

**Submission to the Community Affairs Committee of the Australian Senate  
on Protecting Children from Junk Food Advertising (Broadcasting  
Amendment) Bill 2008**

*30th October 2009*

**To: Community Affairs Committee of the Australian Senate  
Proposed Bill: *Protecting Children from Junk Food Advertising  
(Broadcasting Amendment) Bill 2008***

From:

**Dr Rosemary Stanton OAM, nutritionist**

Thank you for the opportunity to make a submission on this important topic. As one of the signatories to the submission sent from the Coalition on Food Advertising to Children (CFAC), my ideas are encompassed by that submission. This brief submission aims to reinforce a couple of major points and to emphasise my total support for adoption of a Bill Protecting Children from Junk Food Advertising.

Over more than 40 years, I have been working to increase the public's understanding of the importance of healthy eating and exercise in minimising many health problems, including obesity. Much of this work has attempted to educate all sections of society about three aspects of food that I consider important. These are:

- nutrition and health
- food 'literacy' (in which I include an understanding of how food is grown and prepared as well as the importance of taste and the social importance of the shared table)
- ecological sustainability and the food supply.

Each of these issues is made more difficult when the population in general, and children in particular, are subjected to the many and varied promotions for food and eating patterns which distort learning about all three areas.

Food advertising of junk foods on television and also various sponsorship programs for children's activities in schools and the community create problems, promoting dietary distortions and impeding progress in educating children. The effects of food advertising have been well documented in surveys. Studies have also shown an overwhelming imbalance towards promotion of junk foods on Australian television. Problems are now compounded by junk food advertising in magazines designed for and sold to children as well as websites that are designed to entice and market directly to children.

Our children are subjected to sophisticated marketing efforts by adults who are highly trained in the art of persuasion. The resulting advertising and Internet promotions impede educational efforts by parents, schools and health authorities (including government funded programs) making it difficult to have any real impact in teaching children about healthy eating.

One aspect of successful advertising has been an increase in consumption of junk food. These foods contribute to adverse nutrition and health outcomes, including overweight and obesity. The result will be an increase in many health problems and an increasing need to divert resources to managing obesity and related conditions. The Australian Senate's enquiry into junk food advertising is therefore especially important and welcomed.

The CFAC submission documents the major problems and the considerable body of evidence that shows adverse effects of advertising and marketing junk foods to children. I will not repeat this material. I would however, like to make a few points that I think are especially important for the proposed Bill.

***Definition of 'children'***

In the United Kingdom, in 2007, after reviewing all the evidence, the Office of Communications (Ofcom) decided that restrictions on the marketing of unhealthy food to children should extend to children up to 16 years of age.

The 2008 draft report from the Australian Communications and Media Authority (ACMA) proposed some restrictions for Children's Television Standards (CTS), mainly on the use of celebrities and cartoon characters used to promote foods to children. These restrictions apply only to specified Children's (C) programming which is limited to only 5 hours a week

The Australian Food and Grocery Council (AFGC) recently released what they termed a Responsible Marketing to Children Initiative in which they asked their members to sign a voluntary code to advertise only healthy products during designated children's programming or where the audience is primarily made up of primary school aged children (ie children under 12 years of age). At least the AFGC acknowledges that there is a problem with food advertising and that advertising requires restraint. However, as detailed in the CFAC submission, children are much more likely to watch programs not shown in designated children's time. It is disingenuous to think that the advertisements children watch outside the designated 5 hours a week will not influence their food preferences. Companies such as Coca Cola also claim that their advertisements do not target children under 12. Do we really think that this company's advertisements are not seen, noted and acted upon by children under 12 years of age?

There seems no reason to define children as those under 12 years of age and the evidence suggests that children of this age continue to need protection against the sophisticated efforts of advertising. Children under the age of 8 are especially vulnerable to advertising since they do not understand its persuasive intent. By age 12, many children understand the aims and motives of advertising, but only 25 percent of this age group understand sales techniques to achieve profits (1).

Schedule 1 of the proposed Bill defines children as people younger than 14 years of age, citing accord with the Broadcasting Services Act 1992. I support this as a minimum but suggest the Senate also checks the reasons why Ofcom

decided to make 16 the defining age for children for protection against junk food advertising. The CFAC submission details this action.

***Suggested inclusion in the proposed Bill:*** Set the definition of 'children' at 14 years of age as a minimum, and consider extending this to 16 years of age, after consideration of the reasons used by Ofcom. Note: there is no justification for defining children as those under 12 years of age.

### ***Definition of healthy foods***

If the AFGC asks their members (who do not include fast food companies) to sign a voluntary code that they will advertise only healthy foods to children during limited time periods, the definition of 'healthy' foods will require interpretation.

The food industry frequently argues that "there are no unhealthy foods only unhealthy diets". Many companies also maintain that foods are healthy if they have added vitamins, minerals or other nutrients. Such definitions would permit products such as highly sugared breakfast cereals, vitamin waters (basically sugar-sweetened cordial with added vitamins), chocolate or other confectionery with natural or added antioxidants, chocolate spread (high in sugar and saturated fat and also containing trans fatty acids) to claim to be 'healthy'.

Food Standards Australia New Zealand (FSANZ) has developed a Nutrient Profiling model. This tool was developed for use in restricting health claims on foods judged to be inappropriate to carry marketing health claims. However, the model developed by FSANZ was based on one developed by Ofcom to classify foods as suitable or unsuitable for television advertising to children. The changes made by FSANZ built on the Ofcom model and removed some inadvertent problems. Further improvements could remove any remaining anomalies.

***Suggested inclusion in the proposed Bill:*** The FSANZ tool be used to define foods unsuitable for advertising before 9pm. Note: the FSANZ tool should be refined as necessary and this process should involve public health nutritionists who are free from commercial influence. The food industry and others who receive sponsorship from the food industry should not contribute to this process.

### ***Timing of restrictions***

There is ample evidence that children's peak viewing times are not confined to the brief periods designated as 'C' or 'P' time. Full details and evidence for this is detailed in the CFAC submission.

***Suggested inclusion in the proposed Bill:*** The timing for restriction of advertising of unhealthy foods and drinks be 6am to 9pm.

### ***Compliance***

Currently, compliance with ACMA's code is not routinely monitored. ACMA can respond to complaints from the public, but their response is likely to be slow and by the time any action is taken, the advertisement has passed. This is unsatisfactory.

The AFGC proposal recommends oversight by an independent arbitrator but does not recommend any remedial action or punishment for breaches of their voluntary code. Such toothless actions are useless as has been shown with numerous breaches of other voluntary codes of practice such as those relating to food labels (2).

***Suggested inclusion in the proposed Bill:*** Include the need for regular independent monitoring and enforcement.

### ***Include all media***

The food and beverage industries would not spend millions of dollars advertising products if such actions did not result in increased sales. However, as more children spend more time on the internet, advertisers are aware that a direct one-on-one engagement with a child via an internet club, game or other interactive activity can create a powerful effect.

***Suggested inclusion in the proposed Bill:*** Include all media in the restrictions imposed by the Bill.

### ***The evidence***

As detailed in the CFAC submission, there is ample evidence that the proposed Bill would help protect children from junk food advertising and its effects in increasing consumption of these foods. The Australian Senate cannot ignore the evidence that this Bill would help Australian children move towards a healthier diet.

The National Preventative Health Taskforce's has recently issued a full review paper. One of the Taskforce's major recommendations is a call to protect children from inappropriate marketing of unhealthy foods and beverages (3). This expert committee recommended curbing inappropriate advertising and promotion, including banning advertising of energy-dense, nutrient-poor foods on television between the hours of 6am and 9pm. They also recommended removing advertising for these foods in other media, including print, internet,

radio, in-store and mobile telephone. It is noteworthy that the AFGC also recognised these other media as needing the same attention as TV advertising.

(1) Young B (1998), *Emulation, Fears and Understanding: A review of recent research on children and television advertising*, ITC, London.

(2) Williams P, Yeatman H, Zakrzewski S, Aboozoid B, Henshaw S, Ingram K. Nutrition and related claims used on packaged Australian foods – implications for regulation. *Asia Pacific Journal of Clinical Nutrition* 2003;12(2): 138-150

(3) National Preventative Health Taskforce. *Australia: the healthiest country by 2020*. Preventive Health Taskforce 2008; available at [www.preventativehealth.org.au/internet/preventativehealth/publishing.nsf/Content/discussion-healthiest](http://www.preventativehealth.org.au/internet/preventativehealth/publishing.nsf/Content/discussion-healthiest)