



Consultation on restricting advertising of unhealthful food products in non-broadcast media: response from the World Obesity Federation and the UK's Association for the Study of Obesity

Overview

This consultation is welcome and timely, in light of the Report of the World Health Organization's Commission on Ending Childhood Obesity (ECHO) and the expected UK government's Childhood Obesity Strategy. All measures should be considered in the societal response to the challenge of childhood obesity, and the deliberate exposure of children to the promotion of unhealthful food products is a clear candidate for intervention.

The World Obesity Federation (previously the International Association for the Study of Obesity and the International Obesity TaskForce) has long advocated for greater protection of children from inducements to unhealthy behaviour, producing the 2006 'Sydney Principles to Reduce Commercial Promotion to Children', and publishing (jointly with Consumers International) the influential 2007 report *Recommendations for an International Code on Marketing of Foods and Non-Alcoholic Beverages to Children* which preceded the World Health Assembly's 2010 *Set of recommendations on the marketing of foods and non-alcoholic beverages to children* and the 2012 *Framework for implementing the Set of recommendations on the marketing of foods and non-alcoholic beverages to children*. World Obesity contributed directly to the text of the latter document and to the 2013 report of the WHO European Regional Office *Marketing of foods high in fat, salt and sugar to children: update 2012–2013*.

World Obesity has also been responsible for running two European-funded research projects: POLMARK on stakeholders' views on policies on marketing to children (2006-2008) and STANMARK on trans-Atlantic evidence for setting standards for marketing to children (2010-2012). These have led to a series of papers including peer-reviewed surveys of different nutrient profiling schemes, a systematic review of the evidence on the effectiveness of voluntary interventions to reduce marketing to children, and briefing papers and conference presentations promoting a child's right to enjoy a childhood free of commercial inducements to consume unhealthy products.

Response to the current CAP consultation

- The definition of advertising is not adequate for the current purpose if it does not include all commercially-sourced messages containing brand names or brand-related images, in any media. Thus all branded messages, including internet games with brands, logos or brand equity characters should be within compass of the current consultation.
- The purpose of the proposed review should be to strengthen measures aimed at reducing children's exposure to products high in fat, salt or sugar (HFSS) messaging, which means the new rules should clearly extend beyond child-directed advertising to include any HFSS messaging likely to be seen by significant numbers of children.



- The definition of a threshold for the proportion of the audience which is child-aged needs to be reconsidered so that the *probability* that a child may see the commercial messaging is the essential element of the definition. There is a lack of verification of the age of an internet site visitor and self-reported age is not an adequate metric for assessing media consumption patterns. Independently-collected metrics should be able to show that a site with HFSS messaging is unlikely to be seen by a child: i.e. a small fraction of the site visitors should be under 16y (e.g. less than 1%) *and* only a small number of children under 16y should be estimated to have visited the site (e.g. under 1,000/month in the UK).
Alternatively, a definition can be used which is not based on a threshold but on the likely appeal of a communication to children, based on the links, location, context and content.
- Transparent monitoring and effective sanctions for transgressions are essential.

Consultation questions

Q1) Restrictions on HFSS product advertising

(a) Should the CAP Code be update to introduce tougher restrictions on the advertising of products high in fat, salt or sugar (HFSS)?

Yes

(b) Should CAP use the existing Broadcast Committee of Advertising Practice (BCAP) guidance on identifying brand advertising that promotes HFSS products to define advertising that is likely to promote an HFSS product for the purposes of new and amended rules?

No – the definition of advertising needs to be broadened to include all branded messaging (communications that includes brand names, logos or brand equity characters). As the International Chambers of Commerce Framework for Responsible Food Advertising (ICC 2012) states: *‘Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or young people mentally, morally or physically. Children and young people should not be ... encouraged to engage in potentially hazardous activities or behaviour.’* We believe that the purpose of all forms of branded messaging is to increase attraction to the brand in order to change behaviour, in this case to influence the desirability and consumption of HFSS products.

Q2) Selecting a nutrient profiling model

Should the CAP Code adopt the Department of Health (DH) nutrient profiling model to identify HFSS products?

Yes – and (i) commit to accept the revisions following the current review; (ii) strengthen the thresholds to exclude the promotion of low-calorie/zero-calorie soft drinks.

Q3) Existing prohibitions on the use of promotions and licensed characters and celebrities

There are existing rules (prohibitions on the use of promotions and of celebrities and licensed characters popular with children) in place relating to the creative content of food and soft



drink advertising directed at children aged 11 and younger. Should these rules now be applied to advertising for HFSS products only?

No – there is evidence that children under age 12 years are not necessarily aware of the presence of advertising when online, or able to distinguish advertising from non-advertising. To avoid a risk that the commercial messaging might ‘exploit inexperience or credulity’ (ICC 2012), no marketing of any sort should be directed at this age group.

Q4) Introducing placement restrictions

(a) Should CAP introduce a rule restricting the placement of HFSS product advertising?

Yes

(b) If a media placement restriction is introduced, should it cover media directed at or likely to appeal particularly to children:

i) aged 11 or younger? **No**

ii) aged 15 or younger? **Yes** (and consistent with the Ofcom HFSS rules for television)

Q5) Defining the audience

Where media has a broader audience, CAP uses a “particular appeal” test – where more than 25% of the audience are understood to be of a particular age or younger – to identify media that should not carry advertising for certain products media.

Should the CAP Code use the 25% measure for the purpose of restricting HFSS product advertising?

No – this is an inappropriate approach to reducing children’s exposure and is difficult to monitor transparently. The aim is to reduce exposure as much as is feasible, achieved either by (i) using a verifiable exposure metric which can demonstrate that fewer than, say, 1% of site visitors are under age 16y *and* fewer than 1,000 visitors/month are under age 16y, or (ii) using a definition based on the likely appeal of a communication to children, based on the location, the links, the messages and the methods used.

Q6) Application to different media

Should CAP apply the placement restriction on HFSS product advertising to all non-broadcast media within the remit of the Code, including online advertising?

Yes – and extend the definitions to apply to areas currently outside remit including branded messaging and entertainment (e.g. online branded games), food-branded toys and household items, product packaging, and licensed and equity characters.

Reference

ICC 2012: *Framework for Responsible Food and Beverage Marketing Communications 2012*. Paris: International Chamber of Commerce.. At <http://www.iccwbo.org/Data/Policies/2012/Framework-for-Responsible-Food-and-Beverage-Marketing-Communications-2012/>