

Department of Health and Human Services Tasmania Submission to the Senate Inquiry on Junk Food Advertising to Children

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- The Tasmanian Department of Health and Human Services (the Department) appreciates the opportunity to make a submission on the Senate Inquiry into amendments to the *Broadcasting Services Act 1992* and the *Schools Assistance (Learning Together through Choice and Opportunity) Act 2004*.
- The Department supports action to limit children's exposure to marketing and advertising of energy-dense nutrient-poor food often referred to as 'junk food'. The *Broadcasting Services Act 1992* Section 3(1)(j) aims 'to ensure that providers of broadcasting services place a high priority on the protection of children from exposure to program material which may be harmful to them'[1].
- The Department believes that current television food and beverage advertising and marketing practices do not protect children from possible harm to their health. The burden on industry appears to have been considered a higher priority than protecting children, prevailing community standards or the public interest.
- Banning all food advertising to children may be logistically simpler than a selective ban. The Department notes that this approach would exclude opportunities to advertise healthy, nutritious food options to children and increase the impact on advertisers. Television advertising to children can promote positive attitudes and beliefs to healthy foods [2]. Foods that meet national dietary guidelines should be exempt from restrictions on advertising.
- Banning junk food advertising during the limited timing of C programs will not be effective in reducing children's exposure to marketing and advertising of energy-dense nutrient-poor foods and beverages. The Department supports restriction during peak viewing time for children rather than bands when children's viewing is classified. For example, Oztam ratings describe children's peak periods as 7am to 9am and 4pm to 9pm weekdays: and 7am to 9pm weekends [3].
- The Department supports broadening the scope of the Children's Television Standards to cover subscription television and other interactive media, given these media alternatives are increasing in popularity
- Definition of energy-dense nutrient-poor foods or 'junk food' can be determined through an agreed food classification system.
- The Department supports restrictions on the use of premium offers for 'junk food' and sponsorship messages by manufacturers of 'junk food'.
- The use of characters and celebrities for 'junk food' advertising influence children's purchasing choices and are persuasive. The Department supports restrictions on the use of characters and celebrities.
- The Australian Communication and Media Authority's decision not to include restrictions on 'junk food' advertising is not consistent with the weight of evidence or the COAG reform agenda for preventative health, and existing policy documents such as *Healthy Weight, 2008* and *Eat Well Australia 2000-2010* [4-6].

- The Department supports amendments to the *Broadcasting Services Act 1992* and the *Schools Assistance (Learning Together – Achievement through Choice and Opportunity) Act 2004*. Information to support this position is provided in Appendix 1

Supporting information

Definition of ‘junk food’

- There are systems nationally and internationally to identify energy-dense nutrient-poor foods. A recent literature review on nutrient profiles for use in relation to food promotion and children’s diet and identified 39 different models [7].
- In Australia, several tools incorporating nutrient criteria to discriminate between energy-dense nutrient-poor foods are currently available or substantially developed that could be used for this purpose. These include:
 - The UK Office of Communications nutrient profiling system to identify foods that cannot be advertised to children [8]. Food Standards Australia New Zealand (FSANZ) modified the UK system to determine which foods could potentially carry health claims in Australia [9]. A nutrient classification scheme, similar to that proposed for Health Claims could provide consistency with categorising ‘junk food’. Consistency of the Children’s Television Standards with other aspects of marketing and promotion is also desirable in terms of implementation and enforcement.
 - In 2008, the New Zealand Television Broadcasters’ Council (NZTBC) implemented a Children’s Food (CF) Classification System. An advertisement for a food or beverage in school-age children’s programming times must be approved in accordance with the CF Classification System before it can be broadcast using the FSANZ nutrient profiling system [10].
 - Food categorisation systems used in school settings in a number of States. The National Healthy School Canteens Project is developing a national food categorisation system and training resources to encourage the development and reinforcement of healthy eating patterns in students[11].

Children’s Television

- Spending on ‘quality programming’ for children is under pressure. Broadcasters have suggested that any reduction in advertising revenue will reduce funds available for children’s television production. Requirements within the Children’s Television Code contain provisions to retain quality programming for children. Relying on advertising products which may harm children’s health to fund children’s programming is not in the public interest and contrary to the international Convention of the Rights of the Child [12].
- Research to evaluate the impact of the advertising legislation in Quebec, Canada compared programs offered to children in Montréal, where advertising directed at children is illegal, and Toronto, where advertising to children is not restricted. The study revealed that programming for children was richer, more diverse, better quality, and more educational in Montreal compared to Toronto. Advertising restrictions on Quebec television did not turn children to other commercial channels. The percentage of young Quebec viewers watching programs from the U.S. did not exceed 10% [13, 14].

Impact of advertising on children’s health

- The review on the influence of television advertising directed to children commissioned by the Australian Communication and Media Authority notes many gaps in the evidence with ‘significant differences in sampling methodology and sampling frames, significant variations in methods of data collection and differences in quality and degree of reporting’[15]. Despite the limitations, a number of international reviews have

concluded there is sufficient evidence to suggest that the influence of food and drink advertising can be, and is, detrimental to children's health [16-20].

- Exposure to the commercial promotion of energy-dense nutrient-poor foods and drinks can adversely affect children's nutritional status [21].
- There is a large amount of food promotion to children, particularly in the form of television advertising and it is having an effect, especially on their food preferences, purchase behaviour and consumption [16].
- There are many contributors to the increasing rate of overweight and obesity in children, including food advertising. The impact of overweight and obesity in terms of a health and socio-economic problems is growing and requires urgent action [19].
- The American Institute of Medicine expert committee concluded that 'television advertising influences the food preferences, purchase requests, and diets, at least of children under 12 years, and is associated with the increased rates of obesity among children and youth.' [20].
- The Parliament of South Australia conducted an inquiry into *Fast Foods and Obesity* in 2007. The Social Development Committee found 'that television viewing does play a role in encouraging children to eat foods that are advertised and given most food advertising is skewed towards unhealthy foods, this increases children's risk of weight gain.' The committee concluded that 'it believes further restrictions on advertising are warranted', as part of a range of measures to tackle the problem of obesity [22].
- There are concerns that junk food advertising supports unhealthy eating behaviour by reinforcing and normalising that behaviour.
 - A recent study found that children who spend more time watching television were more likely to eat more of the energy-dense nutrient-poor foods advertised on television. The study concludes that weight gain associated with television watching is due not only to physical inactivity at the time of viewing but also to a greater preference for energy-dense nutrient-poor foods by children who watch more television [23]
 - Exposure to food commercials increased 5-11 year old children's preferences for the advertised products [24].
 - A large Australian study of grade five and six students showed that heavier television use and more frequent commercial television viewing were independently associated with more positive attitudes toward 'junk food'; heavier television use was also independently associated with higher reported 'junk food' consumption [2].
 - Children and adolescents who watched the most television were significantly more likely to be higher consumers of foods most commonly advertised on TV: soft drinks and fruit drinks, some sweets and snacks and some fast foods [25].
- Recent experimental studies have shown that exposure to TV food advertising increases both total food intake and preference for branded foods. Overweight or obese children may be particularly susceptible.
 - A study in the United Kingdom showed that children, aged 9-11 years, ate significantly more after watching food advertisements compared to toy

advertisements on television. Obese children increased their intake more than overweight and normal weight children [26].

- A further study of children aged five to seven years, showed a significant increase in food intake associated with exposure to TV food advertisements. The study also showed increased recognition of food adverts among children who were overweight or obese [27]
- The Children's Television Standards do nothing to address the high rates of exposure of children to 'junk food' advertisements. The broadcasting industry has a role to play along with other sectors in society in addressing children's poor nutrition and levels of childhood obesity.

Pester Power

- A systematic review of international evidence found that food advertising causes 'pestering' by children and results in parents buying less healthy products that are associated with obesity. It can increase parent-child conflict and undermine parents' attempts to feed their children a healthy diet. This undermines industry arguments that pester power is just a legitimate way for children to express their growing autonomy as consumers' [17].
- Pester power has a negative impact on children's food choices, but the Australian Association of National Advertisers Code of Practice only addresses *direct* appeals for children to pester parents [28].
- However, the Code of Practice does not address *unintended* pestering as a consequence of advertising. "Can damage to children's health and their relationships with their parents be condoned, particularly if the appeals used are at all manipulative, as in the case of pestering?" [17].
- The Australian Association of National Advertisers Code refers to 'prevailing community standards', however, it would appear that community standards are changing. Recent research indicates that parents perceive television food advertising to be a powerful influence on children's food preferences [29, 30] and suggested tighter regulations and restrictions on advertising practices, tighter enforcement of existing regulations and an increase in healthy food advertisements [30, 31].

Co-regulatory approach

- In Australia manufacturers are beginning to adopt more socially responsible approaches. However, initiatives by industry to date have not resulted in a reduction to the amount of energy-dense nutrient-poor food and drink advertising in children's viewing times, which are highly targeted and appear to be increasing during programs popular with 5-12 year old children [32].
- The aim of the Children's Television Standard is to protect children from the possible harmful effects of television, which is a different focus to the Australian Association of National Advertisers Food and Beverages Marketing and Communications Code which focuses on public complaints regarding the content of advertising [28].
- Only 47.4% of parents were aware of current regulations and those with a tertiary education were more likely to be aware. Parents supported a change from self-regulation (92.8%), a ban on unhealthy food advertising to children (86.8%) [33].
- Australian Association of National Advertisers Food and Beverages Marketing and Communications Code of Practice can be used to assist in control of deceptive and misleading content of food advertisements targeted at children. It can help address

individual advertisements that children are likely to misunderstand. The Australian Association of National Advertisers Code can promote advertising that discourages excessive eating of the particular product.

- However strengthening existing self-regulation mechanisms will not affect the quantity, location or emotional power of food promotions targeted at children or the full spectrum of promotional techniques. The aim of current self-regulation is to prevent direct harm and promote trust in advertising. This is a fundamentally different aim to addressing a public policy concern, which is needed to address obesity [34].
- The complaints mechanism is currently framed around the effects of deceptive and misleading individual advertisements, not the cumulative effects of the large number and type of promotions for energy dense nutrient poor foods and drinks. There are no grounds to complain about the amount of advertising, or where it is in the system as long as it is not deceptive or misleading [34].
- It has been suggested that the low level of complaints about television advertising aimed at children in Australia indicates that the public is not concerned about this issue. There are indications of significant concern in the community regarding television advertising aimed at children [31]. Lack of understanding of Children's Television Standards and Industry Codes of Practice and their respective complaints processes and perceived lack of power to be able to change the outcome may be contributing to the low level of complaints.
- Any restriction food advertisements could create conflict of interest for a self-regulation system, as this would impact on manufacturers' goals of promoting greater consumption of their products. That is why regulations that actively restrict advertising are better dealt with by statutory legislation [34].
- The Australian Association of National Advertisers Code includes provisions that 'marketing shall not aim to undermine parents and/or other adults responsible for a child's welfare in their role of guiding diet and lifestyle choices or include any appeal to children to urge parents and/or other adults responsible for a child's welfare to buy particular products for them'[28]. While individual advertisements do not directly promote pester power (direct requests to parents) there is increasing evidence of children's influence over adult purchasing through requests and demands for certain products [17].
- The current system makes it difficult for public to recognise breaches and lodge complaints because of the inconsistent definitions and interpretations being applied across the system.
- The current industry codes of practice appear to lack transparency and rigour with compliance and enforcement. There is also a high risk of potential and perceived conflict of interest.
- Having all advertising provisions covered by the Children's Television Standards and full regulation by the Australian Communications and Media Authority would promote consistency and transparency across the system, and boost public confidence.
- The Department of Health and Human Services supports consolidation of codes of practice related to children's television and other media under the Children's Television Standards.

Premiums

- The use of premium offers in food advertising to children should be banned. The evidence shows that those advertisements that use give-aways, competitions or prizes to engage children are effective in promoting purchase and consumption. In one Chilean study three quarters of children said that they purchased food or drink products advertised on television with offers of prizes for free gifts, and 65% of those children reported that the initial free gift then resulted in ongoing purchasing of the products after the promotional period ended [35].
- Evidence, also indicates that children under 8 years of age have difficulty in identifying the advertisers intent. Premium offers are inappropriate for children because of the potential for exploiting this vulnerable group [15, 20, 36, 37]. The World Health Organisation recommends food and beverage advertising should not exploit children's inexperience or credulity [38]. This needs to go beyond C programs and C program timeslots to reflect the time when children are actually watching television (ie in peak viewing time and outside the times that C programs are broadcast).
- The use of premium offers in food advertising to children for energy-dense nutrient-poor foods should not be permitted. Using a nutrient classification system, such as that proposed by FSANZ, will enable exclusion of energy-dense nutrient-poor foods from food advertising and also banning of the use of premium offers to promote these foods. Advertisements using premium offers could be permitted for more nutritious foods under this system.
- The impact of advertising on young children is of particular concern, with studies showing that young children cannot distinguish the difference between programs and advertisements and do not understand the persuasive intent of advertising [15, 20, 36, 37].

Australian Communication and Media Authority (ACMA) review of Children's Television Standard

- The consequences of learning unhealthy lifestyle habits, both from families and from environmental factors like television advertising, have lifelong impacts. The conclusions from the ACMA review place an unreasonable emphasis on a single direct effect on TV food advertisements on children's weight at a population level. Parallel evidence from tobacco control research shows that finding a direct and definitive link between the exposure and the health outcome is not possible at the population level.
- ACMA identified that it did not have health expertise. The literature review commissioned by ACMA does not demonstrate a clear understanding of systematic review methodology, public health, nutrition or epidemiology.
- UK Food Standards Agency commissioned review (the Hasting's Report) consisted of a team of nine members comprising researchers at the Centre for Social Marketing at the University of Strathclyde in Glasgow, in close collaboration with research partners based at the Department of Public Health at the University of Oxford, the Department of Health Sciences and Centre for Health Economics at the University of York, and the Department of Health Management and Food Policy at City University, London. Similarly the review conducted by the US Institute of Medicine comprised a team of 17 members with backgrounds in public health, nutrition, psychology, communications and media, business and law and others.

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