



Submission to the

**Senate
Community Affairs Committee**

**Protecting Children from
Junk Food Advertising
(Broadcasting Amendment) Bill 2008**

October 2008

57 Carrington Road Marrickville NSW 2204
Phone 02 9577 3333 Fax 02 9577 3377 Email ausconsumer@choice.com.au
www.choice.com.au
The Australian Consumers' Association is a not-for-profit company limited by guarantee.
ABN 35 799 246 568 ACN 000 281 925

ABOUT CHOICE

CHOICE is a not-for-profit, non-government, non-party-political organisation established in 1959. We work to improve the lives of consumers by taking on the issues that matter to them. We arm consumers with unbiased, expert information to make confident choices, and campaign to make consumers' lives safer, fairer and better.

INTRODUCTION

CHOICE appreciates the opportunity to make this submission to the Australian Senate Community Affairs Committee on the Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008.

CHOICE believes that improvements in the regulation of junk food marketing to children are an important part of any Commonwealth Government obesity prevention strategy. For many years CHOICE has campaigned for better regulation of food marketing to children with the aim of protecting children from the unhealthy influence of junk food marketing and supporting parents to make healthy choices for their children.

We are aware that the Australian Media and Communications Authority (ACMA) are reviewing the Children's Television Standards (CTS) and have released a draft revised standard for consultation. The National Preventative Health Taskforce has issued a discussion paper that acknowledges the need for tighter government restriction on junk food marketing to children. The Queensland and South Australian Governments are also canvassing views on strengthening regulation around the promotion of unhealthy food to children. CHOICE will be making a submission to each of these processes.

This submission will outline:

- the importance of preventing childhood obesity;
- the influence of food marketing on children;
- the business of food marketing;
- limitations of the current regulatory system;
- community support for tighter restrictions on junk food marketing to children;
- comments on the current Bill, and
- the proposed Consumers International code on junk food marketing to children.

CHOICE has worked closely with the Coalition on Food Advertising to Children (CFAC) and a number of its members since its inception in 2002. Among its members are organisations and individuals with expertise in the field of nutrition, public health, medicine and media-related issues facing children and young people in Australia. CHOICE has reviewed CFAC's submission and supports the comments and recommendations they make.

PREVENTING CHILDHOOD OBESITY

While obesity prevention strategies must address the rising rates of overweight and obesity among Australians of all ages, we believe that attempts to ensure that children develop healthy eating habits from an early age are vital to any effective obesity prevention strategy.

Childhood overweight and obesity have reached critical levels in Australia. About one in four Australian children are estimated to be overweight or obese¹. Alarming, the cumulative health consequences mean that today's children might be the first generation to have a shorter life expectancy than their parents².

Overweight and obesity have enormous health and social consequences. Overweight children are more likely to grow up to become overweight or obese adults, leading to an increased risk of high blood pressure and blood cholesterol levels, two factors associated with heart disease. Type 2 diabetes – often called adult-onset diabetes because it usually doesn't develop until adulthood – is now being diagnosed in children and adolescents³.

Short-term health problems associated with childhood obesity include orthopaedic problems such as back pain and flat feet, respiratory conditions such as asthma and sleep apnoea, and psychosocial impacts such as poor self-esteem, depression and learning difficulties. Longer-term health impacts of overweight and obesity include cardiovascular disease, Type 2 diabetes, stroke, cancers, osteoarthritis, and kidney and gall bladder disease⁴.

Poor eating habits coupled with a sedentary lifestyle over a prolonged period lead to weight gain. Over the last decade there has been increased government attention given to childhood obesity, with a series of obesity forums held by the previous Commonwealth government, as well as State and Territory governments.

There are many causes of childhood obesity. For years politicians, health professionals, academics, industry and the community have debated the extent to which unhealthy diet, lack of exercise, food marketing or poor parenting is to blame. And all the while Australian children have been getting fatter.

In order to reduce childhood obesity rates we must all take responsibility: governments, the food and advertising industries, health professionals and schools as well as parents and individual consumers. While numerous school and community initiatives have been implemented across Australia, CHOICE is concerned that progress in relation to improving food marketing and the food supply has been

¹ The Australian and New Zealand Obesity Society. *Obesity in Australian Children*. http://www.asso.org.au/freestyler/gui/files//factsheet_children_prevalence.pdf. Accessed 16/6/08.

² Australian Medical Association (24 April 2006). Media release, *National Nutrition Survey needed in war against obesity 'epidemic'*. <http://www.ama.com.au/web.nsf/doc/WEEN-6P69Q9>. Accessed 27/9/06.

³ National Obesity Taskforce (2003). *Healthy Weight 2008: The national action agenda for children and young people and their families*. Canberra, Department of Health and Ageing.

⁴ National Obesity Taskforce (2003). *Healthy Weight 2008: The national action agenda for children and young people and their families*. Canberra, Department of Health and Ageing.

limited, primarily due to resistance from the food and advertising industries fearful of the impact of stricter regulation on their bottom line.

To date, the preferred approach for children and adults has been to simply encourage individuals to eat a healthy diet and exercise regularly. With respect to children, the onus for ensuring they maintain a healthy weight has been placed on Mum and Dad – thus parents become the scapegoats for the strategy’s failure.

Yes, parents are ultimately responsible for what their children eat and drink at home and at school. Children also learn healthy – or unhealthy – eating and lifestyle habits at home. Understandably, eating habits developed in childhood can be hard to break – one of the reasons marketers deliberately target kids.

Today’s families are busier and parents have less time to prepare meals, meaning many rely on convenience foods. There is a growing abundance of kilojoule-laden snacks and fast food meals that are convenient and cheaply-priced for parents, and designed to be highly appealing to kids. Such foods are marketed heavily and are often portrayed to be healthier than they really are.

If parents are to successfully take responsibility for their children’s health and food choices, then we need to genuinely assist them to make healthy choices for their children and remove some of the factors that undermine parents’ authority.

CHILDHOOD OBESITY AND THE IMPACT OF FOOD MARKETING

CHOICE does not suggest that promotion of unhealthy food to children is the only factor contributing to overweight and obesity, nor is better regulation of food marketing to children the only course of action that CHOICE supports. CHOICE’s childhood obesity campaign document *Little Bellies, Big Problems*⁵ includes seven calls to action to help combat childhood overweight and obesity. These are:

1. Effective health promotion and healthy eating education programs for parents and children.
2. Food manufacturers and fast food outlets to reduce the fat, sugar, kilojoules and salt content of kids’ food.
3. Better alignment of the Commonwealth Government’s anti-obesity strategies with food regulation.
4. A consistent nutrition labelling scheme to help consumers make healthy choices.
5. Active enforcement of the new nutrition, health and related claims standard.
6. Stronger government regulation of food marketing to children.
7. A single contact point for complaints about food ads.

A copy of this report is provided at Attachment A.

⁵ CHOICE (2006). *Little bellies, big problem: how parents, governments and industry can solve Australia’s childhood obesity crisis*. CHOICE.

We believe the evidence is now overwhelming that childhood obesity cannot be tackled without including changes to food marketing as part of the package of reforms, and conversely we believe that regulation of food marketing will have a positive impact on obesity.

Previous research by CHOICE highlighted that many foods designed for and aimed at children were unhealthy. A survey of lunchbox snacks found that 75% were too high in kilojoules, saturated fat, sugar or sodium to be a healthy everyday lunchbox snack⁶. Nearly half of children's breakfast cereals assessed contained more than 27% sugar and 40% of those cereals contained more than 40% sugar. 24% of children's cereals were also high in salt. Most were a poor source of fibre compared to many other breakfast cereals that weren't aimed specifically at children⁷.

Australian children continue to be bombarded with TV ads for unhealthy foods and exposed to significantly fewer ads for healthy foods. A study by Chapman et al⁸ found that 81% of foods advertised during 7am and 9pm on weekdays and weekends surveyed in four locations across Australia were for unhealthy or non-core foods. A study prepared by the Australian Centre for Health Promotion⁹ commissioned by NSW Health found that advertisements for high fat/high sugar foods were most frequent during programs that rated highly with children, equating to 65.9% of food ads during programs popular with 5-12 year olds.

A number of international studies and systematic reviews conclude that food advertising influences children's food preferences, diet and health. Livingstone¹⁰ concluded that exposure to advertising influences food preferences of 2-11 year olds and that television exposure was associated with weight or obesity among children and adolescents.

A systematic review commissioned by the UK Food Standards Agency, conducted by Hastings et al¹¹, concluded that there was a lot of food advertising to children and that the advertised diet was less healthy than the diet recommended by health authorities. This review also found that food promotion affects children's preferences, purchase behaviour and consumption. A report by the Institute of Medicine¹² in the US found that there was strong evidence that TV food advertising influenced the food preferences, purchase requests and short term consumption of children aged 2 - 11 years.

⁶ CHOICE (2005). Lunchbox Lessons. *CHOICE Magazine*, January/February 2005, p23-27.

⁷ CHOICE (2007). Serious cereals. *CHOICE Magazine*, May 2007, p8-13.

⁸ Chapman, K et al (2006). How much food advertising is there on Australian Television? *Health Promotion International*, 21, 172-180.

⁹ Australian Centre for Health Promotion (2006). *Report to NSW Health: Food advertising on Sydney television - the extent of children's exposure*. School of Public Health, University of Sydney.

¹⁰ Livingstone, S (2006). *New Research on Advertising Foods to Children - An Updated Review of the Literature*. Annex 9 to the Ofcom report - Television advertising of food and drink products to children.

¹¹ Hastings, GB et al (2003). [Review of Research on the Effects of Food Promotion to Children](#). Food Centre for Social Marketing, Glasgow.

¹² Institute of Medicine of the National Academies (2006). *Food Marketing to Children and Youth, Threat or Opportunity?* The National Academies Press.

Parents play a vital role in ensuring that children eat a healthy diet, but they need help. Governments have a role to play in providing parents with the tools to make healthy choices for their children and removing the barriers that make their job difficult.

The level of childhood obesity in Australia tripled between 1985 and 1995 and has continued to increase since then¹³. Given this increase we believe better regulation of marketing and promotion of food to children is not only warranted, but overdue. We acknowledge efforts within the industry to improve self regulation, but it is clear that these have not been sufficient.

FOOD MARKETING TO CHILDREN

The business of food marketing

Food marketing is big business. In 2006, the food, drink and confectionery industries spent US\$13 billion on advertising their products worldwide¹⁴. In Australia in 2005/06, \$391 million was spent on food marketing, 71 per cent of which was for television advertising. Confectionery (19 per cent) and breakfast cereals (14 per cent) accounted for the biggest proportion of all money spent on food marketing. Fast food companies such as McDonalds, KFC, Pizza Hut, Hungry Jacks and Dominos Pizza spent \$115 – 130 million in total on food marketing¹⁵.

While on one hand representatives of the advertising industry may claim there is only a weak link between TV commercials for junk food and increased consumption of these products¹⁶, they also claim that advertising can – and does – play a positive role in influencing healthy choices¹⁷.

A report by CFAC¹⁸ shows that one in three television advertisements during children's viewing times in Australia are for food. Of those, between 55 – 81 per cent are for foods high in fat and/or high in sugar. For example, a 2006 study by the Australian Centre for Health Promotion¹⁹ found that advertisements for high fat/high sugar foods were most frequent during programs that rated highly with children, equating to 65.9% of food ads during programs popular with 5-12 year olds.

¹³ National Obesity Taskforce (2003). *Healthy Weight 2008: The national action agenda for children and young people and their families*. Canberra, Department of Health and Ageing.

¹⁴ Advertising Age. (19 November 2007), *21st Annual Global Marketers – Part 1: Global ad spending by marketer*, <http://adage.com/images/random/datacenter/2007/globalmarketing2007.pdf>, accessed 28/4/08.

¹⁵ Nielsen Media Research. (8 September 2006), *Special Report: 2006 Top 50 Advertisers*, nielsenmedia.com.au/files/Top%2050%20Fiscal%2005%2006%20B&T.pdf, accessed 28/4/08.

¹⁶ ABC The World Today. (24 April 2006), *Fast food marketers hit back at critics*, <http://www.abc.net.au/worldtoday/content/2006/s1622810.htm>, accessed 28/4/08.

¹⁷ Advertising Federation of Australia. (2007), *Submission to the Australian Communications and Media Authority Review of the Children's television Standards*, http://acma.gov.au/webwr/assets/main/lib310132/20_advertising_federation_of_aust.pdf, accessed 28/4/08.

¹⁸ Coalition on Food Advertising to Children. (2007), *Children's health or corporate wealth? A case for banning television food advertising to children*.

¹⁹ Australian Centre for Health Promotion (2006). *Report to NSW Health: Food advertising on Sydney television – the extent of children's exposure*. School of Public Health, University of Sydney.

But it's much more than TV ads. Supermarket shelves carry a range of products featuring kids' favourite characters like Nemo, Bratz and Barbie. At the movies, in magazines or online – games, toys, celebrities and popular cartoon characters are used to promote an array of sugary and high-fat snacks. On the sporting field, sponsorship deals mean the logos of fast-food companies are emblazoned on children's chests as they sprint towards the finish line.

Other common marketing techniques include:

- competitions to win a holiday, bike or MP3 player;
- collecting product tokens to redeem a prize;
- fast food meal deals where you need to visit the outlet every week to collect the entire set of toys;
- the use of children's cartoon characters, media personalities and sporting heroes to promote foods to kids;
- sponsorship of school sports; and
- the use of junk foods in fundraising.

Opponents of greater government regulation of food marketing to children dismiss parents' overwhelming support for tougher restrictions on the marketing of high fat/sugar foods to children, suggesting that resisting temptation is one of life's lessons or that it would deprive children of some fundamental right to be marketed to.

We are not suggesting that chocolate, fast food, soft drinks and other unhealthy foods shouldn't exist; merely that children are not appropriate targets for their marketing campaigns.

Children today are bombarded with enticements for unhealthy food day in, day out using every conceivable tactic and media form available. Despite suggestions to the contrary, those who support tougher restrictions on junk food marketing are not proposing a 'Nanny State' that does parents jobs for them – rather they support governments meeting parents half way with policy that's designed to protect more than corporate profits.

Current regulations fail to protect children

CHOICE believes that the current co-regulatory system relating to food marketing to children is ineffective in addressing the influence of advertisements for unhealthy foods for the following reasons:

- Regulation of food marketing to children is mostly left to industry codes.
- The majority of food advertisements are for unhealthy foods and the 'advertised' diet is in direct opposition to a healthy one.
- The only government regulations are the Children's Television Standards which apply only to advertisements during children's (C) programs.
- More children watch television programs outside the designated children's (C) programming.

- Existing standards and codes don't prevent the use of celebrities, cartoon characters and sporting personalities to promote unhealthy foods to children.
- There are no effective guidelines around the extensive use of competitions, prizes, giveaways and premiums are used to create incentives to buy unhealthy foods such as confectionery, soft drinks and snack foods.
- There are no standards on marketing to children in other media, in particular subscription (pay) television and the Internet.

Addressing the imbalance of unhealthy foods promoted to children

Fresh food suppliers are at a market disadvantage when it comes to the funds they can spend on expensive advertising campaigns. Selling fruits and vegetables will never be as profitable as hamburgers or confectionery, and the resulting imbalance in available revenue for advertising means unhealthy foods are promoted at a far higher rate, especially to children.

CHOICE believes that we now have the capacity to help even the scales, thanks to the development of a nutrient profiling system by Food Standards Australia New Zealand (FSANZ). The system assesses the overall nutrition content of a food – weighing up healthy and unhealthy nutrients. If this model was incorporated into food marketing regulation, foods that fail these nutrition tests would be prohibited from being marketed to children.

Nutrition-based regulation should apply not only during C and P programs but also during periods when a large proportion of children are viewing, and to programs that are popular with children. It could also be used to restrict other forms of marketing that are currently used to promote unhealthy foods to children, e.g. the use of licensed characters, competitions and games, and children's material on food manufacturers' websites²⁰.

SUPPORT FOR REGULATING AND/OR BANNING FOOD ADVERTISING TO CHILDREN

There is strong community support for tougher restrictions on junk food advertising to kids.

A May 2006 Newspoll survey commissioned by CHOICE asked 1200 adult Australians about their attitudes to childhood obesity²¹. A third of the participants were parents or legal guardians of at least one child under the age of 18.

Most parents (88 per cent) said that parents themselves could be doing more to help overcome the problem, while 69 per cent said governments could do more. The

²⁰ Centre for Health Initiatives. (2007), Food Marketing to Children in Australia: A report prepared for the Cancer Council Australia's Nutrition and Physical Activity Committee, <http://www.cancer.org.au/File/PolicyPublications/FoodMarketingtoChildreninAustralia.pdf>, accessed 13/6/08.

²¹ CHOICE (2006). *Childhood Obesity Research – CHOICE/Newspoll Survey*. CHOICE.

survey also investigated attitudes towards three potential government initiatives, revealing overwhelming support for government action in all cases.

- ⇒ 82 per cent wanted government to regulate the way food and drinks are advertised and marketed to children.
- ⇒ 80 per cent were in favour of educating parents and children to develop healthy eating habits.
- ⇒ 83 per cent wanted the government to require manufacturers to make children's foods healthier.

When asked about advertising unhealthy foods and drinks during popular children's TV programs:

- ⇒ 24 per cent supported government action to stop the practice completely
- ⇒ 65 per cent thought government should restrict the practices but not stop it completely
- ⇒ 10 per cent said the practices should be not regulated by government at all

Survey participants were also asked about the use of cartoon characters, popular media personalities and toys to market unhealthy foods to children.

- ⇒ 26 per cent wanted government to stop these practices completely
- ⇒ 59 per cent thought governments should restrict these practices but not stop them completely
- ⇒ 13 per cent said these practices should be not regulated by government at all

Parents understand that they need to do more to prevent children becoming overweight. But they can't do it alone. Our research confirmed that consumers think governments should step in to help where parents are up against the goliaths of the food marketing industry.

The full report on this survey is attached at Appendix B.

In March 2008, CHOICE commissioned a subsequent Newspoll survey, this time specifically asking parents about their experiences of junk food marketing and its impact. Of the 320 respondents:

- ⇒ 82 per cent were in favour of increasing the amount of government regulation over the way foods and drinks high in fat or sugar are advertised and marketed to children in Australia.
- ⇒ 90 per cent had experienced their children asking them for unhealthy foods, that they would prefer their children did not have.
- ⇒ 82 per cent had experienced their child asking for a specific food or drink as a result of marketing, including advertisements; giveaways, collectibles or competitions; or the use of characters or celebrities in promotions.

- ⇒ 88 per cent believed that food marketing contributes to parents' difficulties have in ensuring that their children eat healthier foods.
- ⇒ 64 per cent said it contributed to their own difficulties in ensuring their children eat healthier foods.

A summary of the results can be found in Appendix C.

CHOICE's *Fed Up!* storybook

In addition to the Newspoll survey, CHOICE invited consumers to share their own stories about junk food marketing to children. Here are some of their stories:

"My son is only 17 months, not old enough to actually ask for products but he certainly reacts to characters he recognises such as Bob the Builder and The Wiggles. While shopping he'll constantly reach out towards products with recognisable characters and starts to get frustrated if I don't give him what he wants."

"My son idolises the Australian cricket team. Because they promote KFC in the ad breaks he demands KFC to be just like his heroes. This is disturbing as cricketers should be promoting sport and physical activity, not junk food!"

CHOICE has compiled parents' stories in a 'storybook' *Fed Up! A tale of junk food marketing to kids*. A copy of the Fed Up! Storybook has been provided with this submission (Appendix D).

Clearly, there is strong community recognition that the food industry is not going to solve the childhood obesity crisis, or commit to strategies that lead to reduced consumption of their existing products. Expecting the food industry to self-regulate with respect to children's health has led to an array of public relations exercises and token gestures, rather than meaningful improvements to public health.

Under the current self-regulatory approach, a company such as Kellogg's that tries to implement nutrient-based restrictions on product promotions to children may be unfairly disadvantaged compared to its competitors. The market by itself is rewarding all the wrong behaviours rather than encouraging responsible practices.

PROTECTING CHILDREN FROM JUNK FOOD ADVERTISING (BROADCASTING AMENDMENT) BILL 2008

CHOICE supports the introduction of legislation that would limit the amount of junk food marketing that children are exposed to and restrict the techniques that can be used to market unhealthy foods. The Bill goes part of the way to achieving this; however CHOICE offers some suggestions that would further protect children from the unhealthy influence of junk food marketing.

Children's viewing period

CHOICE believes that the scope of the current Bill should be extended beyond C programs and C periods to cover periods and programs that more children are actually watching.

The Bill proposes to restrict the advertising of foods during and immediately before and after C periods and C programs. OzTAM data published by ACMA in conjunction with its 2007 CTS Review Issues Paper indicates many more children are watching TV between 5pm and 9pm (when the CTS do not apply), than in the period immediately after school which has been traditionally thought of as children's viewing times²².

The list of the 50 top-rating programs for children aged 0 – 14 in January to June 2006 includes few C programs. Reality TV programs *Big Brother*, *Australian Idol* and *The Biggest Loser* feature prominently as do the PG-rated animated series *The Simpsons* and *Futurama*. The advertisements aired during these programs are not subject to the CTS.

Clearly the current concept of children's viewing periods is outdated and the benefits of any legislation based on this concept will be limited.

Nutrient profiling

CHOICE supports the use of the FSANZ nutrient profiling scoring criteria to determine whether a food is appropriate for marketing to children.

Food Standards Australia New Zealand (FSANZ) is in the final stages of developing a framework for determining whether a food product would be eligible to carry a health claim*.

The framework would assess a product's nutritional composition to determine if it is healthy enough to carry a claim about specific health benefits. The intention is that an unhealthy food should not be able to make claims about any potential positive benefits if on balance the negative nutritional attributes of the food outweigh the positive health benefits. This framework is based on a model developed by the UK Food Standards Agency for the communications regulator Ofcom to regulate food advertising to children.

If a food fails the nutrient profiling system it is not eligible to make a health claim on food labels or in marketing. Such foods could be considered unhealthy. CHOICE believes that this system could also be used to classify foods as 'unhealthy' for the

²² *Children's Viewing Patterns on Commercial, Free-to-air and Subscription Television, report analysing audience and ratings data for 2001, 2005 and 2006.* Australian Government.

* A health claim is statement made on a food labelling and/or in other marketing or advertising material claiming that a product has specific health benefits, for example a margarine that claims to "lower cholesterol" or a milk that claims to be "good for healthy bones".

purpose of regulating food advertising to children. CHOICE believes that foods which fail the nutrition profiling system should:

- not be advertised during C and P programs;
- not be advertised during other periods when children are most likely to be viewing, i.e. 6am – 9pm.
- not be permitted to sponsor C and P programs and other programs popular with children (manufacturers who produce a significant number of unhealthy foods should be subject to similar restrictions); and
- not be advertised directly to children or use techniques designed to appeal to children, e.g. animation, characters or celebrities popular with children, and premium offers at any time.

Non-broadcast media

CHOICE supports the proposed restrictions on marketing unhealthy foods in schools. CHOICE also urges the Committee and the Commonwealth Government to consider additional restrictions that would apply to other non-broadcast media such as food manufacturer websites, online games, and the use of promotions and characters on food labels to appeal to children.

The Bill applies primarily to broadcast media, yet we know that food is marketed to children using a variety of techniques and media. We are pleased that the Bill recognises that advertising and marketing within schools is unacceptable and proposes extensions to the Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Act 2004.

A CHOICE magazine report in June 2006²³ uncovered a range of other techniques food manufacturers and marketers use to promote unhealthy foods to children that must also be subject to regulation. These include:

- **Advergames** – Food manufacturers websites often have dedicated kids pages with activities and games that engage children and encourage them to come back to keep playing. The Nestle website features a range of games associated with specific products such as Nesquik, Milo, Milky Bars and Maggi noodles.
- **E-cards** – Children can visit food manufacturers’ websites and send branded e-cards to their friends.
- **Screensavers and wallpaper** – Children can download images from food manufacturers’ websites to use as screensavers and wallpaper on their computers. These images feature product or company branding and act as in advertisement whenever children are using the computer.
- **Spokescharacters** – Food manufacturers develop characters that are associated with their company or specific products. These characters are easily recognised by children. Examples include the Kellogg’s Rice Bubbles characters ‘Snap, Crackle and Pop’ and McDonalds’ characters such as ‘Ronald McDonald’ and the ‘Hamburglar’.

²³ CHOICE (2006), Food marketing: child’s play. *CHOICE Magazine*, June 2006, p12-14.

- **On-pack promotions, competitions and collectibles** – Packaging of children’s food products often feature competitions, giveaways and activities which appeal to children. The McDonalds Happy Meal is a children’s meal that comes with a free toy. Advertisements for Happy Meals focus primarily on the toy rather than the foods.
- **Product placement** – Manufacturers can negotiate with production companies to have their brands and products featured in children’s movies, TV shows and online games. In the online game ‘The Sims’ virtual characters can be employed at McDonald’s restaurants.
- **Sponsorship and fundraising** – Food manufacturers often sponsor school or community activities e.g. McDonalds sponsors NSW Little Athletics and competitors wear singlets featuring the McDonalds logo. Krispy Kreme doughnuts and Cadbury products are often used in fundraising drives for schools and community groups.

AN INTERNATIONAL CODE ON JUNK FOOD MARKETING TO CHILDREN

The problem of childhood obesity and the influence of food marketing on children is not unique to Australia. The World Health Organisation’s Global Strategy on Diet, Health and Disease recognises that unhealthy diets and lack of physical activity have contributed to the increasing burden of non-communicable diseases worldwide. It highlights the role of marketing, advertising, sponsorship and promotion of foods, and encourages the food and advertising industries to support the Strategy by marketing unhealthy foods responsibly, particularly when it comes to children²⁴.

At the 60th World Health Assembly in 2007 member states agreed to the development of a set of recommendations on the marketing of food and non-alcoholic beverages to children. Earlier this year, Consumers International – the global federation of consumer organisations – in partnership with the International Obesity Taskforce, presented a set of *Recommendations for an International Code of the Marketing of Food and Non-Alcoholic Beverages to Children* to the 61st World Health Assembly. The key elements of the recommendations are as follows:

1. The Code should apply to TV advertisements as well as other forms of promotion such as internet, text messages, on pack and in-store promotions.
2. There should be no advertising or promotion to children of energy dense, nutrient poor foods high in fat, salt and sugar.
3. A nutrient profiling system (such as the one developed by UK Food Standards Agency and adapted by FSANZ) would be used to assess whether a product is healthy or unhealthy, and therefore appropriate for promoting to children.

²⁴ Consumers International and the International Obesity Taskforce. (2008), Recommendations for an International Code on Marketing of Food and Non-Alcoholic Beverages to Children, http://consint.live.poptech.coop/shared_asp_files/GFSR.asp?NodeID=97478 accessed 13/6/08.

4. Restrictions should apply to broadcast advertisements and promotions when a significant proportion of children are watching and when children make up a significant proportion of the overall audience – between 6am and 9pm.
5. Non-broadcast media that may be considered within the scope of the Code may include the use of personalities and celebrities; cartoon characters (licensed or created by manufacturers); free gifts or toys; competitions and games; novel shapes and packaging.
6. Energy dense, micronutrient poor foods high in fat, salt and sugar should not be promoted to parents or carers as being suitable for children.

As an active member of Consumers International, CHOICE supports these recommendations and the development of an international code on food marketing to children by the World Health Assembly. We call on the Australian Government to support this work and the Consumers International recommendations. A copy of the proposed code is at Appendix E.

Once again, CHOICE appreciates the opportunity to provide these comments on the Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008. We trust that the issues raised in this submission will be given due consideration. Should you wish to seek further information on CHOICE's position please do not hesitate to contact Ms Clare Hughes, Senior Food Policy Officer on (02) 9577 3375 or at chughes@choice.com.au.