

Private Members Bill: Pornography advertisements in non-broadcast media

Briefing | September 2024

Summary

- Barnardo's is concerned about the impact that pornographic content has on children. Research shows that children often first come across pornography due to online adverts promoting it.
- There are no regulations for advertising pornography or showing pornographic content in advertisements in non-broadcast media – which include advertising online, on billboards, and in newspapers.
- **The advertisement of other forms of harms – such as smoking, alcohol, and gambling – are regulated, ensuring protections for children. This has never been extended to cover the advertisement of pornography.**
- When the Online Safety Act is implemented, children will be protected from seeing online pornographic content online. A duty will be placed on dedicated pornography sites or user-to-user platforms to implement highly effective age assurance to protect children from seeing this content. We are concerned that a lack of regulation of advertisements of pornography in non-broadcast media will undermine this, and lead to children seeing this content online.
- Legislation is critical to protecting children from pornography advertisements in non-broadcast media.
- **We are looking to work with an MP on a Private Members Bill focused on regulating pornography advertisements in non-broadcast media to protect children.**

Impact on children

- The advertising of pornography has a serious impact on children and can often be the first way they come across online pornographic content. Through our frontline work, we see the devastating impact that accessing pornography can have on children – affecting their mental health, and how they view relationships, sex, and consent.
- Research by the Office of the Children's Commissioner for England, NSPCC, and Middlesex University found that 28% of children who had been exposed to online pornography reported viewing online pornography for the first time accidentally, including due to a pop-up advert.¹ This was the most frequent way that children first saw pornography.
- Revealing Realities research for the British Board of Film Classification (BBFC) in 2020 also found that children accidentally came across pornography "adverts or pop-ups on film streaming, sport streaming or gaming websites, which host content that is often shared illegally".²
- In more recent research by the Children's Commissioner for England, a 13-year-old girl who was a member of a focus group said that "I think sometimes you can end up finding stuff like that without even meaning to. Whether it's social media and ads come up that you're not even looking for."³

Current regulation

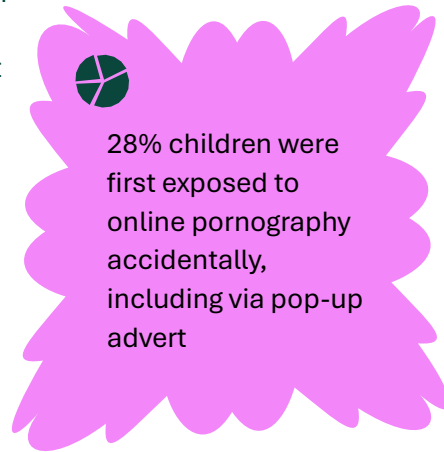
- Currently, there are no advertising regulations for advertising pornography or showing pornographic content in advertisements in non-broadcast media – which include advertising online, on billboards, and in newspapers.

¹ <https://saferinternet.org.uk/blog/impact-of-online-pornography-on-children>

² <https://revealingreality.co.uk/wp-content/uploads/2020/01/BBFC-Young-people-and-pornography-Final-report-2401.pdf>

³ <https://assets.childrenscommissioner.gov.uk/wpuploads/2023/02/cc-a-lot-of-it-is-actually-just-abuse-young-people-and-pornography-updated.pdf>

- The Committee of Advertising Practice’s (CAP) code for non-broadcast advertising does not reference pornographic content.⁴ It is, however, covered robustly in their broadcast advertising code (which includes advertisements on radio and television).⁵ This includes a ban on pornography advertisements for television unless they are behind restricted-access adult entertainment channels, and a ban on radio advertisements for pornography.
- Major social media sites – including Instagram, TikTok, X, Reddit and Snapchat – do prohibit the advertisement of pornographic content/ advertisements that feature pornographic content from their sites.
- However, there is evidence that this is not always upheld. A report by NBC News found that, on TikTok, there were 14 app developers running hundreds of sexually provocative AI ads, and that some stayed up for weeks and received thousands of views.⁶ Most worryingly, the research also found that some ads seemed to be directly targeting children, using popular children’s TV characters such as SpongeBob SquarePants, Bart Simpson, or the Cookie Monster to promote these apps.⁷
- Evidence also shows that Snapchat and Instagram accounts can post links and ‘teaser’ trailers to pornographic subscription services – such as Only Fans – which children are able to access.⁸
- We also know that children aren’t just coming across these advertisements on social media sites, but also on smaller sites such as those that host film streaming or sports streaming, or also gaming websites. For example, a child involved in research conducted by Revealing Reality reported being presented with a pop-up advertisement for a pornographic video game when she accessed the film streaming site 123Movies on her mobile phone.⁹



Other forms of advertising regulations to protect children

There is precedent for the development of legislation and regulations to protect the advertisement of harmful or age-inappropriate products to children.

- **Smoking**
 - The Tobacco Advertising and Promotion Act 2002 prohibits press, poster and most advertising on the internet for tobacco products and bans tobacco retailer ads targeted at the public.¹⁰
- **Alcohol**
 - The Advertising Standards Agency set out that alcohol adverts must not be directed at children or contain anything that is likely to appeal to them by reflecting youth culture.¹¹ Any individuals featuring in alcohol ads must be aged 25 years or older and must look it.
 - Alcohol ads are also banned from appearing in and around programmes targeted at audiences below the age of 18, and programmes likely to appeal to under 18s.¹²
 - In non-broadcast advertising, alcohol advertising is not permitted on any medium if 25 percent of the audience is under the age of 18 – this would include teen magazines, or social media feeds aimed at children.¹³

⁴ <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html>

⁵ <https://www.asa.org.uk/codes-and-rulings/advertising-codes/broadcast-code.html>

⁶ <https://www.nbcnews.com/tech/social-media/ai-girlfriend-ads-instagram-tiktok-chat-pics-chatgpt-dose-rcna97547>

⁷ <https://www.nbcnews.com/tech/social-media/ai-girlfriend-ads-instagram-tiktok-chat-pics-chatgpt-dose-rcna97547>

⁸ <https://revealingreality.co.uk/wp-content/uploads/2020/01/BBFC-Young-people-and-pornography-Final-report-2401.pdf>

⁹ <https://revealingreality.co.uk/wp-content/uploads/2020/01/BBFC-Young-people-and-pornography-Final-report-2401.pdf>

¹⁰ <https://www.asa.org.uk/advice-online/tobacco-marketing-general.html>

¹¹ <https://www.asa.org.uk/topic/alcohol.html>

¹² <https://www.asa.org.uk/topic/alcohol.html>

¹³ https://www.asa.org.uk/type/non_broadcast/code_section/18.html

- **Gambling**

- The Advertising Standards Agency set out that gambling ads must not be of strong appeal to children or young persons, especially by reflecting or being associated with youth culture. For example, they must not include a person or character whose example is likely to be followed by those aged under 18 years, or who has a strong appeal to under 18s.¹⁴
- Gambling adverts must feature adults aged over 25 years old, who look their age.¹⁵

Private Members Bill on pornography advertisements in non-broadcast media

We believe that legislative change is needed to protect children from the advertisement of pornography in non-broadcast media. Without this, children will continue to be exposed to the advertisement of pornography, and **the gap in regulation risks undermining the Online Safety Act.**

Barnardo's is looking to work with an MP to develop a Private Members Bill focused on regulating pornography advertisements in non-broadcast media. The key elements of the legislation should include:

- A ban on advertising pornographic content in non-broadcast media unless it is featured on a platform that implements highly effective age assurance. This should include a ban on adverts that advertise pornographic content, or that feature pornographic content.
- Pornographic content featured in pornography advertisements must contain content that would be classified as R18 by the BBFC.
- Pornography advertisements must not be directed at children, or contain anything that is likely to appeal to them by reflecting youth culture.
- Pornography advertisements must feature adults aged over 25 years old, who look their age.



Action you can take

- Enter the Private Members' Bill Ballot **this week on Tuesday 3rd and Wednesday 4th September**, with the aim of working with Barnardo's on a Private Members Bill on regulating pornography advertisements in non-broadcast media.
- Meet with Barnardo's for a briefing about our work to protect children from online pornographic content.
- Table a Parliamentary Question asking the Government about their work to better protect children from online pornographic content, especially given their commitment to halve violence against women and girls within a decade.

About Barnardo's

At Barnardo's, our purpose is clear - changing childhoods and changing lives, so that children, young people, and families are safe, happy, healthy, and hopeful. Last year, we provided essential support to over 370,000 children, young people, parents and carers through more than 800 services and partnerships across the UK. For over 150 years, we've been here for the children and young people who need us most – bringing love, care and hope into their lives and giving them a place where they feel they belong.

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¹⁴ <https://www.asa.org.uk/static/d9dd9d06-00e7-4630-81d460b598c7d976/Protecting-children-and-young-people-gambling-guidance-2022.pdf>

¹⁵ <https://www.asa.org.uk/static/d9dd9d06-00e7-4630-81d460b598c7d976/Protecting-children-and-young-people-gambling-guidance-2022.pdf>