CARU Issues Revised Guidelines for Responsible Advertising to Children

Posted on August 3, 2021 by Andrew Lustigman, Morgan Spina

The self-regulatory body that oversees advertising aimed at children, the Better Business Bureau (“BBB”) National Programs’ Children’s Advertising Review Unit (“CARU”), has issued revised CARU Advertising Guidelines (the “Revised Guidelines”). The Revised Guidelines state that advertisers recognize that children have limited knowledge and sophistication, and as such their ability to evaluate the credibility of advertising is limited. It is within this context that the Revised Guidelines seek to ensure that advertising directed to children is not deceptive or inappropriate. The Revised Guidelines apply to advertising content targeting children under the age of 13.

Perhaps most significantly, the Revised Guidelines reflect the changing nature of advertising and media, recognizing the prevalence of digital media, video, influencer marketing, and in-app advertising.

Key updates to the Revised Guidelines include:

- The addition of a new section entitled “In-App or In-Game Advertising and Purchases.” This section states that advertisements, apps, or games should not cause children to inadvertently or unknowingly engage with an ad. Further, where a purchase is required, the advertiser must make it clear that any purchases involve real currency.

- The addition of a new guideline requiring advertising not to portray or encourage negative social stereotyping, prejudice, or discrimination.

- The inclusion of FTC guidance on endorsements and influencer marketing, including the requirement that endorsers clearly and conspicuously disclose that they have a material connection to the advertiser when such connection would not be expected by ordinary children.

- Specifying the factors that are used to determine when an advertisement is primarily directed toward children.

The Revised Guidelines go into effect on January 1, 2022, at which time CARU will start investigating cases of non-compliance.

Takeaway: Advertisers that direct advertising at children should ensure that all such advertising complies with these Revised Guidelines by the January 1, 2022 effective date. Advertisers may utilize the BBB National Programs’ advertising pre-screening services to receive feedback direct from CARU as to whether specific advertising is compliant.

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