



SUBMISSION

TO

Australian Senate Community Affairs Committee

Inquiry Into

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

November 11 2008

This submission carries the endorsement of AMI on behalf of its 7,000 members



**AUSTRALIAN
MARKETING
INSTITUTE**

Statement of Purpose

On behalf of the advertising, marketing and media members of the Australian Association of National Advertisers (AANA), this submission responds to the Australian Senate Community Affairs Committee Inquiry into Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008.

It is intended to assist the Inquiry's considerations of a claimed need for legislative restrictions of the freedom of commercial communication in relation to food and beverages advertising

It does so by addressing a number of issues, including:

- ***The concept of 'junk food' being responsible for what has been misrepresented as an 'obesity epidemic';***
- ***The role of self-regulation in preference to legislation as the most appropriate front-line quick-response means of reflecting the evolution of prevailing community standards in the governance of advertising across all media;***
- ***The recognition of children aged 5-12 as being the most likely to be influenced by commercial television programming and related advertising, and food marketer action in response to such recognition.***

As the driving force of established and emergent commercial media, interests represented by the AANA will provide investments exceeding \$30 billion in promotional expenditures over the course of 2008.

While uncertain of the advertising and marketing communications outlook under threat of global economic recession, the AANA nonetheless offers the Senate Community Affairs Committee its support and influence in achieving an economically and politically sustainable level of governance appropriate to commercial media, and its funding advertisers, in a rapidly changing media environment.

Assisted by close involvement with the World Federation of Advertisers providing access to the combined evidence and experience of a 10,000 advertiser network responsible for 90% of a global advertising and marketing spend in excess of \$700 billion, the AANA acknowledges the Federal Government's Children's Television Standards, currently under review by the Australian Communications & Media Authority, as the appropriate national mechanism for ensuring the interests of children are properly protected in relation to commercial television programming and the advertising that provides its funding.

Recognising that children's sporting events and commercial media entertainment are simply unsustainable under falling audience and advertising trends likely to be exacerbated by the current economic slowdown, the AANA urges responsible legislative and regulatory restraint, and remains ready to speak to any of the points raised in this submission or to any further matters within its experience and expertise that may assist the Inquiry



Scott McClellan, Chief Executive Officer, Australian Association of National Advertisers

1.1. Overview

The Australian Association of National Advertisers (AANA) supports the principle of protecting children from harm.

- 1.2. This submission is made on behalf of the advertising, marketing & media membership of the peak industry body of a \$30 billion domestic commercial communications industry directly involved with the majority of Australians, including children, and a major contributor to the country's social as well as economic development.
- 1.3. This submission has been assisted by research data and other informational resources of the World Federation of Advertisers, of which the AANA is a member.
- 1.4. This submission is made in good faith, notwithstanding what might be considered a misinformed prejudgement of food & beverages advertising to children as portrayed by the Bill title's "junk food" terminology, which carries unfair, emotive and derogatory connotations.
- 1.5. This submission is made on trust that the Senate Inquiry will adopt a responsible, evidence-based approach to its considerations of recommendations in response to what has long been portrayed as an obesity 'epidemic', but which has recently been accorded a more balanced prognosis by the latest research undertaken by the CSIRO on joint funding by the Federal Government and the Australian Food Industry (as released 3 October 2008).
- 1.6. The submission is made also on trust that the Senate Inquiry will give proper consideration to the Australian Food Industry's 24 October 2008 announcement of a Responsible Children's Marketing Initiative, promising a rebalancing of commercial television food & beverages advertising to children towards more nutritious choices and healthy lifestyle encouragements.
- 1.7. This submission calls attention to the ongoing promotion of misinformation that only serves to impede fair and reasonable assessment of the obesity issue, including media claims often bordering on hysteria and, according to Australian childhood nutrition authority, Dr Jennifer O'Dea of Sydney University, *"based on moralistic judgement about fat children and their parents rather than scientific research or evidence."*¹
- 1.8. The Senate Inquiry is asked to note:
 - 1.8.1. None of the individuals or groups continuing to accuse food & beverage advertising of responsibility for a claimed "epidemic" of childhood obesity have sought discussions with the AANA, while the promoter of the 'Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008, Senator Bob Brown, has never even responded to AANA correspondence preceding this Bill, offering to properly advise him in the matter of advertising and children.
 - 1.8.2. The claimed "epidemic" has been exposed as a deliberate attempt at misinformation of the Australian public and its policy matters, with a recent admission by one high-profile health lobby activist that the description was only ever adopted to obtain media attention.²
 - 1.8.3. The AANA remains ready and willing to engage with governments and all sectors of society, including identified 'anti-advertising' interests, and has employed an external agency to actively solicit such engagement.

¹ Dr Jennifer A. O'Dea, Sydney Morning Herald, 20/05/2005

² Dr Jan Pearson, Health Promotions Manager, Cancer Society of NZ appearing on **Radio Live**, the nationwide [New Zealand talkback](#) and news [radio network](#) owned by [MediaWorks NZ](#), October 2 2008, 4:40pm (recording available).

1.9. Advertising & Children

Continuing to support the global Responsible Advertising & Children initiative (with increased hope of it spawning a specifically Australian — or Australasian — derivative) and recognising the particular responsibilities of advertisers in relation to those too young to understand the intent of advertising, the AANA makes the following submissions in relation to the ‘Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008’.

- 1.10. The AANA draws attention to Senator Bob Brown’s mistaken notion of ‘junk food,’ and seeks acceptance of the fact that no foods approved by Health authorities for sale anywhere within the Commonwealth of Australia are inherently unhealthy, although excessive consumption of some foods might constitute a ‘junk diet’ in a similar way to excessive time spent surfing the internet, engaging in computer games, or watching videos or television (commercial, subscription or ABC) might be regarded as contributing to an unhealthy sedentary lifestyle.
- 1.11. The AANA also draws attention to the National Children’s Nutrition and Physical Activity Survey conducted by the CSIRO that shows no significant change in childhood obesity levels since the previous survey in 1995, challenging the notion that there has been any recent increase.
 - 1.11.1. This is supported by the Australian Institute of Health & Welfare’s latest survey of treatment by doctors between 1988/9-2007/08, showing BMI for overweight and obese children remained unchanged over that 10-year period.
 - 1.11.2. This is in keeping with overseas trends, with a study by the [US] Government Center for Disease Control & Prevention finding no statistically significant changes or trends in the prevalence of high BMI among children and adolescents between 1999 and 2006.
 - 1.11.3. This is in keeping also with a study undertaken by the Ministry of Health in New Zealand, showing that the percentage of overweight and obese children in the 5-14 age bracket remained flat over the period 2002-2006/07.
- 1.12. The AANA draws attention to the fact that studies both in Australia and overseas are indicating that the childhood obesity trends that caused concern a decade ago have shifted positively, suggesting that early response strategies have been effective.
- 1.13. The AANA also draws attention to the fact that Australian food & beverages marketers have been at the forefront of the global response to concerns raised by the earlier trends in childhood obesity, including by way of:
 - 1.13.1. Recognising the requirement for an all-of-community response to an all-of-community issue, designing and delivering a \$10 million ‘Eat Well, Play Well, Live Well’ healthy lifestyle advertising campaign, originally conceived as the advertising, marketing & media industry’s contribution to such an all-of-community response;
 - 1.13.2. Pursuing a global response to international obesity trend concerns through the World Federation of Advertisers;
 - 1.13.3. Delivering the world’s first Advertising & Marketing Communications to Children Code in accord with new guidelines drafted by the International Chamber of Commerce in 2007;
 - 1.13.4. Repeating offers to work with all Australian governments and all Australian stakeholders in leveraging the industry’s established and proven system of self-regulation to ensure responsible advertising in accordance with prevailing community standards.

2. **Cause & Effect**

- 2.1. More than a decade of involvement by the AANA in the study and discussion of obesity in Australia and around the world has shown that despite all endeavours by anti-advertising and other special-interest groups and associated academic activists, there is no evidence to support claims that advertising is responsible for obesity—although it may have a role to play in support of remedial action.
- 2.2. Along with the UK regulator, OFCOM, the Australian Communications & Media Authority has estimated the contribution of advertising to children’s food consumption at less than 2 percent.
- 2.3. Curtin University’s Dr Owen Carter has calculated the influence of advertising on childhood food choices at 0.5%--1.0%, and it deserves recognition that whichever of the authoritative figures is accepted, any ban on food & beverages advertising to children could only ever have a miniscule impact at best and, on the evidence of such respected researchers as Frontier Economics, could have unintended consequences, including an increase rather than decrease in consumption³
- 2.4. An authoritative research literature review undertaken on behalf of ACMA as part of its current Children’s Television Standards Review has found no causal link between commercial television advertising and obesity.
- 2.5. The relationship between television advertising and overweight and obesity in children is frequently misrepresented, with the Senate Inquiry contributing to such misrepresentation through adoption of pejorative ‘junk food’ terminology.
- 2.6. Arguments that children are being over-exposed to advertising for food & beverages products fail to properly recognise that television viewing, as with other ‘screen-based activity’, is predominantly a sedentary past time, and that a similar amount of time spent watching non-commercial television or education computer activities would provide a similar outcome.
- 2.7. The latest research paper of Sydney University nutrition authority Dr Jennifer O’Dea draws special attention to the misrepresentation of childhood obesity flowing from improper combination of ‘overweight’ and ‘obese’ statistics, and also identifies ethnicity and social economic status as previously underestimated influences on childhood obesity in Australia, noting: *“Health and social work professionals should be careful not to exaggerate the risks of obesity among higher SES Anglo/Caucasian or Asian communities as these children do not appear to be at a high risk of obesity ...”*⁴
- 2.8. Queensland’s University of the Sunshine Coast hosts a Foundation for Advertising Research supported by acknowledged world authorities on advertising regulation who have identified more than 30 non-advertising contributors to obesity, including: genetics, food costs, working mothers, formula fed babies, physical activity costs, and technological advancements, among others.
- 2.9. Professors Debra and Michael Harker, of the University of the Sunshine Coast, who have recently contributed to the latest work of Professor Gerard Hastings (the first academic to attempt a link between advertising and obesity and an acclaimed world authority in this area of research), continue to see any such link as tenuous, and have devised an intervention strategy test that the AANA commends to Senator Bob Brown and Members of the Senate Inquiry.⁵

³ www.frontier-economics.com/library/publications/Frontier_bulletin-food_for_thought_stp.pdf

⁴ ‘Gender, ethnicity, culture and social class influences on childhood obesity among Australian schoolchildren. (2008).’

⁵ www.ffar.org/PDFS/REACH%20FAR%201%20ANZAM06.pdf

2.10. The AANA believes such matters deserve proper consideration by the Senate Committee of Inquiry, and that such consideration will make it clear that while advertising may be an easy political target, advertising censorship will not address the problem of childhood obesity.

3. **The Case for Self-Regulation**

Beyond legislation and regulation equal to any business sector, the Australian advertising, marketing & media industry has an internationally-recognised ‘gold standard’ system of self-regulation deserving proper recognition by the Senate Community Affairs Committee.

- 3.1. In Australia, self-regulation based on International Chamber of Commerce-aligned AANA Codes managed through the Advertising Standards Bureau is delivered at no cost to consumers and to the benefit of the community through a Board comprising a representative cross section of Australian society reflecting prevailing community standards.
- 3.2. The AANA was an early adopter—and continues to base its codes of conduct, including advertising & marketing communications codes specific to food & beverages advertising and marketing communications and advertising to children—on ICC standards.
- 3.3. The AANA’s considerable experience in code development and implementation demonstrate the benefits of self-regulation as a responsible commercial community adjunct to appropriate government legislation and regulation. The benefits of self-regulatory codes include:
 - 3.3.1. **Speed:** The self-regulatory mechanism managed by the Advertising Standards Bureau has quick determination of complaints as one of its objectives, and is capable of a 24-hour turnaround in the event of a serious breach of prevailing community standards.
 - 3.3.2. **Flexibility:** Codes are capable of quick review and adjustment in response to changes in prevailing community standards, as identified with the assistance of ongoing research.
 - 3.3.3. **Fairness:** The AANA Codes and related self-regulation system apply equally across all advertising channels, with Australia the first in the world to apply its Food & Beverage and Children’s Codes to advertising appearing on the Internet and other emergent media.
 - 3.3.4. **Transparency:** Case Reports of matters dealt with by the Advertising Standards Board are published on the web site and notification through media releases and other public statements.
- 3.4. With an unrivalled 100% compliance rate, Australia’s system of self-regulation continues to match or better systems in other countries, and to follow best practice standards identified under Robert Madelin, Director-General, Health & Consumer Protection, European Commission, and recently adopted as EC policy.
- 3.5. In the view of the AANA, in Australia as well as Europe, any selective and arbitrary introduction of advertising restrictions would seriously weaken the currently successful self-regulation system by undermining the confidence of consumers and the goodwill of advertisers.
- 3.6. In the view of AANA, the imposition of legislation as proposed under the Protection of Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008 could significantly reduce business efficiency, while increasing marketing costs to companies and retail prices to consumers without demonstrating any improvement in the health of Australian children.

4. **Conclusions and Recommendations**

The Australian Association of National Advertisers urges the Senate Community Affairs Committee to recognise the Australian Communications & Media Authority as the proper authority in relation to advertising to children on commercial television, and to otherwise commit to evidence-based considerations in its evaluation of the Protection of Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008.

- 4.1. In the view of the AANA, such a commitment must find that there is 'an obesity industry' including self-interest promoters of unreasonable fears and expectations as well as concerned individuals and groups misguidedly persuaded to specifically target commercial television advertising to children, and that some Federal as well as State politicians have been similarly wrongly persuaded by such misinformed, misdirected and sometimes mischievous influences.
- 4.2. In the view of the AANA, there is overwhelming evidence that food & beverages advertising is neither the primary nor a significant contributor to childhood obesity issue and public concern about health issues associated with obesity should more reasonably be focused on matters associated with our less active lifestyle than that of previous generations.
- 4.3. On this basis, the AANA believes it would be unreasonable and unjust for the Senate Inquiry to support legislation as a tool of political grandstanding or expediency, or as an exercise in politically driven social engineering.
- 4.4. The AANA believes it would be appropriate for the Senate Community Affairs Committee to affirm Federal Government support for the Australian Communication & Media Authority as the proper authority in the matter of advertising influence over children, and otherwise to recognise and reference the self-regulation system successfully overseeing advertising in all media on a basis of prevailing community standards.
- 4.5. The AANA further believes that such initiatives as the responsible Children's Marketing Initiative announced through the Australian Food & Grocery Council on 24 October 2008 should be recognised by the Senate Community Affairs Committee as a benefit of a self-regulatory regime under which marketers are encouraged to demonstrate responsible advertising and rapid as well reasonable responses to community concerns.
- 4.6. The AANA urges the Senate Inquiry to consider a review of the obesity issue in Australia by Institute of Public Affairs Research Fellow Louise Staley, published in the November 2008 edition of the Institute of Public Affairs *Review*, which in part states:

*"The obesity industry has diagnosed the wrong problem
and proposed the wrong solution...*

*... Researchers are beginning to re-examine the evidence on weight and health,
and (are) coming to some dramatically different conclusions
than those which obesity lobbyists rely upon...*

... The obesity industry

*—that is, those researchers and drug companies that rely on the notion of an 'obesity epidemic'--
face an increasing amount of evidence suggesting that the links between fatness and various diseases
are weaker than believed,
and that the industry's proposed solution ... does not work."*