

2020

CONFIDENTIAL REPORT



EU PLEDGE MONITORING

Social media, websites, and influencer marketing

Nestlé

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

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

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

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

In order to offer unbiased, independent, and accountable results, a ‘consumer-oriented approach’ was drawn up by the EASA secretariat in collaboration with the EU Pledge secretariat and Pr. Verónica Donoso, the independent reviewer of the exercises that were conducted between 2011 and 2016. The 2020 methodology was adapted by EASA, the EU Pledge secretariat, and Professor Liselot 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 published in over 60 academic journals, such as *New Media and Society*, *Journal of Interactive Marketing*, *Journal of Business*, *Nestlé – Websites, social media, and influencer marketing*

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

Project overview

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

List of the participating countries

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

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

List of the EU Pledge member companies

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

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.

Nestlé – 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
JEP - Belgium	7	6	6	6	25	12
ARPP - France	7	6	6	6	25	12
DWR - Germany	7	6	6	6	25	12
SEE - Greece	7	6	6	6	25	12
IAP - Italy	7	6	6	6	25	12
RAC - Romania	7	6	6	6	25	12
AUTOCONTROL - Spain	7	6	6	6	25	12
Ro. - Sweden	7	6	6	6	25	12
Total	56	48	48	48	200	96

The 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 133. The complete analysis of this part can be found on page 32.

Methodology

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

³ Where available, at least 1 website per company.

⁴ Not all EU Pledge member companies provided influencer profiles.

Nestlé – 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.

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

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

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

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

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

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

The questions were meant to evaluate the websites, social media sites and influencer profiles 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**

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.

Nestlé – Websites, social media, and influencer marketing

clearly and evidently primarily appealing to children under 12. It will then be automatically coded as a “red flag”.

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

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

The following were considered:

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

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

Note on the methodology

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

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

Executive summary

Brand-owned websites:

- A total of 56 national brand websites were reviewed, 5 of which belonged to Nestlé;
- All 5 Nestlé websites (100%) were compliant with the EU Pledge commitment;
- All 5 Nestlé websites reviewed (100%) were compliant with the relevant advertising codes and laws.

Brand-managed social media profiles:

- A total of 144 social media profiles were reviewed, 10 of which belonged to Mondelēz;
- 84.61% of social media profiles were compliant with the EU Pledge commitment – 2 out of the 13 profiles analysed were in breach of the commitment;
- 84.61% of social media profiles were compliant with relevant self-regulatory rules, advertising legislation, and the ICC Code and Framework – 2 out of 13 profiles contained items that were potentially in breach of relevant advertising rules.

Brand-recognised influencer profiles:

- A total of 96 influencer profiles were reviewed, 2 of which belonged to Nestlé;
- Both Nestlé influencer profiles (100%) reviewed were compliant with the EU Pledge commitment;
- Both Nestlé influencer profiles (100%) reviewed were compliant with the relevant advertising codes and laws.

1. Brand-owned websites

1.1 Compliance with the EU Pledge commitment

The 2020 monitoring exercise reviewed a total of 56 brand-owned websites across eight European countries. Reviewers analysed 5 websites belonging to Nestlé. These websites were provided by the company through the EU Pledge secretariat to EASA who then randomly selected 5 websites based on an agreed quota.

Number of websites reviewed per country

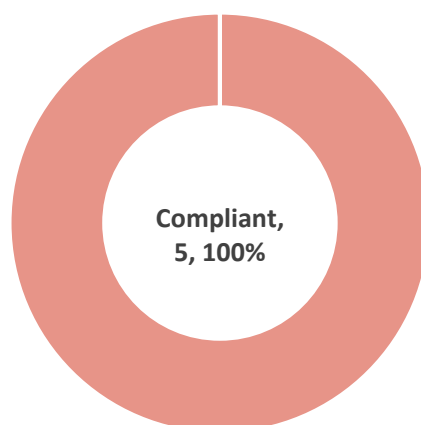
Country	Nestlé
France	1
Italy	1
Romania	1
Spain	1
Sweden	1
Total	5

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 all 5 websites for Nestlé were compliant with the EU Pledge commitment.

Compliance of websites with the EU Pledge commitment (N=5)



1.2 Orange category flags

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

Reviewers have not flagged any websites for any of the factors analysed during the monitoring.

1.3 Licensed characters, tie-ins & celebrities

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

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

Reviewers found that 1 website contained a celebrity, but this was not deemed appealing to children.

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 3 websites contained games and entertainment activities, though they were not targeting children.

1.5 Promotional events & contests

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

Reviewers found that 1 website contained promotional actions and contests, though not targeted to children.

1.6 Animations, sound effects & videos

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

The SROs found that 3 websites displayed animations and videos, but were not deemed appealing to children.

1.7 Toys used as premiums

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

There was no mention of toys on any of the 5 websites.

1.8 Language and interaction

The language style and tone of the text on the website were also closely analysed. Experts looked at whether the website as a whole was clearly directing their content to children under 12 years old through the language style used, whether it was simple and plain enough for 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 the language style and register was not targeting or appealing to children.

1.9 Age screening & parental consent

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

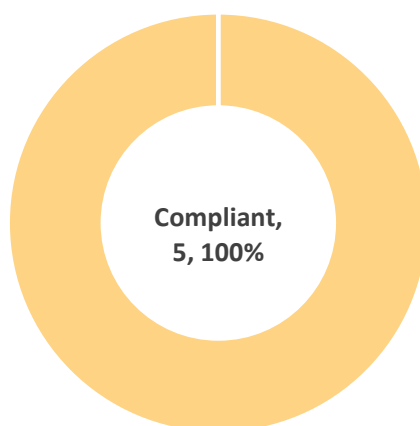
Reviewers found that none of the 5 websites had an age-gating mechanism.

1.10 Compliance with relevant local advertising codes and rules

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

Reviewers found that all 5 websites were compliant with relevant self-regulatory rules, advertising legislation, and the ICC Code and Framework.

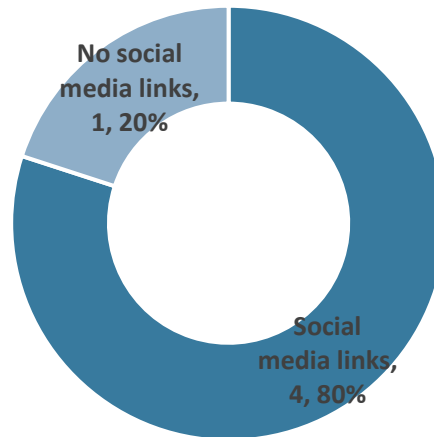
Compliance of websites with SR rules, laws and ICC Code (N=5)



1.11 Links to social media profiles

Experts have found that 4 websites contained hyperlinks to other social media pages of the same brands. SROs were asked to check whether the websites that they had to review were in some way linked to the social media pages of the same brands or products. This is to monitor whether profiles that are compliant with the EU Pledge commitment have direct links to social media pages that are not compliant or for which experts have flagged certain factors. The 4 social media profiles contained direct links to the corresponding brands' pages on Facebook, Instagram, YouTube, and/or Twitter.

Number of websites with links to social media profiles (N=5)



2. Brand-owned social media profiles

2.1 Compliance with the EU Pledge commitment

The 2020 monitoring exercise reviewed a total of 144 brand-owned social media pages across eight European countries. Reviewers analysed 13 social media profiles belonging to Nestlé. These profiles were provided by the company through the EU Pledge secretariat to EASA who then randomly selected 13 social media profiles based on an agreed quota.

Number of social media profiles reviewed per country and per platform

Country	Nestlé
Belgium	3
France	1
Germany	2
Greece	2
Italy	2
Romania	2
Spain	1
Total	13

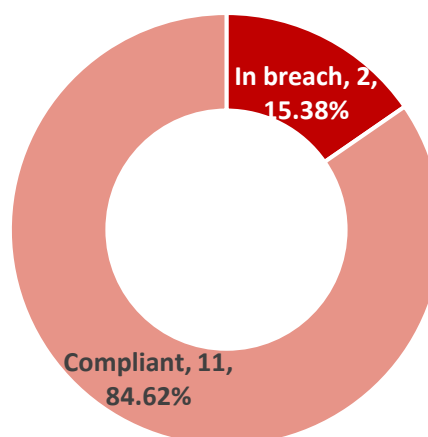
Platform	Nestlé
Facebook	4
Instagram	4
YouTube	5
Total	13

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 ads 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 85% of the social media profiles analysed for Nestlé were compliant with the EU Pledge commitment, with 2 profiles marked as primarily appealing to children under 12 years old.

Compliance of social media profiles with the EU Pledge commitment (N=13)



Detailed analysis of the brand social media profiles 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 both analysing, treating, and conducting such analyses 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.



Smarties Instagram ([link](#) – ID 180)

- ✗ Games & Entertainment activities
- ✗ Animations & Videos
- ✗ Language Style

The first social media profiles marked as non-compliant is the Greek Instagram account for Smarties. The Greek SRO, SEE, found that the profile contained few posts, but all of them were colourful, pleasant, and attractive for young children. Many posts (5 out of a total of 14) were videos showing and inviting the viewers to join fun activities that young children under 12 would easily relate to and relevant. The following factors also contributed to rendering the social media page non-compliant:

1. Games & entertainment activities (Fig. 1, 2, 3):

- The game/entertainment activity is easy enough to be played by children younger than 12;
- A child younger than 12 could easily follow the instructions to play the game/entertainment activity;
- The instructions contain more visuals/animations than written text;
- The advertised product is prominent in the game;
- The player is either collecting or working with the product itself.

Figure 1: Screenshot from Greek Instagram profile for Smarties

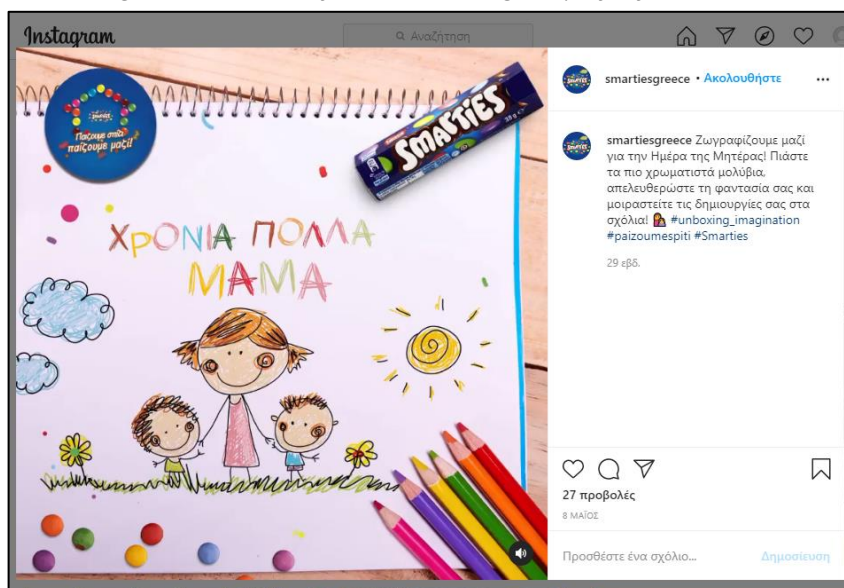
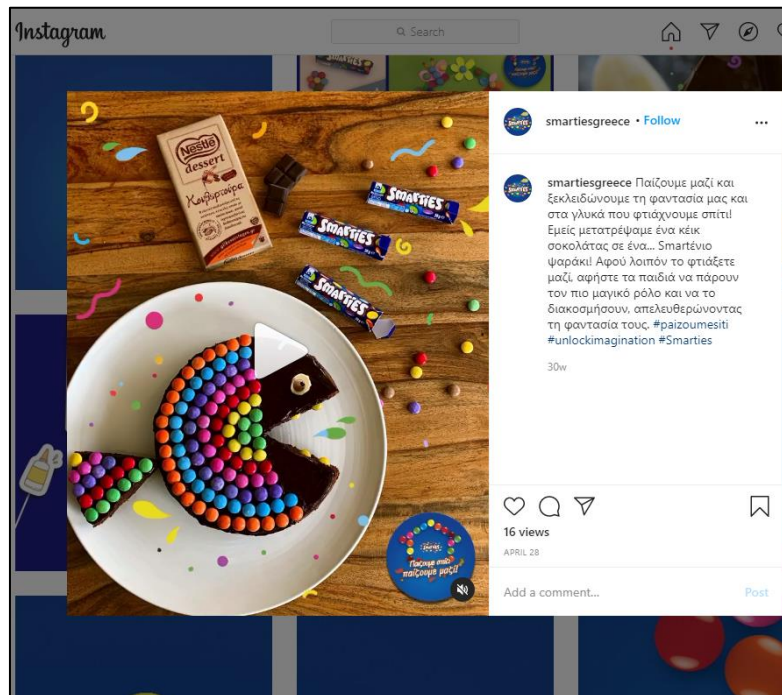


Figure 2: Screenshot from the Greek Instagram profile for Smarties



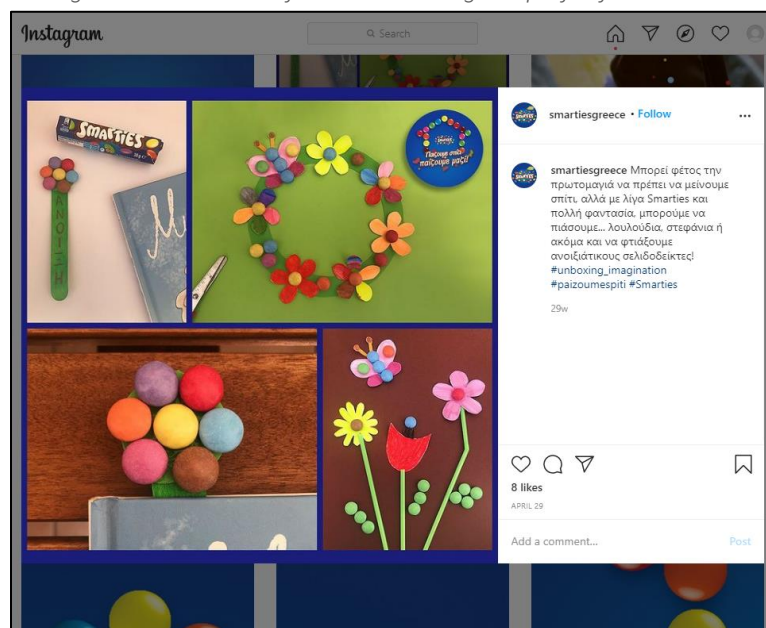
2. Animations & videos (Fig. 1, 2):

- The videos contain music that is appealing to children under 12;
- The photos and/or videos are colourful/cartoon-like and use effects that are appealing to children under 12;
- The animations, sound effects, videos are used as a means to promote the food/beverage to children under 12.

3. Language Style (Fig. 1, 2, 3):

- The profile encourages the interaction and/or the active participation of children under 12;
- It invites children to play games/entertainment activities.

Figure 3: Screenshot of the Greek Instagram profile for Smarties





Smarties YouTube ([link](#) – ID 216)

- ✗ Games & Entertainment activities
- ✗ Animations & Videos

The second social media profile marked as non-compliant with the EU Pledge commitment is the Greek YouTube account for Smarties. The profile only contained 3 videos, all of which are colourful, pleasant, and attractive, displaying fun activities that young children under 12 would enjoy. The following factors contributed to its breach of the commitment:

1. Games & entertainment activities (Fig. 4, 5, 6):

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

Figure 4: Screenshot from the Greek YouTube account for Smarties



Figure 5: Screenshot from the Greek YouTube account for Smarties

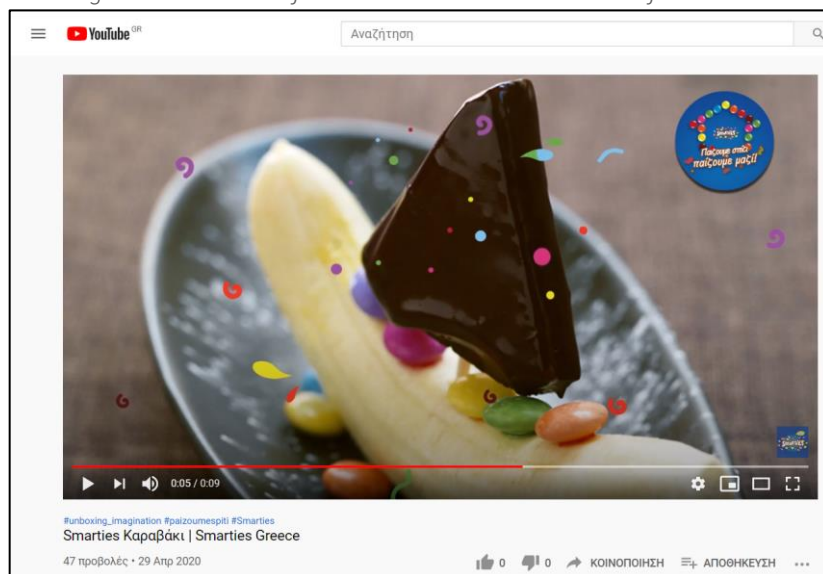
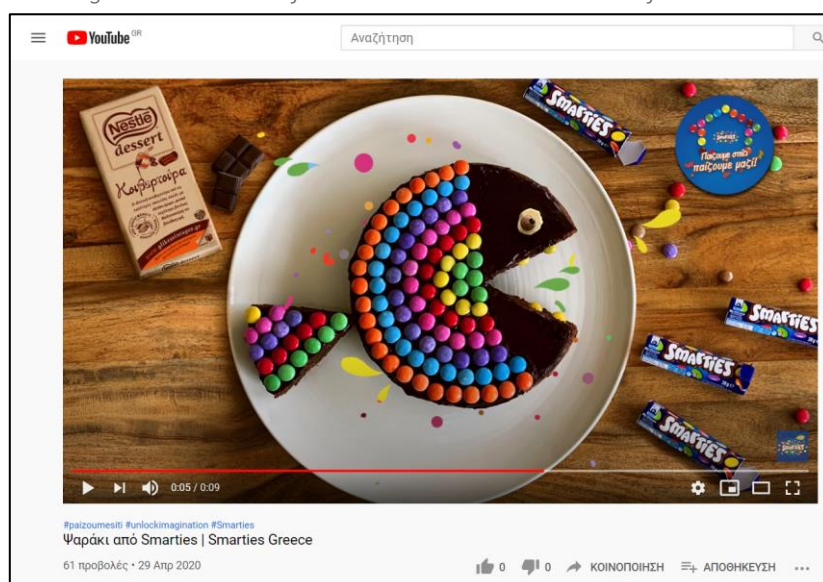


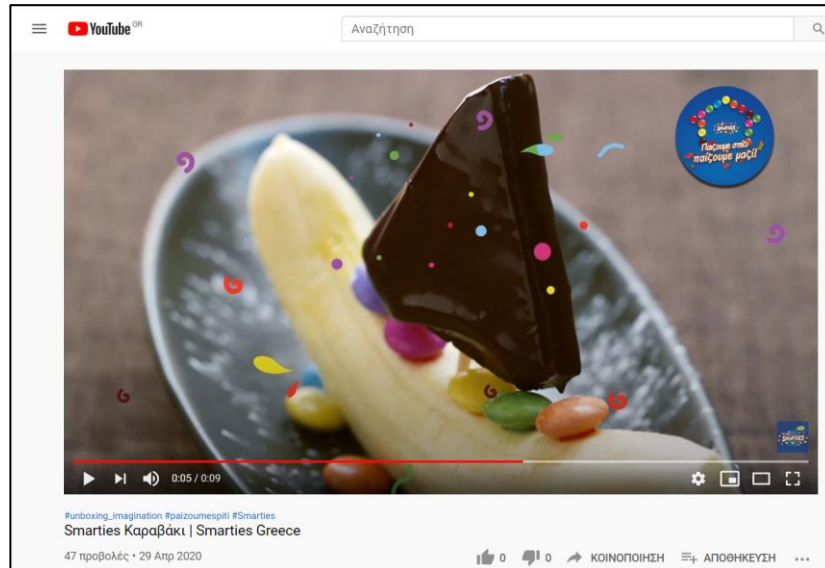
Figure 6: Screenshot from the Greek YouTube account for Smarties



2. Animations & videos (Fig. 4, 5, 6):

- The videos contain music that is appealing to children under 12;
- The photos and/or videos are colourful/cartoon-like and use effects that are appealing to children under 12;
- The animations, sound effects, videos are used as a means to promote the food/beverage to children under 12.

Figure 6: Screenshot from the Greek YouTube account for Smarties

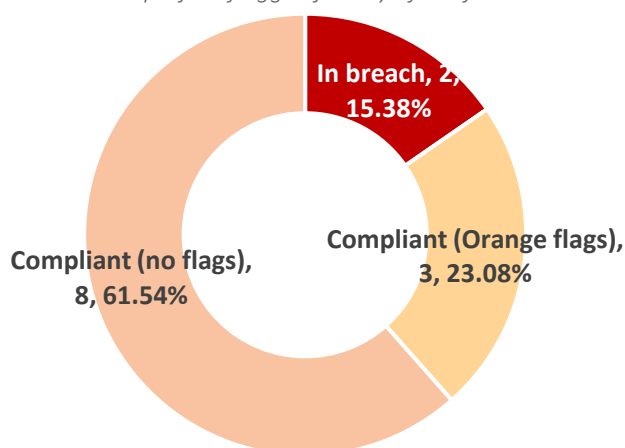


2.2 Orange category flags

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 3 social media profiles that are 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 displayed on these pages, experts wish to highlight factors that rendered these 3 profiles to be appealing to a broad audience, including children.

Number of social media profiles flagged for any of the factors reviewed (N=13)



The following 3 social media profiles were flagged by experts:

- German Instagram profile for Smarties ([link](#));
- Italian Facebook profile for KitKat ([link](#));
- Belgian YouTube profile for Nesquik ([link](#)).

The following factors were highlighted for these profiles:

1. Games & entertainment activities;
2. Animations & videos;
3. Language style.

We will only discuss these profiles in this next section.

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.

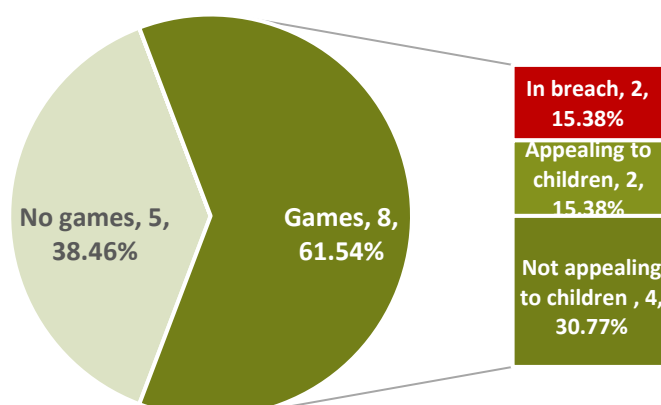
Reviewers found that 2 social media profiles contained celebrities, but they were not judged to be appealing to children.

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 8 social media profiles included games and entertainment activities on their online content. 4 of these profiles were deemed not appealing to children, 2 were assessed as being in breach of the commitment (discussed earlier in the report), and another 2 were flagged for the Orange category.

Number of social media profile containing games & entertainment activities (N=13)



The following elements were highlighted by experts:

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

Figure 7: Screenshot from the German Smarties Facebook profile

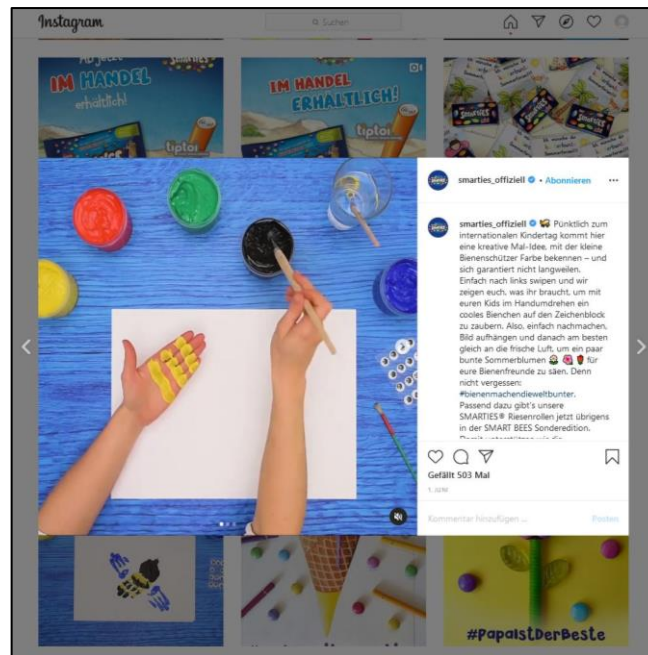


Figure 8: Screenshot from the Belgian Nesquik YouTube profile



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 5 social media profiles contained promotional actions and contests, but none was deemed to be targeting or appealing to the demographic.

2.6 Animations, sound effects and videos

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

The SROs found that 5 social media profiles displayed animations and videos. Of these, 2 profiles were considered in breach (discussed earlier in the report), and a further 3 were flagged for the following elements:

- The photos and/or videos are colourful/cartoon-like and use effects that are appealing to children under 12;
- The animations, sound effects, videos are used as a means to promote the food/beverage to children under 12.

Number of social media profiles with animations and videos (N=13)

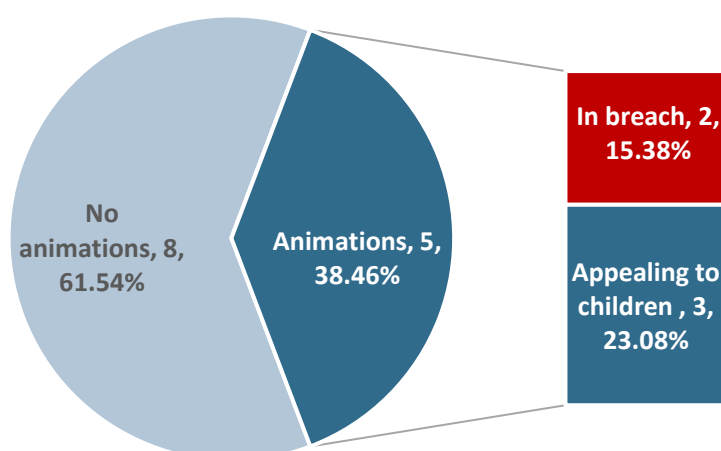


Figure 8: Screenshot of the Italian KitKat Facebook profile

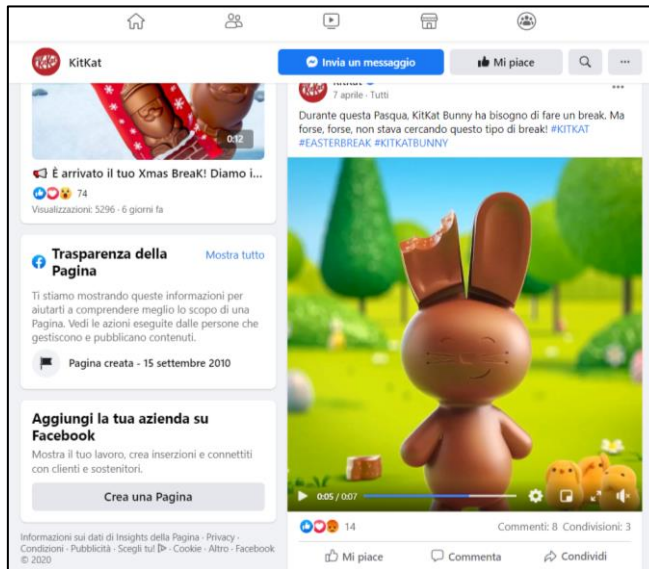


Figure 9: Screenshot from the German Smarties Instagram profile



Figure 10: Screenshot from the Belgian Nesquik



profile

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.

No flags were raised for this factor.

2.8 Language and interaction

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

Experts found that 2 social media profiles displayed a language style and register that was problematic. 1 social media profile was deemed in breach of the commitment and was discussed earlier in the report, the other one was flagged for the following elements:

- The profile encourages the interaction and/or the active participation of children under 12;
- It invites children to download apps.

Number of social media profiles flagged for the language style (N=13)

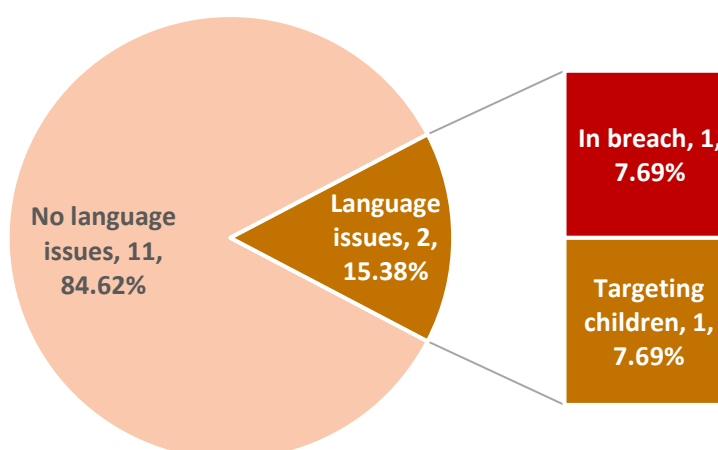
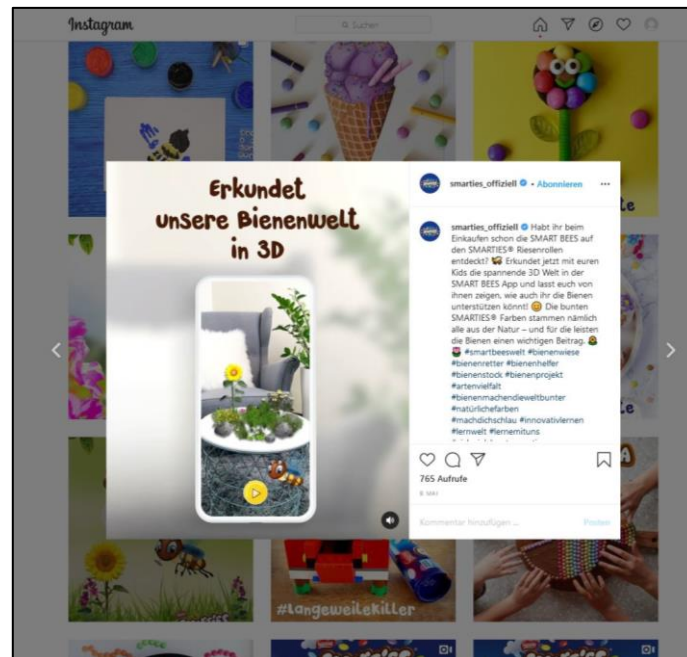


Figure 11: Screenshot of the German Smarties Instagram profile



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.

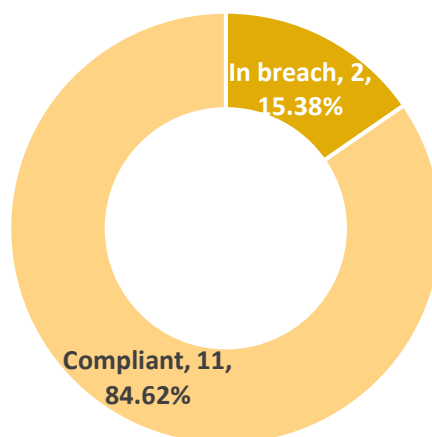
Reviewers found that none of the 13 social media profiles displayed an age-gating mechanism.

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 84.62% of social media profiles were compliant with the relevant local self-regulatory rules, advertising legislation, and the ICC Code and Framework – 2 social media pages out of the 13 contained elements that were in breach of some local rules.

Compliance of social media profiles with SR rules, laws, and ICC Code (N=13)



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.

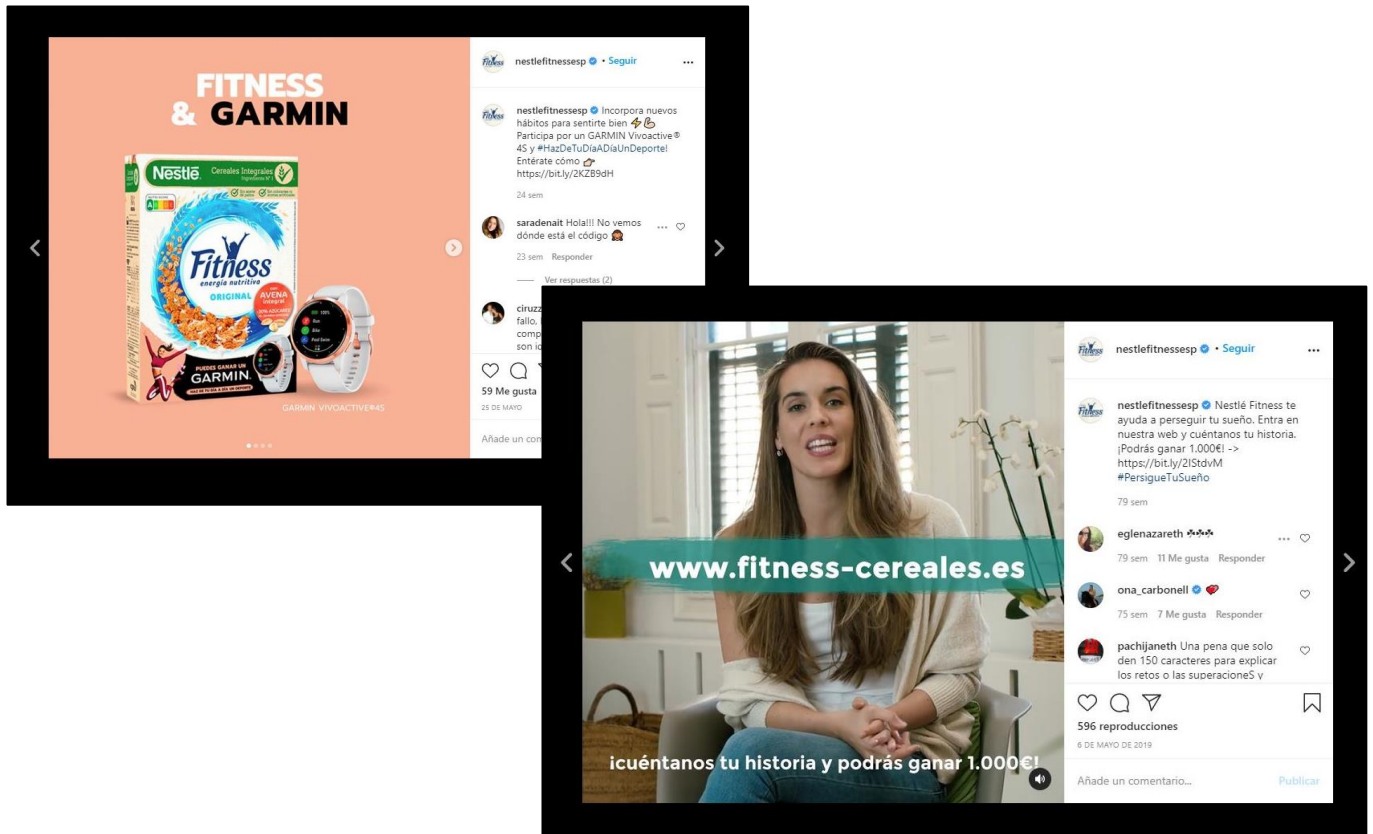


Fitness Instagram ([link](#) – ID 171)

- ✗ ICC Framework for Responsible Food and Non-Alcoholic Beverage Marketing Communications
- ✗ AUTOCONTROL Code
- ✗ ICC Code
- ✗ Spanish advertising legislation

The Spanish SRO, AUTOCONTROL, has marked the Instagram page for Fitness to contain elements that were potentially in breach of relevant local rules and legislation. AUTOCONTROL noted that the promotional action displayed in the adverts did not display the terms and conditions or the end date of the promotions, as should be the case as per the [ICC Code](#) and [ICC Framework](#) Article 1 stating that all advertising must be legal, decent, honest and truthful, and Article A6 on prize-winning information requirements. This is also in breach of Article 19.1 of the Law 7/1996 on Retail Commerce, and subsequently of Rule 2 of the [AUTOCONTROL Code](#), as all advertising must be legal.

Figure 12 & 13: Screenshots from the Spanish Fitness Instagram profile





Nesquik YouTube ([link](#) – ID 207)

- ✗ FEVIA Code (Belgian Food Code)
- ✗ Belgian food claims legislation
- ✗ ICC Code

The Belgian SRO, JEP, noted that the advertising videos appearing on the official YouTube channel of Nesquik contained elements in breach of the Belgian Food Code FEVIA, article 10. Specifically, some of the text under the video might be deemed in breach of this sectorial code as it plays on the social status of children amongst peers and educational success. Assertions such as:

- *Te voilà prêt(e) à dresser tes livres d'école !* (You are now ready to open your school books!);
- *Te voilà prêt(e) à dominer la cour de récré !* (You are now ready to dominate the school playground!)

Some of the texts might also prove problematic with respect to food claims legislation:

- *bois ton verre de Nesquik... et galope aussi vite qu'un [cheval] jusqu'à la cour de récré !* (Drink your Nesquik glass... and gallop as fast as a [horse] till the school playground!)
- *bois ton verre de Nesquik... et fonce tel un puissant [lion] jusqu'à l'école !* (Drink your Nesquik glass... and rush like a powerful [lion] to school!)

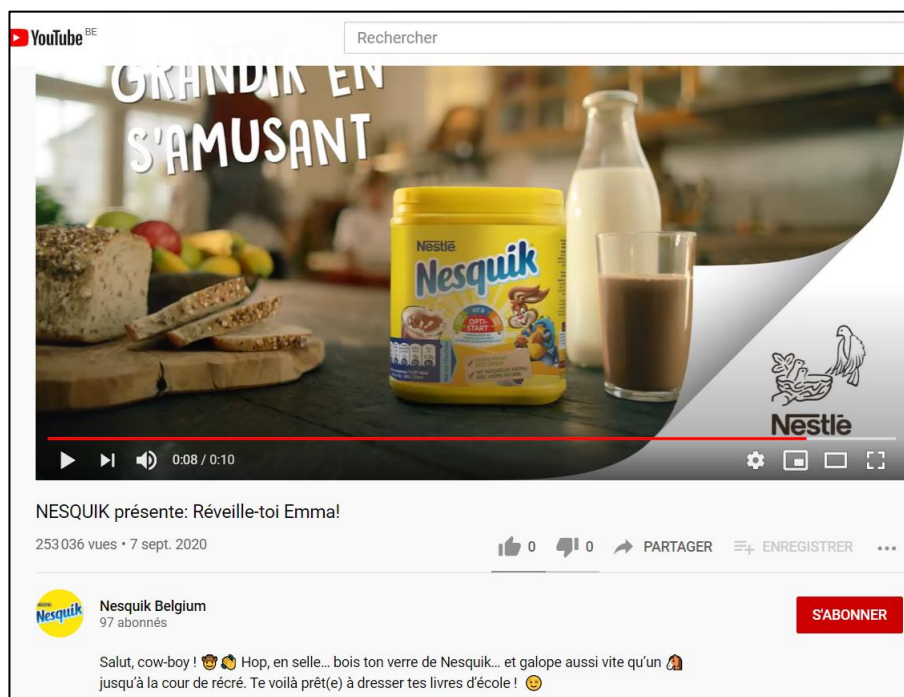
FEVIA Code [article 10](#) states that “adverts for food products ought not deceive consumers as to the potential advantages in terms of health or other potential advantages arising from the consumption of the presented product.”

It is also in breach of article 18 of the [ICC Code](#), stating that “special care should be taken in marketing communications directed to or featuring children or teens. [...] When demonstrating a product's performance and use, marketing communications should not [...] exaggerate the true size, value, nature, durability and performance of the product.”

Figure 14: Screenshot from the Belgian Nesquik YouTube channel



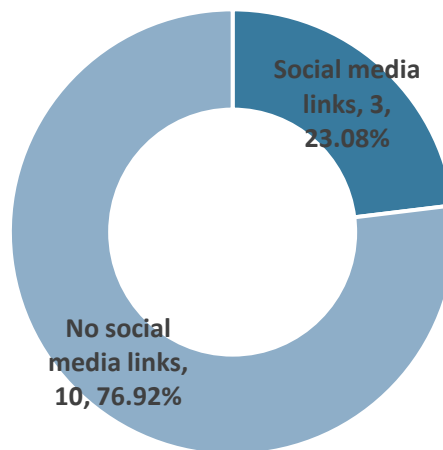
Figure 15: Screenshot from the Belgian Nesquik YouTube channel



2.11 Links to other social media profiles

Experts have found that 3 social media profiles out of the 13 analysed, displayed hyperlinks to other social media pages of the same brand. 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. 2 of the 3 social media profiles contained links to the corresponding brands' pages on Facebook, whereas one had direct links only to the website of a TV channel.

Number of social media profiles with links (N=13)



3. Influencer marketing

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

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

3.1 Compliance with the EU Pledge commitment

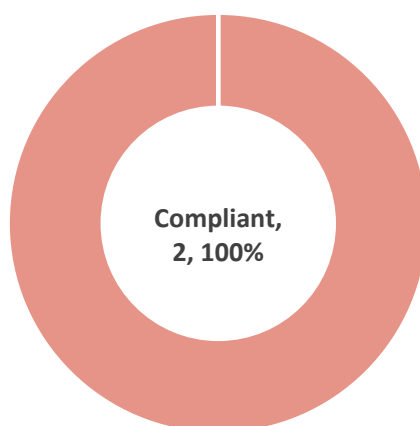
The 2020 monitoring exercise reviewed a total of 96 brand-recognised influencer profiles and 133 posts and stories across eight European countries. Reviewers analysed 2 profiles belonging to Nestlé. These profiles were provided by the company through the EU Pledge secretariat to EASA who then randomly selected 2 based on an agreed quota.

Country	Nestlé
France	1
Romania	1
Total	2

Platform	Nestlé
Instagram	2
Total	2

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

Compliance of influencer profiles with the EU Pledge commitment (N=13)



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 neither of the 2 influencer profiles for any of the factors analysed during the monitoring.

3.3 Factors analysed during the monitoring

Below is 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.

No flags were raised for this factor.

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 flags were raised for this factor.

Language

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

No flags were raised for this factor.

Visuals

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

No flags were raised for this factor.

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.

No flags were raised for this factor.

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.

No flags were raised for this factor.

Humour

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

No flags were raised for this factor.

Toys

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

No flags were raised for this factor.

Films

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

No flags were raised for this factor.

3.4 Targeting parents of young children

SROs also investigated whether the influencers' posts selected for the monitoring were directly targeting parents of children under or around the age of 12. Whilst this factor was not involved in the post's compliance with the EU Pledge commitment, experts still wished to bring to the brands' attention such problematic posts. Reviewers found that neither of the 2 websites were targeting children's parents.

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 only 1 post, out of the 2 analysed, did not correctly and transparently disclose its advertising nature.

Number of influencer posts with transparency disclosures (N=13)

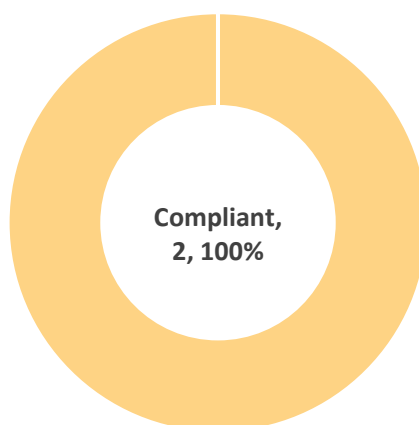


3.6 Compliance with relevant local advertising codes and rules

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 both influencer profiles were compliant with relevant local self-regulatory rules, advertising legislation, and the ICC Code and Framework.

Compliance of influencer profiles with SR rules, laws, and ICC Code (N=13)





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