

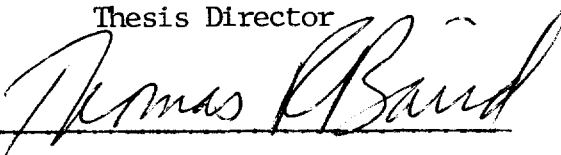
REGULATING ADVERTISING TO CHILDREN:  
WHO SHOULD BE RESPONSIBLE?

An Honors Thesis (ID 499)

By

Teresa S. Wolf

Thesis Director

  
A handwritten signature in cursive script, reading "Thomas Baird", is written over a horizontal line.

Ball State University

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## INTRODUCTION

Marketing professionals have been facing a great deal of pressure from society in recent years. Whereas in the past, the business organizations had only to worry about producing a product at a low cost, today's complicated society and tough competition forces marketers to provide the right product at the right price, while keeping the best interest of the public in mind. Business administrators must begin to follow the new "societal marketing concept" in order to prosper. This new concept states that the organization's task is to determine and deliver the needs and wants of society in a way that "preserves or enhances the consumer's and the society's well-being".<sup>1</sup>

Marketers face several challenges in the attempt to follow this concept. With the increase of the consumerism movement, businesses now have a strong watch-dog to regulate their activities. The public has begun to complain about the tactics of business in trying to push all kinds of products on to it. One area of great concern to the public is the amount and type of advertising to which consumers are subjected. They are particularly concerned with the advertising geared toward children. This issue has become a major concern to marketing professionals as they strive to follow the societal marketing concept.

The purpose of this paper is to examine the need for greater regulation of advertising aimed at children. It will attempt to determine who should be responsible for protecting children from unfair advertising.

## THE ISSUE

If one were to watch a children's television program on Saturday morning, he would probably not be surprised at the number of commercials aimed at the young audience. Television commercials have become a common part of our everyday life. Most people do not feel a great deal of concern about the amount or content of the advertising which they see every day. Nor is much consideration given to the influence which these advertisements have on their children.

However, several groups are very concerned about the bombardment of advertising on the children. A group called Action for Children's Television (ACT) has become a strong proponent for stricter regulation on children's advertising.<sup>2</sup> This group, along with several others, wishes to see action taken toward regulating the type and amount of advertising shown during children's television viewing hours.

The Federal Trade Commission (FTC) is currently studying regulations which would ban or severely restrict television advertising to children.<sup>3</sup> In April of 1978, the Federal Trade Commission began rulemaking proceedings to determine whether it should ban certain types of televised advertising.<sup>4</sup> These proceedings were in response to two separate petitions - one from the Center for Science in the Public Interest, and the other from Action for Children's Television.<sup>5</sup> These groups were concerned over the role of television advertising as a principal source of information about food products received by children, and they sought a ban on televised candy advertising aimed at children.<sup>6</sup> This was just one instance of the increasing concern for the need of stronger regulation of children oriented advertising.

Before a decision can be made on this issue, there must be a greater examination of the situation. It must be determined if television advertising actually does have a significant effect on children, and then if this influence is indeed harmful or unfair.

## AMOUNT OF INFLUENCE TELEVISION ADVERTISING HAS ON CHILDREN

There is a great deal of disagreement today about the actual amount of influence which advertising has on children. Proponents of stricter regulation in this area have a strong argument for their position:

"Advertising does influence children. That television advertising exerts a powerful influence upon the behavior of children cannot be denied. The influence of the medium itself, and of the advertising messages broadcast through it, is pervasive and well documented."<sup>7</sup>

Advertisers, on the other hand, have tried to play down the amount of influence which television has on children. Some have claimed that this influence is weak, uninformative or uncertain.<sup>8</sup> However, it has become clear in recent years that this is not true. Advertising is influential, particularly to children. Television has little competition from other stimuli for the attention of young children.<sup>9</sup> Therefore, the commercials seen on television have an advantageous position to capture the attention of and persuade these children.

## AGES MOST INFLUENCED BY TELEVISION ADVERTISING

An important factor to determine in this study is the age group most influenced by television advertising. Experts generally agree that younger children have less capacity to understand the difference between a television program and an advertisement than do older children.<sup>10</sup> Several studies of children's reactions to television programs and commercials have shown that there is an age-related developmental process associated with children's cognitive abilities.<sup>11</sup> Some studies show that children as young as two years of age are capable of learning simple information.<sup>12</sup>

The Federal Trade Commission administrative judge, after presiding over hearings on advertising to children, felt that the question of age was so important as to designate it as a "cognitive issue" and a "disputed area".<sup>13</sup> It is a difficult question to decide, and different studies have shown varied results. However, it is obvious from these studies that younger children tend to be more easily influenced by what is seen on television. Thus, it is this younger age group who will need more protection from advertising if it is unfair.

## ABILITY OF THE CHILD TO DISTINGUISH BETWEEN TELEVISION PROGRAMS AND COMMERCIALS

As well as knowing the age group most influenced by television advertising, it is also important to determine whether or not children actually understand the difference between commercials and actual programs. Several studies done on this subject show that children, especially the younger children, do indeed have difficulty in making this distinction. A study done on the effects of separators in television programming came to the conclusion that the presence of a separator device, by itself, appears to make no difference in a child's speed of recognition of commercial material or return to program.<sup>14</sup> Separators alone will not help a child to understand this difference.

In a study done in opposition to this idea, the Roper Organization reported that nearly nine out of ten children aged 3 to 30 can discriminate between television programs and commercials. However, this study was done by interviewing 2,000 parents, not children.<sup>15</sup> This only proves that parents appear to believe that their children can differentiate between programs and commercial content, and they usually know why commercials are run.

## TYPE OF INFLUENCE TELEVISION ADVERTISING HAS ON CHILDREN - IS IT UNFAIR?

The important thing to determine now is whether the influence of television advertising is actually unfair or harmful to children. In the early years the restriction of television advertising to children was based on "fairness" arguments.<sup>16</sup> However, the Federal Trade Commission Act of 1980 placed this basis for action under doubt. It is now uncertain whether "unfairness" or "deception" will be the basis for action, or whether the whole matter will be dropped.<sup>17</sup>

It is becoming a greater concern that television advertising might indeed be harmful. An important argument of those who favor stronger regulation follows:

"Products do pose problems. Products such as sweetened cereals are potential threats to the health and safety of children."<sup>18</sup>

They feel that there is a need to regulate the advertising of these products to young children.

Another point stems from a quotation by Oliver Wendell Holmes, "[Children will] follow a bait as automatically as fish."<sup>19</sup> This idea causes concern that children's television advertising, notably ads for highly sugared products, may be violating the statutory standards of fairness.

Actual physical harm is not the only concern of regulators. They have also examined the possible psychological problems which might arise from the influence of advertising. The Children's Advertising Review Unit of the National Advertising Division of the Council of Better Business Bureaus has questioned this issue in the form of the Hasbro Industry's campaign for the Sno-cone machine. The question raised was whether the advertisements encouraged children with the Sno-cones to lord it over others, or whether it encouraged them, in a positive way, to share.<sup>20</sup>

The possibilities of advertising causing these kinds of problems are the major concerns of advertising regulators. Whether or not advertisements are actually harmful or unfair is difficult to determine in most cases. But the potential for them, through their influential nature, to become harmful is cause for some type of regulation.



## WHERE SHOULD RESPONSIBILITY FOR REGULATION LIE?

As the need for regulation of television advertising to children has been established, the next consideration is to determine who should be responsible for this regulation. There are four major groups who might be best qualified for this responsibility. These are: 1. The government; 2. The advertisers; 3. The station broadcasters; 4. The parents. Each of these will be examined to determine which is best suited to solve this problem.

**The Government:** The role of the government as a regulatory institution is a strong one. Without a doubt, the government, specifically the Federal Trade Commission, would be a strong influence in regulating the advertising to children. It has more power to enforce regulation than any of the other groups. However, the government agencies were designed with a system of checks and balances so that they could not become too powerful. Due to this system, the government will still face difficulty in trying to enforce regulation with which the advertiser disagrees.

The FTC is a regulatory law-making body. Consequently, its proposed rules would be subject to challenge.<sup>21</sup> Questions are raised about freedom of speech and the First Amendment. The FTC must also prove fraud and deception in advertising.<sup>22</sup> It becomes increasingly difficult for this agency to enforce any type of regulation. However the Commission does have a certain responsibility. It must consider whether the advertising is "immoral, unethical or unscrupulous," and "whether it causes substantial injury to consumers."<sup>23</sup> If this is the case, then perhaps the FTC has an obligation to enforce regulation. The Supreme Court recognized this obligation years ago when it said that "parents and others, teachers for example, who have primary responsibility for children's well being, are entitled to the support of laws designed to aid discharge of that responsibility."<sup>24</sup>

The Advertiser: A strong point to be made for the advertiser being responsible for regulation is the mere fact that if the advertiser is unwilling to regulate his advertising, he will find some way around it. Advertisers have certain rights, and in recent years the courts have established the concept that advertisers have some rights of free speech.<sup>25</sup> Advertisers can use these rights in many ways to get around most regulation put on their commercial messages.

On the other hand, another point in favor of the advertiser handling the regulation is that if he is willing to do this, it will eliminate a great deal of argument and work. The advertisers can establish a set code of ethics for childrens advertising and make sure that all advertisers comply.

The only difficulty in this solution is making the advertiser want to comply. He must see some kind of benefit out of his regulating the already successful tactics of advertising aimed at children! If the public can put enough pressure on the advertisers perhaps they would be willing to accept this responsibility.

The Station Broadcaster: A third alternative would be to have the television station broadcaster regulate the advertising over his station. Before and during the stages of FTC rulemaking, the television broadcasting industry took some self-regulatory steps to separate program material from commercials.<sup>26</sup> Each network had its own series of visual and audio devices until, in 1979, one network proposed to the National Association of Broadcasters an industry-wide standard to separate the program and commercial.<sup>27</sup> What is important to note here, is that the broadcasters were concerned over this issue and took action. The broadcasters may be very willing to accept responsibility for some regulation on these advertisements. But they may be hesitant to regulate too heavily in the case that they may lose the financial support of the advertisers. At any rate, the broadcaster would be a powerful source of regulation as he determines what will air on the station.

The Parents: A child's first contact, and the most influential contact throughout his life, is his family. For this reason the parents are seen as a possible means for regulating the advertising to their children. Studies have shown that, while cognitive development plays a major role in a child's response to television advertising, social variables, in particular the family, exert influence as well.<sup>28</sup> Perhaps this family influence is stronger than any government regulation.

Along with the strong influence of the family is the argument of parent's rights. The Supreme Court made this clear in this statement: "[T]he parent's claim to have authority in their own home to direct the rearing of their own children is basic to the structure of our society."<sup>29</sup> It may be up to the parents to decide what their children should see and be influenced by. For the most part, parents know what is best for their children, and they are responsible for regulating their children's activities in most areas until they reach maturity. However, it is extremely difficult for a parent to judge when a harmful or unfair advertisement will appear during their child's television program. And short of eliminating the child's television viewing all-together, there is little they can do to regulate it.

Thus each of these alternatives has its strengths and weaknesses. It is difficult to say that one group would handle the regulation better than another. As it seems to be the parents' right to decide how their children should be raised, a survey to the parents would be appropriate in deciding this issue.

## THE SURVEY

**Purpose:** The purpose of this survey is to gain some insight into the opinions of parents as to who should regulate the television advertising aimed at their children. The parents are the main influence in these childrens' lives, and they are responsible for the proper care and well-being of their children. For this reason their opinions will be invaluable in deciding the issue of who should protect their children from harmful or unfair advertising.

**Methods:** The survey was conducted by interviewing 689 people in Muncie, Indiana. These people were questioned in a telephone survey consisting of 36 questions (see survey in the appendix).

The first eight questions were used to categorize the respondents. These were followed by several general opinion questions dealing with attitudes toward sex and violence on television. The questions which were pertinent to this study were those which dealt with attitudes toward advertising aimed at children (questions 24 through 28). The last several questions were to determine demographic characteristics.

**Results:** Upon reviewing the results of the survey, it was discovered that the majority of the respondents (79%) did not have children in the household in the significant age range. However the opinions of these people, as concerned citizens, are still valuable in this study.

Of those respondents who had children in the household, 60% said that their children watched less than 4½ hours of television per day. The amount of television watched increased on the weekends.

The general opinion towards sex and violence on television was closely split, with only 52% feeling that there was too much violence and 54% saying that there was too much emphasis on sex on television. However when these people were asked the same question pertaining to their children, the response was overwhelming. Over 84% felt that there was too much violence for their children to view, and 82% felt that their children were exposed to too much sexual content.

The majority of the respondents felt that the parents should be responsible for controlling the amount of violence and sexual content which children are exposed to on television.

The portion of the survey dealing with advertising aimed at children and the need for regulation should show similar results. Only 48% of those interviewed felt that there was too much sexual content in the commercials, but a majority of 57% felt that there should be tougher controls on the content of the commercials. An overwhelming 73% felt that commercials shown during children's programs were misleading. And a large majority, 71%, felt that it is the parent's responsibility to teach their children how to interpret commercials. Of those who felt that the regulation should come from another source, the network broadcaster was the most popular choice with 37%, closely followed by consumer groups with 31%, the advertising sponsor with 19% and only 11% felt that the government should regulate the advertising.

## CONCLUSIONS

The results of the survey show that a majority of the people feel that commercials aimed at children are misleading and that it is the responsibility of the parents to regulate their childrens commercial viewing.

It was somewhat surprising to see the difference in values when the respondants were discussing adults as compared to children. This difference was obvious in the great difference between the percent who felt there was too much sex or violence for adult viewing (52-54%), and those who felt there was too much of this type of programming for children (82-84%).

The attitudes of the respondants also became apparent when questioned about the misleading nature of commercials aimed at children. The results of this study imply that these people feel that their children may be being misinformed, that there should be tougher controls on children's advertising, and that for the most part it is the parent's responsibility to provide this control.

Implications: It would be necessary to conduct further research into the area of advertising regulation in order to decide who should be responsible for controlling advertising aimed at children. A more extensive study would have to be done to determine all of the legal aspects involved in this area. However, the results of this survey imply that it is the responsibility of the parents to control the influence which advertising has on their children.

SURVEY

Good (afternoon, evening), I'm \_\_\_\_\_ . Dr. Thomas Baird of Ball State University is doing a study on the attitudes of the public on the appropriateness of TV programs and advertisements for children. It is important that we have your opinions on the subject. The survey will only take a few minutes and will be kept confidential.

1. Do you have any children living in your household between the ages of 6 and 12?  
1. yes 2. no
  2. Do you have any children living in your household between the ages of 13 & 17?  
1. yes 2. no
  3. During the week Monday thru Friday, how many hours a day do you spend watching television?  
(1) 0-2.5 (2) 2.6-4.5 (3) 4.6-6.5 (4) 6.6-8.5 (5) more than 8.5
  4. During the weekend, how many hours a day do you spend watching TV?  
(1) 0-2.5 (2) 2.6-4.5 (3) 4.6-6.5 (4) 6.6-8.5 (5) more than 8.5
- 

ASK ONLY IF THERE ARE CHILDREN IN THE HOUSEHOLD

5. During the week, Monday thru Friday, how many hours a day do the children ages 6 to 12 spend watching TV?  
(1) 0-2.5 (2) 2.6-4.5 (3) 4.6-6.5 (4) 6.6-8.5 (5) more than 8.5
  6. During the weekend, Saturday and Sunday, how many hours a day do the children ages 6 to 12 spend watching TV?  
(use the same answers as in question 5)
  7. During the week, Monday thru Friday, how many hours a day do the children ages 13 to 17 spend watching TV?
  8. During the weekend, Saturday and Sunday, how many hours a day do the children ages 13 to 17 spend watching TV?
-

9. In general, do you believe there is too much violence on television for adult viewers? (1) yes (2) no
10. In general, do you believe there is too much violence of television for children between the ages of 13 and 17? (1) yes (2) no
11. In general, do you believe there is too much violence on television for children between the ages of 6 and 12? (1) yes (2) no
12. In general, do you believe there is too much emphasis on sex on television for adult viewers? (1) yes (2) no
13. ... for children ages 13 to 17? (1) yes (2) no
14. ... for children ages 6 to 12? (1) yes (2) no
15. Do you believe the Federal Government should establish regulations to control the amount of violence on television? (1) yes (2) no
16. Do you believe that the major networks should establish stronger industry guidelines concerning the control of the amount of violence on television? (1) yes (2) no
17. Do you believe that the sponsors who advertise on television should be more responsible and refuse to support programs with too much violence? (1) yes (2) no
18. Do you believe that parents should exercise more control over their children and determine which shows their children will be allowed to watch? (1) yes (2) no
19. Do you believe that the Federal Government should establish regulations to control the amount of sexual contents of television programs? (1) yes (2) no
20. Do you believe that the major networks should establish stronger industry guidelines concerning the control of the amount of sexual content of television programs? (1) yes (2) no
21. Do you believe that the sponsors who advertise on television should be more responsible and refuse to support programs with too much sexual content? (1) yes (2) no
22. Do you believe that parents should be more aware of the contents of TV programs and refuse to allow their children to watch shows with sexual content? (1) yes (2) no



23. Which of the following do you believe should be the major force in controlling the amount of violence and sexual content which children are exposed to on TV?
- (1) Netweoks should voluntarily reduce offensive content
  - (2) The federal government should pass regulations controlling TV content.
  - (3) Sponsors of the programs should take the responsibility of controlling the contents
  - (4) Parents whould take a greater role in determining the programs their children watch
24. Do you believe there is too much sexual content on the commercials shown on TV? (1) yes (2) no
25. Do you believe there should be tougher cntrols on the contents of commercials shown on TV? (1) yes (2) no
26. Do you believe that commercials shown during children's programs, i.e. the Saturday morning cartoons, try to misinform or mislead children into wanting products which are not necessary or are unhealthy for them? (1) yes (2) no
27. Is it primarily the responsibility of parents to teach their children how to interpret commercials, or should there be more control and regulations governing the contents of commercials aimed at children?
- (1) Parents
  - (2) Controls
28. If there should be more controls, who should be responsible for writing them?
- (1) Networks
  - (2) Federal government
  - (3) Sponsors
  - (4) consumer groups
29. Are you between the ages of 20-29 (1)  
 30-39 (2)  
 40-49 (3)  
 50-59 (4)  
 60 and Over (5)
30. How many children do you have under the age of 6? 1 (1)  
 2 (2)  
 3 (3)  
 4 (4)  
 0 (5)



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