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Comparative Analysis of Children's Rights in Advertising in the Legal Systems of Iran and the United States

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Abstract

day, children live and grow up in a highly complex marketing environment that influences their preferences and behaviors. Advertising and digital technology have changed the landscape that children encounter as they enter adulthood, and how they interact with parents, schools, and social organizations. Advertising with digital technologies that use data collection, algorithms, and artificial intelligence poses significant risks to children. Children are the first adopters of information and telecommunications. Private businesses can collect, use, and sell children's data in ways they never imagined. Websites can make inaccurate assumptions about children's interests through flawed algorithms; they can also provide children with information that is harmful to their physical or mental health. Children can be harmed simply by visiting certain websites, such as social media sites, pornographic sites, or sites that intentionally or unintentionally offer other forms of adult content. Many of these sites use algorithms and predictive modeling to help children access inappropriate content. Children have both their own disposable income and influence what their parents buy, and marketers try to determine how that income is spent. Today, the Internet, mobile phones, and other new technologies have drastically changed how children access information and how companies market to them. In light of the above, countries are trying to develop regulations to protect children from advertising. Some countries, such as Sweden and Norway, have completely banned commercial advertising aimed at children. On the other hand, many countries have allowed such advertising, but with many restrictions. The comparative study demonstrates that there are several common principles when it comes to banning or restricting broadcasts, including the prohibition of violence, insults, pornography, and the protection of children's privacy. Since the creation of the United Nations Convention on the Rights of the Child, there has been general agreement on the entitlement of children to fundamental rights in the digital media environment. The Council of Europe, in its Strategy on the Rights of the Child, stresses that information and

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communication technologies affect the enjoyment of their fundamental rights. Indeed, the digitalization of children's media lives affects not only how they exercise their rights, but also how they protect or ignore them. Every child's right now has a digital dimension, and the principles and provisions of the children's rights framework must therefore be examined through a digital lens. Canada and many European countries have stricter advertising laws for children than the United States. In the European Union, although there is no uniform standard, most regulations fall into two categories: the first category concerns the timing of advertising, which concerns "the time, frequency, and amount of advertising targeted at children." The second category concerns the content of advertising. These regulations are not limited to television advertising and control financial sponsorship, children's clubs, and other means of directing advertising to children. Here are some basic questions: Are there appropriate laws in Iran to protect children's rights in advertising? Are the current regulations sufficient to guarantee children's rights in advertising? Which organization is responsible for protecting children's rights in advertising? The author hypothesizes that, despite the importance of the issue and compared to other legal systems, there are no specific and adequate regulations in Iran to protect children in advertising, and that the scattered regulations do not have sufficient enforcement guarantees and need to be updated. Furthermore, unlike other legal systems where NGOs play a major role in promoting the protection of children's rights in advertising, such organizations are rarely found in Iran. The proposal to add two articles to the current laws is one of the achievements of the present study.

The present study uses a descriptive, analytical, and comparative method. In this regard, first, the existing regulations on children's rights in advertising are described and then analyzed. Next, the findings in the Iranian legal system are compared with the regulations of the American legal system. Regarding the background of the study, as far as the author has searched, there has been no complete research on children's rights in advertising in Iran. Seyed Naseri and Shah Mohammadi have examined children's rights in the digital environment in a study (1401). Some researchers, such as Boroujerdi and Haddad (2012), have examined moral values in advertising aimed at children. It should be noted that a comprehensive study of the existing regulations in Iran, their analysis, and a comparative comparison with the American legal system are innovations of the present study.

In the American legal system, the federal government has tried to protect children from online harm through the Child Protection Act. The law protects the personal information of children under the age of thirteen and restricts how children's data can be collected, stored, and disclosed. The law has significant limitations, leading many to argue that the federal government should enact stronger legal protections for children. Current efforts in the United States that

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	<p>promise to protect children online undermine their right to privacy. U.S. federal and state laws are not equipped to provide real protections for children's online privacy and do not adequately protect them from advertising. There are few legal remedies for children whose data is used in destructive ways. The existing remedies are not sufficient to simultaneously protect children and respect their privacy, and the new proposed bills have not yet been passed. In the Iranian legal system, there are no specific, comprehensive, preventive, and effective enforcement provisions to guarantee children's rights in advertising. Therefore, it is proposed that the following articles be added to the Family Protection Law and the Children and Adolescents Protection Law:</p> <p>Proposed Article 1 – “Children, like other persons, have the economic right to earn income from advertising. In exercising the aforementioned right, the child's parents and other persons must respect the child's best interests in every respect. Any type of economic exploitation of children in advertising is prohibited, and the child shall have the right to claim his or her economic benefits from advertising. In case of non-compliance with the provisions of this article, the violator shall be sentenced to a sixth-degree term of imprisonment, in addition to compensating the child for the damages.”</p> <p>Proposed Article 2 – “Media, marketers, and advertisers are required to consider the best interests of children in all aspects of any advertising and comply with existing regulations and guidelines. Any abuse of the mental and emotional conditions of children and misleading, harmful, dangerous, and coercive advertising towards children is prohibited. In the event of failure to observe the best interests of children and violation of regulations, the offender shall be sentenced to a sixth-degree term of imprisonment.”</p>
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