Voiceovers/ Narrators | Product representative | Stance | Sexual presentation | Product categories |
|----------------|-------------|-------------|----------------------|-----------------------|------------------------|---------------|---------------------|-----------------------------|
| - Male | - Young | - User | - Family/home | - Male | - Male | - Subordinate | - Sexually | - Food/snack/soda |
| - Female | (20-30) | - Non- | - Professionals | - Female | - Female | - Non- | suggestive | - Personal & beauty care |
| - Unsure | - Middle- | user | - Service | - Male/female | - Both | subordinate | - Not sexually | |
| - Both | aged | | - Clerical | | - Can't say | - n.a. | suggestive | - Health/medicine |
| - Disabled | (30-50) | | Media/Entertainment | | | | | - Cars & accessories |
| people | - Old (50+) | | - Business | | | | | - Restaurants & retail |
| - Ethnic | - Can't say | | - Sport/leisure | | | | | outlets |
| diversity | - n.a.. | | - Other | | | | | - Household |
| - Obesity | - < 20 | | - n.a. | | | | | furnishing |
| - Animal | | | - Unknown | | | | | - Alcoholic beverages |
| - No human | | | | | | | | - Household cleaning agents |
| figure | | | | | | | | - Clothing |
| | | | | | | | | - Bank/insurance |
| | | | | | | | | - Pet food & assimilated |
| | | | | | | | | - Toys |
| | | | | | | | | Electronic/communications. |
| | | | | | | | | - Other |

- Central figure: the central figure may be one individual or several similar individuals (such as a group of women) appearing for at least three seconds in the spot. Sometimes the central figure is not human (a product), sometimes it is a cartoon. The central figure plays a key role in the advertisement as an object of both representation and possible identification by viewers.
- Age: there are wide variations in the definition of age and delimitation of age groups. For the purpose of this study, the following delimitations have been retained: under 20 years, 20-30 years, 30-40 years, 40-50 years, and 50 years and above. In some cases age cannot be determined, or the variable is not appropriate (central figure is an animal for example).
- Product user: this variable serves to determine whether the spot's central figure is the product user or not. The scientific literature establishes a correlation between the central

figure and its position as ‘product user’, depending on the user’s sex. The association between ‘central figure’ and ‘product user’ can increase the visual impact of the message.

- Occupation: this variable identifies the central figure’s occupation or profession, where this is clearly established. It is broken down into ten sub-categories, according to professional environment. The absence of any reference to an identifiable professional environment constitutes a distinct category.
- Voiceover/Narrator: this variable identifies whether the voiceover/narrator is male or female. The voiceover carries a significant weight in reinforcing the impact of an advertisement⁶.
- Product representative: this variable identifies the individual by whom a product is represented (this can be a man, woman or child other than the central figure).
- Stance: the criterion of ‘subordination’ establishes whether a protagonist is in a subordinate position. Goffman’s categories⁷ are used to identify this position⁸.
- Sexual presentation: this variable is relevant, as many studies have established the increasing ‘sexualisation’ of advertising and advertised objects. Sexualisation of the product is characterised by the use of the human body as an object of desire, unconnected with the promoted product⁹.

⁶ *Voiceover/Narrator: research on the stereotyping of women has found that male voices are used more often for voiceovers in advertisements. A woman who fails to function as a product spokesperson by not making claims about the product reveals an important aspect of the stereotyping of women. Closely tied in with this finding is that when women do serve as spokespersons their influence most likely stems from the product use, rather than from their authority (...)*(SHRIKHANDE, V., Stereotyping of Women in Television Advertisements, University of Prune, India, 2003, p. 23. .

⁷ GOFFMAN, E., Gender Advertisements, Cambridge, MA, Harvard University Press, 1979.

⁸ The relative size: men are depicted as being taller than women. The ‘feminine touch’: women do not take hold of an object firmly, but rather touch it lightly or caress it. The functional hierarchy as evidence of the submission of women: they shake, lower or bend their head sideways; they are shown lying down. ‘Legitimised withdrawal’: Women are portrayed as helpless or as ‘mentally absent’. Ritualised family: women are presented as subservient to their husbands; men represent authority, women embody care.

⁹ VAN HELLEMONT, C., VAN DEN BULCK, H., (2009) L’image des femmes et des hommes dans la publicité en Belgique, Institut pour l’Egalité des femmes et des hommes, Bruxelles, pp.61-64.