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# Review of the Advertising Standards Code

Submission to the Advertising Standards Authority of Ireland



**ombudsman**  
do leanaí  
for children

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# 1. Introduction

The Ombudsman for Children's Office (OCO) is an independent statutory body, which was established in 2004 under the Ombudsman for Children Act 2002 (2002 Act). Under the 2002 Act, as amended, the OCO has two core statutory functions:

- to promote the rights and welfare of children up to 18 years of age; and
- to examine and investigate complaints made by or for children about the administrative actions of public bodies, schools and voluntary hospitals that have, or may have, adversely affected a child.

We welcome the opportunity to provide our observations on the new edition of the Advertising Standards Authority of Ireland code (the code) from a children's rights perspective. The current code includes specific protections for children, which is welcome. However, the OCO note that the code was last revised in 2016 and in the last 10 years, social media use among children has increased significantly.

Since 2010, the average time spent by children between 9 and 15 years old on screens and social media has more than doubled.<sup>1</sup> In research, carried out in conjunction with the Irish Film Classification Office and Coimisiún na Meán, the OCO found that not many young people watched TV channels. The majority consumed media (and advertising) through online platforms and channels, primarily on their phones.<sup>2</sup> Research indicates that Ad tech companies hold, on average, 72 million data points on a child by the time they turn 13 and that a 14-year-old could be targeted with 1500 advertisements per day.<sup>3</sup>

UNICEF identified the array of adverse impacts on children and their rights when it comes to digital marketing, including:

- **Physical and mental health:** Personalised ads and persuasive tactics can influence children's behaviour, keeping them online or influencing them to make unhealthy diet choices, which [affect their mental and physical health](#).
- **Privacy:** Companies track and collect data on children's online activity and preferences to show them targeted ads.
- **Economic exploitation:** Children can be taken advantage of due to [weak labour protections in influencer culture](#).

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<sup>1</sup> [Why are children and adolescents vulnerable to social media? – EU Commission Joint Research Centre](#)

<sup>2</sup> [Audience Perspectives on Harmful and Offensive Media Content](#)

<sup>3</sup> [Kids for Sale: Online Advertising and the manipulation of children](#)

- **Freedom of expression and thought:** Sponsored content, influencers, and ad-filled spaces can shape children’s opinions and limit their ability to express themselves freely and resist persuasive tactics used to influence them.
- **Access to information:** Algorithms may show what sells rather than what helps children learn and grow.
- **Play and rest:** Digital marketing within games, and on social media, often turns play into [a buying experience](#). One researcher found that [95% of popular children’s apps contain some form of marketing](#).<sup>4</sup>

We understand that since the code was last updated, the [Online Safety Code](#) has come into effect offering greater protections and safeguards for children online, including safeguards regarding advertising and commercial exploitation.

However, given children’s increased exposure to digital marketing, this aspect should be updated and addressed more comprehensively in the revised code. We provide recommendations for this in section 4 of this submission.

The submission is guided by issues raised by the OCO Youth Advisory Panel (YAP) which are outlined in more detail in the next section.

## 2. Views of the OCO Youth Advisory Panel

In January 2026, the OCO consulted with our Youth Advisory Panel (YAP) on the role and impact of the online world on their lives. YAP members are aged between 13 and 17 and represent a diverse range of schools across the country. During the recruitment process, efforts are made to ensure that the YAP represents a diversity of backgrounds too, though no YAP member is ever expected to share anything about their personal background, or to speak on behalf of any particular demographic.

While not the sole focus of the consultation in January, many of the members spoke about the impact on them and their peers, of advertising, digital marketing and influencer sponsored content. This section captures some of their views:

- **Skin products and “Skinfluencers”**

A study from the dermatology department at Tallaght University Hospital in Dublin examined content on TikTok, Instagram and Facebook with the hashtag #tweenskincare. They analysed 150 social media videos promoting teen skincare. Only a fifth of the videos advised against using harmful products on young skin. 78% directly promoted a skincare product.<sup>5</sup>

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<sup>4</sup> UNICEF toolkit on [Children’s Rights and Digital Marketing](#),

<sup>5</sup> RTE Report: [Skinfluencers: Children's online skincare trend worries experts](#)

YAP members recognised the potential harm caused by influencers, some of whom are children themselves, encouraging the adoption of elaborate skincare routines. ***“There’s this term online we use called Sephora Kids – children buying skincare and makeup in [the] US because of influencers”***. The YAP recognised that harsh chemicals like retinol, typically used for its anti-aging properties, are not suitable for children. Despite this, the YAP reported being repeatedly targeted with this content by their social media algorithms, often in the form of influencer sponsored content.

- **Lifestyle content**

The YAP also reported being exposed to content which encouraged behaviours that they recognised as unhealthy. Several YAP members stressed that many influencers and content creators promote a lifestyle that is overly consumerist in nature; ***“a lot of them promote a capitalistic lifestyle – fridges full of stuff in plastic, seeing people with rooms of makeup and clothes, things that you don’t need, shown to young people who are very impressionable”***. The YAP also raised that this often creates a pressure among young people to have a ‘perfect life’, damaging their mental health.

- **Inappropriate and targeted advertising in gaming**

Another prominent theme identified by YAP members was children who are exposed to inappropriate, often targeted, advertising when playing video games. ***“I’ve seen it a good few times, playing a game that’s targeted for younger people or all ages and it’s just constantly cycling between gambling ads and ads for random things, like cars, medicines”***. They also raised the issue of customisable Avatars, and embedded advertising in video games, as a more covert way in which brands increase loyalty among younger audiences.

- **Body image and dangerous appearance-based trends**

The YAP also repeatedly stressed that what children see online can have a harmful impact on their body image. Influencers were discussed, both as victims of online abuse because of the way that they look, but also that they are responsible for promoting products and behaviours that are damaging to teenagers and young people. YAP members spoke about waist trainers/corsets, and ‘skinny teas’ being promoted by influencers and celebrities, as well as more extreme behaviours such as ‘bonesmashing’ for men (part of the ‘looksmaxing’ trend) and women having ribs removed to make their waists smaller. Recommender algorithms were identified as a reason for the high prevalence of this content.

- **Vaping and nicotine products**

The in OCO engagements with children and young people, within our workshops, also highlighted the advertising methods of vaping and nicotine products companies who often use colourful and playful packaging and marketing material to attract children.

### 3. Relevant new and emerging legal and regulatory frameworks

Since the code was last revised, the OCO note a number of changes in the legal and regulatory environment that should be referenced in the code. We also point to the gap in laws and regulation in relation to influencer marketing and content.

Comisiún na Meán has responsibility through the Online Safety Code to protect children online including the protection of children from audiovisual communications which:

- may impair their physical, mental, or moral development;
- directly exhort children to buy or hire a product or service by exploiting their inexperience or credulity;
- directly encourage children to persuade their parents or others to purchase the goods or services being advertised;
- exploit the special trust children place in parents, teachers or other persons;
- unreasonably show children in dangerous situations; and
- include displays of alcohol aimed specifically at children.<sup>6</sup>

The new EU AI Act will also include additional safeguards in regard to transparency requirements, prohibited AI practices and the use of AI in digital marketing for the purposes of targeting and profiling.

The [\*Public Health \(Tobacco Products and Nicotine Inhaling Products\) \(Amendment\) Bill 2026\*](#) will prohibit the sale of nicotine consumption products, such as pouches, to under-18s. Colours and imagery on nicotine inhaling product devices and packaging will also be restricted. This legislation is currently at Committee stage in the Dáil.

The OCO believe that there are significant regulatory gaps for children in regard to influencer content and marketing that should be closed through new laws and regulations.<sup>7</sup> We note that France has introduced legislation to impose stricter rules on influencer sponsored content and has prohibited the promotion of certain goods and services including cosmetic procedures and gambling products by influencers. France has also introduced regulations to protect child influencers by applying labour laws to their work and establishing a "right to be forgotten" to allow them to delete content.<sup>8</sup> These types of laws would be welcomed by the OCO.

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<sup>6</sup> [Online Safety Code - Coimisiún na Meán](#)

<sup>7</sup> [Toolkit launched to protect child influencers](#)

<sup>8</sup> [France passes new law to protect child influencers](#)

Within this context and the evolving regulatory space, there is an opportunity for the revised code to include strengthened guidelines that more fully recognise the risks to children in the online world and from digital marketing within a rights-based framework.

## 4. Recommendations for the revised code

Our recommendations are based on the following toolkits and guides:

- [Industry Toolkit on Children’s Rights and Digital Marketing | UNICEF Child Rights and Business](#)
- [Children’s Rights and Well-Being Manifesto | Eurochild and Conscious Advertising Network \(CAN\)](#)
- [Children in Content: Digital Safeguarding Tool Kit](#) | Dr. Francis Rees, University of Essex

### **The updated code should require brands, advertisers and all marketing communications to:**

1. Define children as under 18 in line with the UN Convention on the Rights of the Child. The code should refer to the [UNCRC General Comment \(No.16\)](#) regarding the impact of the business sector on children’s rights. This will ensure that the activities and operations of businesses do not adversely impact their right to non-discrimination (article 2), their right to have their best interests as a primary consideration (article 3), their right to life, survival and development (article 6) and their right to be heard (article 12) **(Relevant chapter of the code: 7)**
2. Ensure access to an effective remedy for children whose rights have been infringed by marketing practices. The ASAI are encouraged to ensure their complaints procedures are child-friendly and accessible and [the OCO is happy to provide advice in this regard](#) **(Relevant chapter of the code: 7)**
3. Prohibit age-inappropriate adverts (cosmetic procedures or unsuitable skin care products, weight loss regimes/diets, products or practices, junk food, gambling products, alcohol or alcohol alternatives, and nicotine products or any other age-inappropriate products) in environments where it is difficult to establish the age

of users (i.e. those without effective age verification measures). **(Relevant chapters of the code: 7, 18, 5.7, 6.2, 10, 11, and 12).**

4. Prohibit advertising in games and online platforms, including through avatars, that are intended for children **(Relevant chapters of the code: 7, 18, 5.7, 6.2).**
5. Clearly label sponsored content to distinguish it from authentic, user-generated content. Incorporate age-appropriate visual cues and icons for sponsored content to account for literacy at different stages of development **(Relevant chapters of the code: 7 and 18).**
6. If any content within an advert is AI generated it should be clearly and accessibly labelled so children (and adults) can reasonably be expected to understand it. Include reference to AI generated content within the scope of the code **(Relevant chapters of the code: 2 and 7).**
7. Carry out vetting on influencers' suitability based on their audience demographics and content: ensure a substantial audience of their following are not children (under 18), unless the campaign has a positive message that respects their wellbeing. Any influencer with a substantial following under 18 (>25%) should not be allowed to market cosmetic procedures or unsuitable skin care products, weight loss regimes/diets, products or practices, gambling products, alcohol or alcohol alternatives, or nicotine products or any other age-inappropriate products. **(Relevant chapters of the code: 7, 18, 5.7, 6.2).**
8. Utilising the [Children in Content Digital Safeguarding Tool Kit](#) conduct an internal risk assessment to consider the impact of a digital workload on child influencers' economic, social, psychological, and physical wellbeing. **(Relevant chapter of the code:7)**
9. Turn off behavioural advertising that targets individuals under 18 based on their web-browsing behaviour, which displays highly relevant ads and personalised

marketing messages. Unless there is a compelling reason to use profiling (e.g., age assurance), collection and recording personal data for individuals under 18 should be turned off by default **(Relevant chapters of the code: 7, 18 and 5.7)**.

**10.** Avoid perpetuating stereotypes or glamourising negative lifestyles in the creation of advertising content or through ad placement **(Relevant chapters of the code: 7, 11 and 12)**.

**11.** Pending the passing of the new laws, nicotine inhaling products and nicotine products must not be advertised to children and the use of animations, cartoons, child friendly images, and the use of colours should be prohibited. **(Relevant chapters of the code: 6.2)**.

Finally, the OCO would encourage the ASAI to develop structures to more regularly seek the views and perspectives of children. In a fast paced and changing environment, children and young people can be the early warning system for new trends and risks. They are the experts in their lives and can offer ways in which the ASAI can be more proactive in promoting and protecting their rights.