Children’s Health or Corporate Wealth?

The battleground for kids’ hearts, minds and tummies
Contact

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Acknowledgements

This document is an extension of Coalition on Food Advertising to Children (2006) *Children’s health or corporate wealth? The case for banning food advertising to children* 2nd edition. We would like to acknowledge the Coalition on Food Advertising to Children for the original concept. We would like to acknowledge the work of Leva Azadi and Boyd Swinburn in the previous edition.

Suggested citation

Food marketing to children: the context

Reducing children’s exposure to unhealthy food marketing has been recognised by the World Health Organization (WHO) as important for helping to prevent a range of health problems associated with unhealthy food choices. WHO has produced a set of recommendations to member governments for the restriction of marketing of food and beverages to children,¹ and have developed a framework² to support governments to translate these recommendations into effective regulations.

Parents want support from the government to protect their children from unhealthy food marketing and promote healthy habits by introducing regulations to restrict unhealthy food marketing to children across a variety of media.³

In 2009, the Australian National Preventative Health Taskforce recommended several strategies to reduce exposure of children and others to marketing, advertising, promotion and sponsorship of energy-dense nutrient-poor foods.⁴ The Australian government’s response committed to monitoring the effectiveness of current self-regulatory initiatives and to consider government regulation if these proved ineffective.⁵

We need to protect children’s health over corporate interest. Children are targets for marketers because they have their own money to purchase products, they can influence their parents, and they are the consumers of tomorrow.

This report provides an overview of the research into the nature and extent of food marketing to children and its impact on children’s food preferences, their diet and their health. The report also outlines current mandatory, co-regulatory and voluntary approaches in Australia and around the world to reduce food marketing to children and makes a series of recommendations to improve regulation and more effectively reduce children’s exposure to the unhealthy influence of food marketing.
# Common abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>AANA</td>
<td>Australian Association of National Advertisers</td>
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<tr>
<td>ACCC</td>
<td>Australian Competition and Consumer Corporation</td>
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<td>ACMA</td>
<td>Australian Communications and Media Authority</td>
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<td>AFGC</td>
<td>Australian Food and Grocery Council</td>
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<td>ASB</td>
<td>Advertising Standards Bureau</td>
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<td>CTS</td>
<td>Children’s Television Standards</td>
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<tr>
<td>HFSS</td>
<td>High fat, sugar and salt foods</td>
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<tr>
<td>QSRI</td>
<td>Quick Service Restaurant Initiative</td>
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<td>RCMI</td>
<td>Responsible Children’s Marketing Initiative</td>
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Obesity in Australia

The waistlines of Australians are increasing. Almost Sixty-three percent of Australian adults are overweight or obese.\textsuperscript{1} Children are also affected. National surveys show that 23% of Australian children are either overweight or obese.\textsuperscript{2} Overweight children are more likely to become overweight adults, with 75-86% who are overweight at 8 years of age or older likely to be overweight at age 20.\textsuperscript{3} This means it is incredibly important to do whatever we can during childhood to set healthy habits for life. Obese children are at a greater risk of developing chronic diseases, like cardiovascular disease and type 2 diabetes, and health problems like high blood pressure, sleep apnoea, depression and eating disorders.\textsuperscript{4}

Obesity is also a risk factor for many cancers, including cancers of the bowel, kidney, oesophagus, pancreas, endometrium and breast (post-menopause).\textsuperscript{5} Cancer Council recognises the need for individuals, businesses and government to take action to prevent Australians becoming overweight or obese. The World Cancer Research Fund reviews evidence relating to food, nutrition and cancer, and has provided a number of recommendations to minimise cancer rates worldwide, including through promoting a healthy weight and physical activity.\textsuperscript{6} This may be achieved by a range of activities, such as designing built environments that promote physical activity, selling meals of a high nutritional standard at schools and recreational facilities, and ensuring nutritious foods are competitively priced in the marketplace. Government restrictions on unhealthy food marketing to children are one of the many approaches recommended, recognising the link between food marketing, obesity and cancer risk.\textsuperscript{7}

Premature death from a variety of consequences related to obesity will soon become the norm, with six million Australians projected to be obese by 2020.\textsuperscript{8} If we can halt or stabilise obesity levels in Australia, half a million lives could be saved by 2050.\textsuperscript{9} Changes in diet and physical activity levels could prevent 25% of the cancers projected to be diagnosed by 2023.\textsuperscript{10}

\textit{If we can halt or stabilise obesity levels in Australia, half a million lives could be saved by 2050.}
The 2007 Australian National Children’s Nutrition and Physical Activity Survey found sugars contributed 22-26% and saturated fat contributed 13-14% of children’s daily energy, exceeding recommendations in both cases. Energy-dense nutrient-poor foods or foods that are high in kilojoules but offer little nutritional value make up over a third of children’s daily energy intake. This is alarming given that these foods including cakes, biscuits, fast foods and confectionery are considered discretionary foods, that should only be included sometimes in a healthy diet.

Across the population, overweight and obesity represent a significant health problem, including nearly a quarter of Australian children. The risks related to obesity are alarming and include a range of chronic diseases, including type 2 diabetes, cardiovascular disease and some cancers.

Restricting unhealthy food marketing to children is one way of reducing the burden of obesity on society and individuals. Food marketing restrictions should be part of a comprehensive and sustained approach to improving the health of Australian children and reduce obesity amongst adults in the future.
The effects of food marketing to children

A recent summary of systematic reviews of the evidence brings together almost 40 years of evidence on the influence and effect of food marketing to children. Food promotion influences children’s nutrition knowledge, food preferences and purchase behaviour; encourages them to ask their parents to purchase foods they have seen advertised; influences the food they eat and ultimately impacts on their health. The majority of foods promoted to children are energy-dense nutrient-poor. There is now a body of evidence that indicates food marketing is a modifiable risk factor for children’s health.

The high exposure of children to unhealthy food marketing in Australia is one element among a complex set of factors that contribute to the growing waistlines and poor health of Australia’s children. Measures to limit unhealthy food marketing to children need to be part of the range of strategies implemented to reduce obesity rates. Studies comparing potential interventions to address obesity have been identified, and restricting unhealthy food marketing on television has the greatest overall effect (although small per child) and would be the most cost effective intervention.

Effects of food marketing on children: summary of the evidence.

<table>
<thead>
<tr>
<th>Effect</th>
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<tr>
<td>Effects on food purchases</td>
<td>Strong</td>
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<tr>
<td>Effects on category sales and/or brand switching</td>
<td>Strong</td>
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<tr>
<td>Effects on food knowledge</td>
<td>Modest</td>
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<td>Effects on food preferences</td>
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<td>Effects on food consumption</td>
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<td>Effects on diet-related health</td>
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<td>Extent relative to other influences</td>
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Research has consistently linked increased television viewing with the risk of becoming overweight or obese. Conventional wisdom would suggest that this is due to the inherently sedentary nature of watching television, rather than engaging in more active pursuits. However research has revealed that television viewing does not displace physical activity, with people who watch high amounts of television participating in as much (or as little) physical activity as people who don’t watch television.\textsuperscript{20} Low physical activity levels and high screen time have been independently linked with increased risk of overweight and obesity in Australian children.\textsuperscript{21}

Commercial television viewing (i.e. television with advertisements) has been associated with obesity in young children.\textsuperscript{22} Children also hold positive attitudes to unhealthy food when they watch commercial television.\textsuperscript{23} This suggests that unhealthy food advertising on television, rather than or in addition to the sedentary nature of the activity itself, contribute to the link between television viewing and obesity.

We now know that television food marketing can explain (at least part of) the link between watching television and poorer diet/obesity. The mechanisms through which this occurs are:

- Immediate, by influencing snacking habits and choices;
- Short term, by altering attitudes to unhealthy foods and food requests; and
- Long term, by changing foods eaten and overall dietary patterns.

### Attitudes to unhealthy foods

The unhealthy diet promoted through advertising undermines parents’ attempts to create an understanding of a healthy diet in their children. Australian children who view more television are more likely to hold positive attitudes towards unhealthy foods, including the perception that their peers consume high amounts of these foods.\textsuperscript{23} These children are also more likely to consume unhealthy food.\textsuperscript{23} This provides evidence that an unhealthy diet is influenced by exposure to unhealthy advertising and the perception that eating these foods is normal.

Decreasing unhealthy food marketing to children may help improve their diet in the long term.
Brand loyalty refers to the creation of a relationship with a customer, so that they repeatedly purchase a company’s product over competitors. Brand loyalty can therefore create positive attitudes towards unhealthy foods. Brand loyalty develops at a young age, with one study finding that three to five year olds prefer branded foods over identical non-branded foods. This loyalty is aided by exposure to branded advertising on television.

**Australian children are estimated to spend an average of 2.5 hours watching TV each day.**

**Snacking whilst watching television**

Watching television is often associated with snacking. Food marketing is associated with increased snack consumption amongst children, with children who view food advertisements consuming more than those who view other advertisements. Australian children are estimated to spend an average of 2.5 hours watching TV each day. Over the course of a year, the unhealthy food advertising they are exposed to and the increased snacking associated with television viewing adds up to additional energy intake that can contribute to weight gain. Television snacking can contribute a large amount to diet, approximately 15 to 20% of total daily energy intake.

**Longer term effects on diet**

Parents will attest to advertising’s success in creating ‘pester power’ amongst children, and research consistently agrees. International evidence has found that food advertising leads to ‘pestering’ by children that results in parents buying the less healthy products requested.

Studies have found after viewing food advertisements, children are more likely to select unhealthy products and to select these products often despite parental encouragement to choose healthier options.

In another study, three year old children who watched more television had higher intakes of energy and fat and lower intakes of beneficial nutrients, such as calcium and fibre. For each extra hour of television viewing, there was an increased intake of soft drinks, fast foods and snack foods and decreased intake of fruit and vegetables.

Parental experience and a variety of research clearly implicate food advertising in unhealthy diets of children. Food advertising impacts on children’s diets by promoting consumption of snack foods whilst watching television, influencing the foods children request from their parents and is associated with a poor diet in the long term.
Given the evidence that unhealthy food marketing can have such a dramatic impact on a child’s diet and understanding of a healthy lifestyle, it is important to consider how and when they develop an understanding of the true intent of marketing. Media literacy has been defined as the ability to access, understand and create communications in a variety of contexts.\textsuperscript{31} For children this includes the development of skills to critically analyse media, including advertising and its tactics, to protect them from harmful messaging.\textsuperscript{32}

Evidence suggests there are a number of stages involved in the gradual increase in understanding advertising, with the age and rate at which this develops varying widely between children, like other aspects of cognitive development.\textsuperscript{33,34}

In the past, some researchers believed an understanding that advertising is designed to sell products was enough to guard against advertising. For this reason, an age of 12 years was typically suggested as an age at which advertising restrictions could be relaxed. However, whether children can distinguish advertising from programming or other content does not necessarily mean that they also understand its persuasive role and are not influenced by advertisements.\textsuperscript{35} It is recognised that children understand the intent of advertising by about the age of eight but not that the advertiser’s intent is to convince the viewer to buy something they would not otherwise buy. Children may recognise that Ronald McDonald is trying to make them purchase a product, but they fail to recognise the methods he uses or the fact that they may otherwise not have purchased these products.\textsuperscript{33}

Psychologists argue that it is not until the reflective stage of cognitive development (age 11-16 years) that children are able to fully understand other people’s perspectives and the complexities of communication. The associated ability to make rational judgements and question what they are being told is needed to make judgements about the persuasive intent of marketing.\textsuperscript{34} Therefore restrictions on food marketing to children should extend into early adolescence.\textsuperscript{36,37}
Improving children's knowledge of advertising does not always impact upon their preference for advertised products. Although children may understand that advertisements are attempting to sell products to them, they do not use this to protect themselves from the techniques employed. A study of Australian children suggested that even though they were aware of the persuasive intent and lack of truth in advertising, they still requested advertised products from their parents.

In recent years, internet use has increased dramatically and with this, newer forms of advertising have emerged. The bulk of research into media literacy exists for traditional media, including television food marketing. However, the development of media literacy may be altered for newer media. For example, when children were given printed copies of web advertisements, only 10-12 year olds were able to identify a majority of the advertisements, suggesting a delay in recognition when compared with television advertising.

Like all cognitive development, children will be able to recognise and understand marketing at different ages. Research suggests a detailed understanding of television advertising, particularly its persuasive intent, does not develop until at least early adolescence. In newer media, understanding of advertising is believed to develop even later.
The power of advertising - tricks of the trade

It has been found that when people are exposed to a high-imagery advertisement they have a favourable attitude to that product as they falsely believe they have experienced the product before.40

Across all media, a variety of techniques are used to engage children in food marketing and persuade them to purchase the advertised products. The number of techniques used is continually increasing and becoming more and more sophisticated.

Techniques may relate to:

- Themes and language to promote the product, like fun or adventure;
- External validation of product value, through sponsors, cartoon characters or competitions; and
- Properties of the food itself, like nutrition or taste.

Imagery appealing to children

In 2010, Nestle developed the ‘Allen’s Makes Smiles’ campaign for its Allen’s lollies range. The campaign included a television advertisement, where a 9m doll walked through city streets and showered crowds with Allen’s lollies. The advertisement created a sense of fantasy, with bubbles transforming into lollies, used children and a children’s doll in the advertisement and used a nursery rhyme (This old man) as the background music. It is reported that the $2.45 million investment in the campaign created $2.32 of additional revenue for every $1 spent.41

Advertisements use many different features that attract children including:

- Animation – Many advertisements use animation to create a child-like world. The Cadbury ‘Wouldn’t it be nice’ campaign included an animated world made of chocolate, even chocolate people and animals.
- Bright colours and bold graphics attract adults and children alike.
- Images of animals, toys, cars – A Kellogg’s LCMs snack bar advertisement featured cartoon style snails
- Music, songs or jingles – Most parents would remember the ‘I like Aeroplane Jelly’ of yesteryear. A 2012 Arnott’s Tiny Teddy biscuit advertisement included an upbeat soundtrack with dancing ‘Tiny Teddy’ and friends.
- Starring children – Many advertisements include images of children talking about or eating products. A Kraft Oreo biscuit advertisement showed two young children eating Oreo biscuits with a glass of milk and fighting over the third biscuit.
- Branded toys – For example, Chupa Chups lollipops feature on branded money tins and the Mars Company sells branded M&M’s dispensers shaped like yellow and red M&M’s animated characters.
• Novelty design of food product or food packaging – For example, dinosaur shaped chicken nuggets or plastic jewellery rings with confectionery as the edible stone.
• Emphasis on fun or fantasy – Examples include a McDonald’s hamburger advertisement where a kettle boiled after resting on a McDonald’s chilli burger\textsuperscript{38}; a Unilever Paddle Pop advertisement set in the jungle; a Ferrero Kinder Surprise advertisement where a dad and daughter point out clouds which look like a rabbit and a monkey; a Nando’s advertisement in which a boy playing with his toys sees his dinosaur takes a bite out of a car and his plane fly over the chips.
• Flavour or taste or a description that implies desirable taste – Mamee noodles snacks are described as “the crunchiest snacks ever”.
• Nutrition or health benefits – For example, Nutri-grain is marketed as ‘Iron man food’ and for boys dreaming of becoming sports people.

Many food companies make use of a company character to create appeal to children and brand loyalty.

Personalities or characters

Many food companies use company characters to create appeal to children and brand loyalty. Parents will remember many such characters associated with foods from their childhood. These characters are often animated and represent children or animals, like Snap, Crackle and Pop (Kellogg’s Rice Bubbles breakfast cereal) and Freddo Frog (Cadbury chocolate).

A 2011 Australian study in the supermarket found over 350 packages used promotional characters on packages to target children.\textsuperscript{42} These included company characters (e.g. Nesquik Bunny), licensed characters (e.g. children’s entertainers The Wiggles) and sports stars, celebrities or movie characters.\textsuperscript{42} Kellogg’s Nutrigrain cereal uses champion athletes and Iron Men series surfing professionals. Cartoon characters may be licensed characters such as toys in McDonald’s Happy Meals which have recently included Nickelodeon characters like Teenage Mutant Ninja Turtles or characters from the movie Despicable Me 2. They can also be company-owned characters, like Coco the Monkey on Kellogg’s Coco Pops cereal packaging and Paddle Pop Lion on a Streets Paddle Pop children’s website. Some food packaging features characters from TV programs or movies, e.g. Willy Wonka branded chocolates.

Young children have been found to prefer foods from packages with characters. Even children who prefer the taste of other products will alter their choice to the product that includes a character.\textsuperscript{43}


**Premiums and competitions**

A premium is defined as anything offered with or without additional cost that is intended to induce the purchase of an advertised product or service. The most common example is toys sold with children’s fast food meals. Other examples include prizes that come in a breakfast cereal box.

*Pairing toys with healthy meals could be used to encourage children to choose healthier meals, and could therefore be an effective means of improving their diets.*

The fast food industry spent $360 million purchasing toys for children’s meals in 2006, in the USA alone. One study showed that young children choose meals that contain a toy, regardless of whether these meals are healthy or unhealthy. The effect increased when toys were part of a collectible set or run as limited time only. Pairing toys with healthy meals could be used to encourage children to choose healthier meals, and could therefore be an effective means of improving their diets.

In Australia in 2011, fried chicken chain KFC announced that it would remove toys from all children’s meals. The move has been welcomed by parents and public health organisations alike. In 2013 Red Rooster did the same, saying on their website, “Red Rooster has listened to customer feedback and taken the decision to remove toys from our children's meals”. McDonald's and Hungry Jack’s are yet to follow. Both stores still provide popular figurines or movie characters such as My Little Pony and Transformers with children’s meals.

Ferrero’s Kinder Surprise chocolate egg contains a toy, presently The Smurfs characters. According to the Kinder Surprise Australia New Zealand Facebook, the toy “is developed to appeal to children aged over 3 years of age for their themes, colouring and assembling”. Each year, Streets (part of the Unilever) runs a Paddle Pop lick-a-prize competition which offers prizes linked to the purchase of product and requiring contestants to sign in to the Paddle Pop website.

**Sports celebrities and sports sponsorship**

Sport celebrities and organisations are increasingly associated with food companies. Olympic swimmer, James Magnussen fuels his training with Subway. KFC sponsors Australian Cricket. Kellogg’s Nutrigrain breakfast cereal is associated with the Iron Man Series. Cadbury is the ‘official confectionery’ of the Australian Open (tennis). Research shows that parents misjudge the nutritional content and quality of products that have sports celebrity endorsements.

McDonald’s, Coca-Cola and Cadbury were main sponsors of the London 2012 Olympic Games. Coca Cola led the torch relay and provided samples and branded merchandise to...
onlookers. McDonald’s opened the world’s largest fast food restaurant inside the Olympic village. In Australia, each company had special products or packaging tied in with the Olympic Games, including Green & Gold Cadbury blocks, collectible McDonald’s Olympics cups and Olympic branded Coke cans. Partnering with the Olympics provided international exposure to these unhealthy foods.

Many elite athletes believe they should not promote unhealthy foods, but are less supportive of restriction on food manufacturers sponsoring sports organisations, based on concerns that reduced funding would be available to support these organisations. Parents have also indicated support for restrictions on unhealthy food and drink sponsorship of elite sport.

Unhealthy sponsorships are not restricted to the elite level, with food companies supporting junior sports programs. Nestle runs Milo In2Cricket and McDonald’s sponsors Little Athletics, where children compete in official vests that feature the McDonald’s logo. Food and beverage company’s contribution is small with an average of 18% of sponsorship funding for junior sports clubs. This provides an opportunity to create brand loyalty towards these products from a young age. Most parents are not supportive of their child’s club being sponsored by unhealthy foods like soft drinks, fast food, snack foods and chocolate or confectionery.

Companies use a combination of games, mobile device apps, websites, social networking sites and sponsorship of anything popular with children, to create a powerful and engaging advertisement.

Games and other ways to engage

Games using features that appeal to children such as company characters are often not openly recognisable as advertising and have the potential to engage children beyond that provided by a 30 second television commercial. Integrated unhealthy food marketing campaigns that involve character development and stories are not classical advertising but when presented through a variety of media can influence the food environment as seen through children’s eyes. These techniques include:

- Games – These include games on product packages, like mazes on Kellogg’s Coco Pops packages, as well as more sophisticated games on-line. The Donut King website has a Pacman style game where lips chase donuts.
- Smartphone/mobile device apps – e.g. Hungry Jack’s Check-in and win app offers free food when phone owners ‘shake’ their phone in-store. To collect the prize, people are required to sign in to Facebook which then broadcasts their ‘win’ to their friends. Lol-a-Coaster is a free game for mobile devices from Stuart Alexander, the makers of Chupa Chups (lifelessserious.com.au). The game requires lollipops to be gathered while riding a rollercoaster.
- Product based websites - McDonald’s Happy Meal website (www.happymeal.com.au) has over 35 different games to play. The YoGo Alley website (www.yogoalley.com.au) by Lion features the character YoGorilla, the character pictured on YoGo dairy desserts. The website has over 20 games, encourages membership to unlock special features and levels of games and promotes interaction through editing your own avatar and posting your game score.
The Unilever Paddle Pop website (www.paddlepop.com.au) has movies featuring the Paddle Pop lion and friends, competitions, games with a leader board and a membership portal.

- Social networking sites engage users in discussions – a post on the Kinder Surprise Australia New Zealand Facebook says, “Dreamy Smurf has been sleepwalking again - hit 'like' to send him down the right path!” and Hungry Jack’s Facebook asked the question, “What else could possibly make HJ's burgers even better?! We have something in mind…”
- Sponsorship of products, people or events popular with children – Cadbury and Krispy Kreme promote their products as fundraisers for schools.

Companies use a combination of these techniques to create a powerful and engaging advertisement, often with a co-ordinated campaign on the web, television, billboards and magazines, as well as on food packaging.

A range of sophisticated marketing techniques are used to attract the interest of children. These include themes of fantasy and fun, novelty, taste and nutrition. Toys are frequently sold with children’s meals and given away with other packaged foods to encourage their purchase, and sponsorship of community and professional sport allows exposure to brands and feature popular sporting role models endorsing unhealthy products.
Exposure: Advertising is everywhere!

The large amount of unhealthy food marketing in Australia distorts the perception of a healthy diet, particularly for impressionable children. The poor diet encouraged by food advertising is one low in fruits and vegetables and high in fast food, chocolate and snack foods.\(^5\)

Children are exposed to large amounts of advertising in many aspects of daily life, including television, internet, magazines and billboards. Supermarkets have long been heralded as a battle ground for parents, particularly check-outs, where child friendly confectionery is in easy reach.\(^5\) However parents are less aware of other, newer forms of advertising to children, particularly on the internet.\(^5\)

**The advertised diet is mainly confectionery, sugary breakfast cereals, ready prepared snacks and fast food meals**

**Television**

Australians love their television. On average, 50% of our free time is spent watching television.\(^5\) The average Australian spends over 100 hours watching television each month.\(^5\) Four year olds have been found to spend an average of 2.3 hours watching television each day.\(^6\) Primary school students in NSW spend 1.5 to 2 hours per day on weekdays and 2.5 to 4 hours per day on weekends in small screen recreation.\(^5\)

These levels exceed the Department of Health recommendations for appropriate screen time, which includes all time spent participating in screen-based leisure activities such as watching TV or DVDs, playing computer games and using the internet. They recommend that children aged 2 to 5 years have screen time limited to less than one hour per day, whilst children aged 5 to 12 years should have screen time limited to less than two hours per day.\(^5\)

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<tr>
<td>2-5 year olds</td>
<td>&lt;1 hour</td>
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<tr>
<td>5-12 year olds</td>
<td>&lt;2 hours</td>
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Four year olds spend an average of 2.3 hrs watching television each day. Primary school students spend 1.5 to 2 hrs per day on weekdays and 2.5 to 4 hours per day on weekends.

*The Department of Health recommends less than two hours per day be spent on all screen-based activity.*
Advertising restrictions most often apply during dedicated children’s television shows, which are rated P for Preschool or rated C for Children. Times that these programs are shown include Saturday mornings and weekday afternoons. However, the largest numbers of children actually view television during traditional prime time hours, from 6 to 9pm, watching programs like Junior Masterchef, Funniest Home Video Show, The Simpsons and family movies. Unhealthy food advertisements feature prominently during these times.

Over the course of a year, the average child will see 35 hours of food advertising on television alone. Twenty of these hours or over three school days will be filled with advertisements for unhealthy foods. The most common foods advertised in children’s peak viewing hours are fast food and confectionery.

A CSIRO study found that the most common techniques specifically designed to appeal to children in television advertising were nutrition claims, promotional characters and premium offers. These techniques were used more commonly for unhealthy foods than healthy foods.

**Internet**

“The genius of Internet marketing is that it immerses children in branded environments, exposes them by stealth to marketing messages that they are only peripherally aware of, and enrols them as viral agents to extend the reach of marketing to yet more children.”

The internet is used increasingly by food companies as another avenue to promote food brands and products to children. The techniques used to advertise to children over the internet remain similar to those used elsewhere, including fun, fantasy, nutrition and taste. However the vehicles used for advertising vary widely, and are not always as obvious. Analysis of food company websites popular with Australian children shows 79% of websites used ‘advercation’, where information about the company or its foods is presented as educational material and 28% used ‘advergames’, where branded products and characters are embedded in interactive computer games. Some food manufacturer or fast food chain websites also feature a kids’ club, where children can sign up to receive special offers and alerts, reinforcing the importance of creating an ongoing relationship between the child and the company.

The interactivity of the internet engages users for several minutes and enhances the power of the advertisement, extending the consumer experience beyond the 30 seconds of television advertising.
When visiting food company websites, children are exposed to multiple forms of branding like logos, products, brand or product spokespersons and brand characters. This heightens their experience of the brand and creates brand loyalty. The interactivity of the internet engages users for several minutes and enhances the power of the advertisement, extending the consumer experience beyond the 30 seconds of television advertising.

Advergaming

Young children use the internet most commonly for educational activities but the next most common activity is to play games. Advergaming is now a common marketing technique, where food companies create games in which their products, characters and logos prominently feature. Children are less aware of the branded content of games and video clips and that this constitutes advertising. A child is more capable of recognising overt marketing messages, including banners and pop-up advertisements.

Although a child may not be aware that the game is a form of advertising, this does not mean it is ineffective. Children may process the associated branding more deeply than in an obvious advertisement because they are preoccupied with the game and are trusting and uncritical of its messages. Advergames are also effective because positive feelings are associated with game play, including a sense of achievement, fun or adventure, and these feelings become associated with the brands.

When children play advergames featuring unhealthy foods, they are more likely to choose unhealthy foods for a snack. The effect increases with increased exposure, which is encouraged by games having multiple levels, high score boards and play again options.

Viral marketing through social media

An important element of internet marketing is electronic word of mouth, more commonly referred to as viral marketing. This involves prompting website visitors to use email, e-cards or social media to share information about the product or brand. This is a powerful medium – on Facebook, Coca-Cola Australia has almost a million likes. Internet engagement is particularly effective with children, who are more internet and technology savvy than ever before.
Advertising regulators have determined that the content of a company Facebook page is considered advertising and companies are responsible for all content, even fan content.

Popular Australian food companies use marketing techniques like brand logos, viral marketing, product images and links to company websites on their Facebook pages. Although Facebook use is restricted to those over the age of 13, it is suspected that younger children lie about their age to ensure access to this popular social networking site. Communication techniques used to engage people who ‘like’ a food company’s Facebook page include news stories, advertisements, surveys, games, competitions and shopping opportunities. When users become fans of company pages, their friends are immediately notified and prompted to also become fans, creating the electronic word of mouth associated with social media and social networking.77

Australian advertising regulators have determined that the content of a company Facebook page is considered advertising and companies are responsible for all content, even fan content, as this should be moderated by the company.78,79 This means endorsements from children or others to consume unhealthy food products, or otherwise engage in an unhealthy lifestyle, will need to be closely monitored to ensure compliance with advertising codes.

Packaging

Food packaging influences purchase decisions for children and adults alike. A range of techniques are used by food companies to draw children’s attention to products and lead them to believe that these products will taste better than competitor products.80

The most common techniques used to target children on food packages are bright colours, cartoon-like script, cartoon characters and educational or fun captions. Other techniques include novelty packaging, celebrity endorsement, puzzles and movie tie-ins.42,81 Nutrition and health claims are used on many packages82 to suggest benefits of the food, even if they are not healthy products. For example, some breakfast cereals claim they contain ‘no artificial colours and flavours’ but fail to mention that they also contain large amounts of sugar.

Magazines

Popular Australian children’s magazines contain frequent references to food. Few of these references are direct advertisements, with many more subtle mentions of food in recipes, competitions and editorial content. The majority of these references are for unhealthy foods.83 Children are not aware that these references constitute marketing. They perceive that products are recommended by editors based on what is popular or good quality, and do not understand that it is a paid endorsement.84
These forms of advertising are effective, and are known to override children’s natural choices for foods. Children suggest that taste and healthiness are major influences, yet children who read magazines filled with unhealthy food marketing are more likely to choose unhealthy options.

One Australian study found primary schools had an average of 57 food billboards nearby, with 80% of food advertisements for unhealthy foods, like soft drink, alcohol, coffee and ice cream.

Billboards

Outdoor advertising is highly visible, ubiquitous and unlike television, cannot be turned off. Outdoor advertising is increasingly using electronic media, links to websites and interactive marketing. Recognising community concern over outdoor advertising and the potential for exposure of children to inappropriate content, the Commonwealth House of Representatives Standing Committee conducted an inquiry into the regulation of outdoor advertising in 2011. One of the recommendations was that outdoor advertising be included in the definition of ‘advertising’ used to regulate marketing to children. The areas around schools are of particular concern, given the likelihood of exposure of large numbers of children. One Australian study found primary schools had an average of 57 food billboards nearby, with 80% of food advertisements for unhealthy foods, like soft drink, alcohol, coffee and ice cream.

Food marketing to children is not just confined to television. Food marketers are increasingly utilising a range of media in a single campaign, including more subtle forms like advergaming, advercation and product placement. These methods are used in magazines, on billboards and on the internet. Worryingly, these are the very areas that parents are less aware of, less likely to monitor and hence less able to protect their children from.
Children's Health or Corporate Wealth?

**Food marketing regulation in Australia; confusing, not comprehensive**

In Australia, food marketing to children is regulated under a combination of government regulation and voluntary codes, implemented by the communications regulator as well as the advertising and food industries. This may give the false impression that food advertising to children is well regulated. However, the loopholes, gaps and continued exposure of children to advertisements for unhealthy foods suggest that the current approach is inadequate.

More detail of the regulations is provided in Appendix A and a summary is provided below.

**Government Regulations**

The Children’s Television Standards (CTS 2009)\(^{44}\) sets regulations regarding the placement of advertising in children’s programs. There are specifications on the number, type and content of advertising in Preschool (P or P-rated) programs and Children’s (C or C-rated) programs. All P programs must be free of advertising, whilst C programs may contain five minutes of selected advertising per 30 minutes with a single advertisement broadcast no more than twice in that period. Advertising must be clear, free of commercial characters and not suggest that a child who owns or consumes a product is superior to their peers. Complaints relating to the CTS are lodged with the Australian Communication & Media Authority (ACMA).

The Australian Consumer Law is part of the Australian Competition & Consumer Act (2010)\(^{89}\) and applies to all advertising in all media. It aims to protect all consumers from misleading and deceptive advertising. Complaints against products or advertisements are submitted to the Australian Competition and Consumer Commission.

**Co-Regulation**

The Commercial Television Industry Code of Practice (2010)\(^{90}\) is administered by the free-to-air commercial television industry, through Free TV Australia, and applies to advertising outside of P and C programs. The Code covers classification, content and placement of programs and advertisements, and includes a small number of provisions relating to the promotion of food and beverages. Television advertisements directed to children “should not encourage or promote an inactive lifestyle” and “should not encourage or promote unhealthy eating and drinking habits”, which is further defined as “excessive or compulsive consumption”. The nutrition value of products should also not be misrepresented.

**Television advertisements directed to children**

“should not encourage or promote an inactive lifestyle” and “should not encourage or promote unhealthy eating and drinking habits”.

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*Children’s Health or Corporate Wealth?*
Complaints about the content of advertisements must be lodged firstly with the television station on which the advertisement was shown, then with the ACMA if the response is not adequate. The Code is classified as co-regulatory because ACMA has the authority to apply the government regulations (CTS), if these are deemed applicable.

Industry Self-regulatory Initiatives – Advertising Industry Codes

The Australian Association of National Advertisers (AANA) represents the advertising, marketing and media industry in Australia. The AANA has developed three codes which relate to marketing across all platforms:

- AANA Code For Marketing and Advertising Communications To Children
- AANA Food & Beverages: Advertising and Marketing Communications
- AANA Code of Ethics

All three codes include a range of specific clauses relating to marketing to children. Advertisements must not encourage or promote an inactive lifestyle and unhealthy eating or drinking habits amongst children. There are also provisions relating to use of premiums, statements regarding price and creating a sense of advantage over other children when owning products.

Complaints can be lodged with the Advertising Standards Bureau (ASB) if companies are suspected of breaching one of the AANA codes.

Industry Self-Regulatory Initiatives – Food Industry Codes

In what appears to be a response to increasing pressure from parents, public health organisations and the broader community, the Australian food and beverage industry has created two voluntary initiatives designed to demonstrate responsible practices in food marketing to children. Self-regulation is favoured by the industry, and is often implemented as a first step, prior to government regulation.

Responsible Children’s Marketing Initiative

The Australian Food and Grocery Council has developed the Responsible Children’s Marketing Initiative (RCMI) to provide “a common framework to ensure that only food and beverages that represent healthier choices are promoted directly to Children”. It was first implemented in January 2009 and applies to 17 major food company signatories.

The Responsible Children’s Marketing Initiative signatories agree to restrict marketing to children under the age of 12 unless products represent healthy dietary choices.
The RCMI signatories agree to restrict marketing to children under the age of 12 unless products represent healthy dietary choices. Companies set their own nutrition criteria in a Company Action Plan to categorise products that represent healthy dietary choices. The RCMI covers a range of media, including television, radio, print and cinema. An updated initiative took effect in January 2014.95

**Quick Service Restaurant Initiative**

The Australian fast food industry, in collaboration with the AANA, also developed the *Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children* (QSRI) in August 2009, with similar aims to those of the RCMI.96 Participants to this initiative include some of the most popular fast food companies in Australia (image below).

The core principles of the QSRI state that any marketing targeted to children, defined as under 14 years of age, must represent healthy foods in the context of a healthy lifestyle (including physical activity and a healthy diet).96 Marketing to children covers multiple media, including television, radio, magazines, newspapers, billboards, emails, internet sites and cinemas.96 A standardised set of nutrient criteria define children’s meals that can be advertised.96

This initiative is now managed by the Australian Food and Grocery Council. An updated Initiative was implemented in November 2012 and another update took effect in January 2014.96

All complaints about the QSRI and RCMI are assessed by an independent body, the Advertising Standards Bureau (ASB).
Limited impact of Self-regulatory Initiatives

Studies examining the impact of the food manufacturers’ self-regulatory initiatives have found that signatories have reduced the number of unhealthy food advertisements per hour since the initiatives were introduced. However, the majority of food advertising continues to be for unhealthy foods, with signatories overrepresented amongst those advertising unhealthy foods.  

Since the introduction of the QSRI, the amount of fast food advertising on television has actually increased. Although there have been some changes in the types of foods or meals advertised by fast food companies, children remain exposed to large amounts of fast food advertising.  

There are discrepancies between independent studies and company reports on their activity. This has been recognised worldwide culminating with the publication of a systematic review of initiatives which found scientific peer-reviewed papers showed high levels of advertising of less healthy foods but industry sponsored reports showed high adherence to voluntary codes. A 2012 study of compliance with Australian regulations and industry initiatives found 301 breaches of the RCMI, 29 breaches of the QSRI and 619 breaches of the Children’s Television Standards over a two month period.  

In 2012, the Australian National Preventive Health Agency found that 57% of all food advertisements shown during children’s programs were for unhealthy foods, despite current self-regulatory initiatives.  

The continued exposure of children to large amounts of unhealthy food advertisements is due to a number of loopholes and gaps that exist within the current regulatory framework which will be discussed in the next section. This is also supported by the 2013 systematic review that concluded adherence to voluntary codes may not reduce the advertising of unhealthy foods or the exposure of children to that advertising.  

A mixture of government regulation, co-regulation and industry self-regulation is currently in place, which aims to ensure only healthy foods are marketed to Australian children. Yet research monitoring the impact of these voluntary initiatives demonstrates that the current fragmented system is failing to reduce children’s exposure to advertising for unhealthy foods and beverages, therefore failing to limit the unhealthy influence of these advertisements on children’s preferences and their diet.
Loopholes and limitations in the self-regulatory initiatives

Experience since the implementation of self-regulatory initiatives has demonstrated that they are ineffective in reducing children’s exposure to advertising for unhealthy foods. Reading complaints made by community members to the ASB and the responses by the advertiser and ASB demonstrates a disparity between the community’s understanding of the intent behind the initiatives and the intentions of those who administer them.

Self-regulatory initiatives are ineffective in reducing children’s exposure to advertising for unhealthy foods.

Industry initiatives don’t apply to all companies

Although many of the largest food and beverage companies are signatories to the self-regulatory initiatives, they are still voluntary. A study in 2009 found that 11 of the 36 companies who advertised on television were signatories. The RCMI has 17 signatory companies, with many major food and beverage companies. However, common advertised foods such as the Natural Confectionery Company range of products, Lindt chocolates and Chupa Chups are not covered as the company is not a signatory. There are seven signatories to the QSRI but this does not include large companies such as Nandos, Donut King and Subway.

Media is only covered where the audience is predominantly children and/or having regard to the theme, visuals, and language used are directed primarily to children.

Under the definitions of the RCMI and the QSRI, regulations are applicable to all advertisements screened in P- and C-rated programs, selected G programs and some other programs popular with children.

These conditions allow unhealthy food advertisements to appear during programs which are popular with children, if the programs are also popular with other audiences. This means that complaints made about advertisements in family shows like Masterchef and Home & Away are dismissed. Ratings data reveals that the highest numbers of Australian children watch television at these times.

For example, in 2012 Oporto screened an advertisement during a number of movies that were rated G and most would argue, are children’s movies. These included Shark Tale, The Lion King & Bee Movie. Ratings data revealed that 41% of the Shark Tale audience, 36% of the Lion King audience and 39% of the Bee Movie audience were under the age of 18. Even at these levels, the child audience fails to reach the 50% threshold set under the new QSRI. Data from 2006 shows that the percentage of 0-14 year olds in the free-to-air television audience peaks at just over 30% in the 8-9am timeslot and 16% in the

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7–8pm timeslot. Therefore very few programs would have an audience of over 50% under 12 year olds.

Only advertisements ‘directed primarily to children’ are covered

The QSRI and RCMI state that for advertisements to be considered under these initiatives they must be ‘directed primarily to children’. The wide variety of techniques used to appeal to children, and the lack of specificity in the initiatives in this regard, make it difficult to identify which advertisements are targeted to children and hence to which advertisements restrictions apply. Advertisements which aren’t directly targeted to children but may still appeal to them slip through this loophole. In one study of television advertisements, only 3% of advertisements made a direct address to children, whilst many more used techniques that would appeal to children, such as images of children enjoying themselves, consuming the advertised product and playing with friends.103

Advertisements which aren’t directly targeted to children but may still appeal to them slip through this loophole.

A complaint regarding an Oreo television commercial where two children, who are brother and sister, eat Oreo biscuits together and go through the ritual of ‘twist, lick and dunk’ was dismissed. Kraft is a signatory to the RCMI. The complaint was dismissed under the RCMI because the ASB found that although “there were elements of the advertisement that would draw the attention of children to the advertisement”, “the theme, visuals and language are adult in theme and not primarily directed to children but rather to the main grocery buyer.” (Case report 0225/12).

Advertisements for fast food often depict children consuming fast food products with their family.

A complaint regarding the Kids Club section of the Cold Rock website was dismissed by the ASB because “the overall website is directed primarily at the main grocery buyer” even if “young children may enjoy some of the components of the site”. (Case report 0234/12).

Advertisements for fast food often depict children consuming fast food products with their family. Whilst clearly showing children consuming fast food products, these advertisements are not considered as advertising to children, because they are primarily targeted to their parents. For example, a 2012 advertisement for a KFC family dinner box clearly showed two children eating KFC. After a complaint was made, KFC stated that “the advertisement’s primary purpose is to appeal to mothers over the School Holiday period and assist mothers come up with a dinner solution”. The ASB agreed that the advertisement was ‘not directed to children’ and hence dismissed the complaint (Case report 0178/12).

In 2012 Lindt broadcast a TV advertisement that featured a young girl being prompted by a Lindt ‘chocolatier’ to find the chocolate gold bunnies. Animated bunnies then came to life, twitching their noses and hopping about. The young girl carried away a 1kg chocolate bunny at the end of the advertisement. The advertisement used young children and created a
sense of imagination to appeal to children. It was screened during movies popular with children, including Bee Movie (rated G) and Harry Potter and the Goblet of Fire. A complaint was lodged with the ASB, however the advertisement was determined to be “directed more to adults”, and hence the children’s advertising initiatives were not applicable (Case report 0139/12).

If the product is not primarily a children’s product, then the advertisement is not considered to be directed primarily to children

Only advertisements for ‘children’s products’ are considered under AANA codes

The AANA codes only consider advertisements which are targeted to children and that are for children’s products. Food products are often determined to appeal to a wide range of people, rather than being a dedicated children’s product. If this is the case and the product is not primarily a children’s product, then the advertisement is not directed primarily to children. For example, in referring to a Chupa Chups complaint, the company said that Chupa Chups are “enjoyed by many adult consumers including famous celebrities such as Madonna, David Beckham, Kirsty Alley and the 1970’s television character Kojak” (Case report 0136/12).

Nutrient criteria vary widely and some unhealthy products qualify as healthy

There are currently 17 different companies signed up to the RCMI, thus there are 17 different nutrient criteria used to assess the ‘healthiness’ of foods advertised to children. This makes it difficult for consumers to determine which nutrient criteria apply to advertisements and hence whether they are in breach of the self-regulatory initiatives. Signatories to the RCMI establish their own nutrient criteria, which results in lenient criteria that allow companies to promote the majority of their products including less healthy products such as Kellogg’s Coco Pops. The company defined criteria consider many chocolates, confectionery, snack foods and sugar sweetened drinks as healthy enough to be promoted to children although this would not be the case using widely accepted nutrition criteria such as the Heart Foundation Tick.104

The company defined criteria consider many chocolates, confectionery, snack foods and sugar sweetened drinks as healthy enough to be promoted to children

While the QSRI has standardised nutrition criteria for all companies, the criteria only apply to ‘children’s meals’. Therefore the healthiness of fast foods promoted to children, other than dedicated children’s meals, is not covered by the initiative. This means that family meals and individual menu items such as special burgers are not covered as they are not considered as product marketed to children. Studies looking at family meals at fast food restaurants have found that a child’s portion of the meal exceeds the maximum proportion of unhealthy nutrients that a meal should provide, based on recommendations for maximum daily consumption of these unhealthy nutrients.98
Regulations on food marketing to children in the United Kingdom utilise a nutrient profiling model to determine which foods are healthy and unhealthy. This scientifically robust tool has been adapted for use in Australia regarding health claims on food packaging, and could be utilised to regulate food marketing to children. The World Health Organization recommends that where a food classification system already exists the same system should be used to avoid inconsistencies and repetition.

Advertisements can promote unhealthy products if they are shown in the context of a ‘healthy lifestyle’

Complaints about advertisements are often dismissed because the food advertised is represented in the context of a healthy lifestyle. For example a complaint about Oreo’s chocolate cookies depicting an unhealthy snack in a lunchbox alongside a sandwich and piece of fruit was considered to promote a ‘healthy lifestyle’ because the rest of the lunchbox was healthy. Placing a football on the seat next to children was considered to promote physical activity, even if the focus of the advertisement was the children arguing about who gets to eat the Oreo biscuit (Case Report 0363/10).

A 2012 television advertisement for Haribo gold bears depicted a young girl conducting a mock experiment, while dressed in a white lab coat and glasses. The experiment tested whether a series of young children could resist eating the lollies. The girl concluded “The evidence is clear, Haribo is just too good”. In response to a complaint to the ASB, it was found that although the advertisement “appealed primarily to children” and the product advertised was of “principal appeal to children”, children were only seen to consume 4 or 5 lollies which does not constitute an unhealthy eating habit under the AANA codes (Case report 0406/12).

Use of brands are not considered food advertising

Food companies are able to advertise the company (i.e. McDonald’s) or product range (i.e. Happy Meal) if food products are not present. For example, a 2011 complaint about the Happy Meal website was dismissed because there was “only one substantive reference to McDonald’s or Happy Meals” and the website does not “actively encourage children to buy the product”.

In 2012, McDonald’s ran a promotional competition known as ‘MacPack’ which included television commercials. The advertisement included children travelling to and from the MCG to play football, whilst wearing McDonald’s caps and jerseys. Children could be heard cheering in the background. Although the advertisement was considered to be directed primarily to children, there were no food products shown, only the McDonald’s brand. Thus the QSRI was not applied and the complaint was dismissed.
McDonald’s brand. Thus the QSRI was not applied and the complaint was dismissed (Case report 0324/12).

In 2011 a print advertisement for a ‘Paddle Pop Adventure Park’ was dismissed. The advertisement was a flyer featuring cartoon animals standing on a beach in front of a jungle, with text “Are you ready to ride the wild slide? The world's longest slip-n-slide. The Paddle Pop Adventure Park comes to Sydney these school holidays.” In the case report, the ASB noted “Although the Paddle Pop branding appears on the advertisement there is no depiction of the product and no mention of consuming the product… The advertisement did not discourage good dietary habits as it makes no mention of consumption” (Case Report 044/12).

Company owned websites require 35% of users to be children

Until 2014, the definitions of the RCMI do not cover company-owned websites, only advertisements on third party websites. This allowed food companies to market unhealthy products on their own websites without restrictions. A complaint regarding the YoGo Alley website, where children are able to play a range of games featuring YoGo characters and find information about YoGo products, was found to not breach the RCMI. “The theme, visuals and language are primarily directed to children”, however “as the website appears on the advertiser’s own website and not a third party website, the requirements of the RCMI do not apply” (Case report 0196/12).

The revised initiatives mean that all websites, including company-owned websites, will be covered under the RCMI and QSRI, provided that 35% or more of website visitors are children.

Food packaging and supermarket advertising is not restricted

Current regulations do not cover food packaging or supermarket displays. Company-owned characters like the Nesquik bunny, Freddo Frog, Paddle Pop Lion and Coco the Monkey (Coco Pops) are common on packages, in fact 90% of the characters found on supermarket products in 2011 were company-owned.
The complaints process deters consumer complaints but fails to deter breaches

Few complaints lodged with the ASB regarding the RCMI and QSRI have been upheld even when logic would suggest that a particular advertisement was promoting unhealthy food to children. Even when complaints regarding the self-regulatory initiatives are upheld, the repercussions are minimal. In most cases, the delay between the broadcast of the advertisement, the complaint being submitted and the ASB considering the complaint means that the advertising campaign has finished and any advertising impact and commercial benefit has been achieved (Case reports; Hero or Villain Paddle Pop 0454/11, Nestle Smarties 0407/10, Hungry Jack’s print ads 0428/10 & 0427/10).

In other cases where a breach was found, the advertisement may be removed from use (i.e. McDonald’s website banner – Case Report 0523/10) or only minor adjustments are made, including altering the programs in which the advertisement can appear (i.e. Oreo Sippy Cup – case report 0136/11, Nestle Drumstick – Case Report 0482/10, Oreo Playground Boys – Case Report 0409/10). There are no financial consequences for companies to effectively deter breaches in the first place.

For example, a 2009 complaint regarding a Hungry Jack’s advertisement for its Kids Club Meals was upheld by the ASB (Case report 573/09), yet the advertisement was repeatedly used in 2010. Further complaints were made and upheld (Case reports 32/10, 0427/10 and 0428/10), but there were no repercussions for Hungry Jack’s for these continued breaches.

The current regulations are not effective.

They do not cover all media in which children are exposed to advertising and do not cover all techniques used.

Weak definitions minimise the effect the regulations can have on reducing both the exposure and power of unhealthy food marketing to Australian children.

The slap on the wrist approach used in enforcing the regulations further limits the ability to drive compliance amongst signatory companies.
The International situation

Unhealthy food marketing is an area of concern to governments and health authorities in many countries, with reference to food marketing to children contained within government plans, policies and strategies to reduce obesity and promote healthy eating habits among children. Most countries have supported self-regulatory measures to curb unhealthy food marketing to children, where food industry groups develop guidelines or codes for member companies. Many governments, including the Australian government, have demonstrated their support for self-regulation.5

As of 2011, some form of statutory regulations existed in only eight countries, including the United Kingdom, South Korea, Ireland and France.109 No country has comprehensive statutory regulations in place to protect children from all forms of food marketing.

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In France, the Public Health Law includes a regulation that requires messages on advertisements for foods and drinks.109 Ireland has banned the use of celebrities in children’s food advertising and has required warnings on fast food and confectionery advertisements since 2005.109 Malaysia, has a statutory regulation that restricts the advertising of fast food to children aged 4 – 9 years.

The UK experience

In 2007 the Office of Communication and the Food Standards Agency in the UK jointly implemented regulations designed to restrict the marketing of unhealthy foods to children under the age of 14 on television.110 Foods are categorised into high fat, salt, sugar products (HFSS) or non-HFSS using a nutrient profiling model. This model determines the nutritional quality of foods, based on the comprehensive range of nutrients considered and the use of a standard portion – 100g. HFSS products cannot be advertised to children in and around children’s television programs or on dedicated children’s channels.

A 2010 review found that children’s exposure to advertisements for unhealthy HFSS products had reduced by 37% since regulations began. However, there had been a complementary increase in exposure to marketing of unhealthy HFSS products outside of children’s programs and an overall increase in children’s exposure to HFSS marketing.110 Unfortunately, whilst the regulations have been effective in gaining compliance, they are not comprehensive enough, as unhealthy food marketing is not restricted outside of children’s programs when large numbers of children are watching.
The Quebec case

Since 1980, all forms of commercial advertising to children under the age of 13 has been restricted in the Canadian province of Quebec.\textsuperscript{111} This includes children’s products across a range of media. Television advertisements for children’s products are banned in programs where children constitute more than 15% of the audience.\textsuperscript{112}

It seems no accident that children from Quebec have rates of obesity lower than the national average for Canada (23% vs. 26%).\textsuperscript{113,114} French speaking children are more affected by the advertising ban than their English speaking counterparts, because they have less access to media from outside Quebec.\textsuperscript{115} Those households in Quebec with children consume less fast food\textsuperscript{115} which suggests these children consume a healthier diet, based on reduced exposure to unhealthy foods via marketing. This ban would be more effective if media markets did not overlap in Quebec and the ban applied to all media.\textsuperscript{115}

Some argue that the regulations are not as effective as they could be, as restrictions only apply to programs where more than 15% of the audience is children and the product advertised is a children’s product. Thus, children continue to be exposed to some unhealthy food marketing that occurs during family viewing periods and that advertises products that appeal to a range of ages.\textsuperscript{111}

South Korea

In South Korea, the *Special Act on Safety Management of Children’s Dietary Life* came into effect in September 2010. It restricts TV advertising of energy-dense nutrient-poor foods between 5pm and 7pm.\textsuperscript{116}

Other countries

Some countries, including Norway and Spain have government approved self-regulations.\textsuperscript{117}

\textit{Around the world a number of countries have expressed concern about the levels of food marketing to children on television and in other media. However, few countries have produced government regulations, with self-regulation currently the most common. Government regulations have been implemented in the United Kingdom and the Canadian province of Quebec, with some success.}
Support for Government action

Government action to strengthen regulation will not occur without strong support from range of stakeholders. Public health organisations will need to demonstrate that regulation will be effective in reducing the unhealthy influence of food advertising on children’s eating habits. Governments must recognise the importance of regulating food marketing to children and be genuinely committed to reducing their exposure. Equally important will be cooperation from the food and advertising industries to implement restrictions and market food responsibly. The Australian public is generally supportive of restrictions designed to support parents to promote the health of their children and reduce the future burden of overweight and obesity on Australian society.¹¹⁻

**Governments must recognise the importance of regulating food marketing to children and be genuinely committed to reducing their exposure.**

World Health Organization

The World Health Organization (WHO) has officially recognised the importance of restricting unhealthy food marketing to children. In 2010 a *Set of recommendations on the marketing of foods and non-alcoholic beverages to children* was produced.

Regulations are required to reduce children’s exposure to unhealthy food advertising and to ensure the power of marketing communications is reduced, through restrictions on the techniques used to appeal to children. In 2012 the WHO published a framework that outlines a set of recommendations to support governments to implement policies and regulations that would reduce the impact of food marketing on children.²

The Australian public health community

There is strong support among public health groups in Australia for improved government regulation of unhealthy food marketing to children across all media. These groups see food marketing restrictions as one of a number of strategies that need to be implemented to reverse rising rates of overweight and obesity in Australia, by modelling healthy eating habits to children.

“Efforts must be made to ensure that children everywhere are protected against the impact of such marketing and given the opportunity to grow and develop in an enabling environment – one that fosters and encourages healthy dietary choices and promotes the maintenance of weight”

(Dr Ala Alwan, Assistant Director-General of WHO, 2010)
The Australian Chronic Disease Prevention Alliance is a collaboration of five leading chronic disease groups—Cancer Council Australia, the Heart Foundation, Kidney Health Australia, Diabetes Australia and the Stroke Foundation. The Australian Chronic Disease Prevention Alliance aims to work together to reduce the burden of chronic disease by reducing risk factors like poor nutrition, physical inactivity, overweight and obesity. The group is supportive of government regulations on food marketing to children and in 2011 the Chair stated: “If we really want to reduce our children’s exposure to unhealthy food advertising then the government must bite the bullet and introduce effective mandatory restrictions as soon as possible.” Individual Australian Chronic Disease Prevention Alliance member organisations have detailed position statements supporting stronger government regulation of food marketing to children.

Cancer Council has been advocating for better regulation of food marketing to children for over a decade as just one of a number of steps to promote healthier choices. Evidence shows that the current self-regulatory system has failed to protect children from the unhealthy influence of food marketing of fatty, sugary, salty and high-kilojoule foods and drinks.

The Australian Medical Association is also supportive of restrictions on unhealthy food marketing to children, as indicated in its 2009 Position Statement on obesity. The Association also believes that current self-regulatory initiatives have not been effective and government regulation is required.

The Obesity Policy Coalition identifies, analyses and advocates for evidence based policy and regulation to reduce overweight and obesity at all government levels. In its report, Exposing the Charade, The failure to protect children from unhealthy advertising, the Obesity Policy Coalition calls for national legislation to restrict unhealthy food marketing at times when large numbers of children are watching television.

The Public Health Association of Australia Marketing of food and beverages to children policy calls for Commonwealth legislation to ban all food advertising on television when children comprise the majority of the audience. They are also supportive of the development of regulations on food marketing across other media.
In 2009, the Australian government’s National Preventative Health Taskforce recommended a comprehensive, multi-faceted approach to reduce levels of childhood obesity and create a healthy environment. They recognised restrictions to unhealthy food marketing to children as one element of this approach in Action 5.1.4

Action 5.1 stated “Phase out the marketing of energy-dense nutrient-poor food and beverages on free-to-air television and Pay TV before 9 pm within four years. Phase out premium offers, toys, competitions and the use of promotional characters, including celebrities and cartoon characters, to market EDNP food and drink to children across all media sources. Develop and adopt an appropriate set of definitions and criteria for determining EDNP food and drink.”

In 2010, the response to this recommendation by the Australian government suggested “change is currently being achieved through a combination of Government regulation, industry self-regulation and new television initiatives… The Commonwealth Government will continue to monitor the impact of these initiatives to ensure their effectiveness … allowing for voluntary measures to be trialled with action to follow if necessary.”

In 2012, a review on behalf of the Australian National Preventative Health Agency examined the effectiveness of the current self-regulatory initiatives in reducing food marketing to children in Australia. It found that 57% of all food advertisements shown during children’s programs were for unhealthy foods. The report recognised that the high level of unhealthy food advertising on Australian television is problematic.

Staff from all levels of government have recognised restrictions on unhealthy food marketing as a potential strategy for promoting a healthier environment. This approach has also been given the most support over other interventions, although potential barriers are frequently mentioned, including lack of support from the food industry, the need for more solid evidence and conflicting government priorities.
A 2011 survey of South Australian parents found that the overwhelming majority were in favour of the government regulating the way in which food and beverages are marketed to children. Parents suggested that television advertising was effective at creating purchase requests from their children, particularly advertisements for chocolate, lollies and fast food.  

Broader surveys of the Australian population, conducted in 2010, have revealed similar support for regulations on unhealthy food marketing to children. These include regulations for television, websites, email and SMS and for sponsorship arrangements. The public is more supportive of these initiatives than taxation.  

Regulation of unhealthy food marketing to children is recommended by the World Health Organization, Australia’s leading public health groups and the Government’s own National Preventative Health Taskforce. Stronger regulation on unhealthy food marketing to children is widely supported by the Australian population, with the majority favouring government intervention.
Recommendations for action

If Australia is to be successful in reducing the impact of unhealthy food marketing to our children, some key changes will have to be made to the current regulatory environment. In May 2012, key stakeholders gathered for a seminar on food marketing to children in Australia arranged by the South Australian Health minister and the National Preventive Health Agency. Twenty-one recommendations were presented in a discussion paper on the issue, providing further detail on how a comprehensive approach to regulation could be achieved. These guidelines can be viewed in Appendix B. Cancer Council Australia has developed recommendations in their Food Marketing to Children Position Statement.

Cancer Council Australia policy recommendations

Cancer Council believes reform of food marketing regulations is a priority public health goal. Children should be protected from the potential harms of food marketing and parents should be able to raise their children in an environment that is conducive to the development of healthy eating practices.

To better protect children from unhealthy food marketing, Cancer Council recommends that Government develop a specific food marketing policy framework and embed this in statutory regulation. This government regulation should:

1. Prioritise the protection of children from the unhealthy influence of food marketing.
2. Significantly reduce children’s exposure to food advertising that promotes unhealthy foods.
3. Apply to any unhealthy food advertisement that is intended or likely to appeal to children (whether or not the advertisement is also intended or likely to appeal to older age groups) and apply to all advertisements screened on television between 7am to 9am and 4pm to 9pm weekdays and 7am to 9pm on weekends, independent of whether they are shown in a designated children’s program or not.
4. Apply to all media and forms of marketing, including TV, radio and print advertising, online marketing, food company websites, social media, sports sponsorship, on-pack and in-store promotions and outdoor advertising, which is directed to children aged under 16 years, or to which a high number of children under 16 years are likely to be exposed.
5. Include limiting persuasive techniques that are used to promote unhealthy food to children such as the use of promotional characters and premium offers.
6. Use independently-developed and consistent nutrition criteria to ensure only healthy foods are promoted to children, such as the nutrient profiling scoring criteria in the Australia New Zealand Food Standards Code, Standard 1.2.7 - Nutrition, Health and Related Claims.
7. Include independent, clear and transparent monitoring and enforcement processes.
8. Ensure open and transparent regulatory and governance processes which are easy for the public to engage with.
9. Subject regulations to regular reviews to ensure they cover emerging technologies and techniques used to reach children.
10. Include significant and meaningful penalties that deter companies from breaching regulations.
## Appendix A: Current Regulatory Framework in Australia

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<th>Regulation level</th>
<th>Regulatory Body</th>
<th>Code</th>
<th>Media</th>
<th>Key Points</th>
<th>Complaints process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government Legislation</td>
<td>Australian Competition and Consumer Commission (ACCC)</td>
<td>Australian Competition &amp; Consumer Act (formerly the Trade Practices Act)</td>
<td>All media</td>
<td>Misleading and deceptive advertising</td>
<td>ACCC</td>
</tr>
<tr>
<td></td>
<td>Australian Communications and Media Authority (ACMA)</td>
<td>Children’s Television Standards</td>
<td>Television</td>
<td>Number, type and content of ads in C classified periods. No ads in P classified periods.</td>
<td>ACMA</td>
</tr>
<tr>
<td>Co-Regulation</td>
<td>Free television Australia</td>
<td>Commercial television Industry Code of Practice</td>
<td>Television</td>
<td>Rules on classification and placement of advertisements. Not encourage or promote inactive lifestyle or unhealthy eating and drinking habits.</td>
<td>Advertising Standards Bureau or ACMA</td>
</tr>
<tr>
<td>Self-regulation</td>
<td>Australian Association of National Advertisers</td>
<td>Food &amp; Beverage advertising and marketing communications</td>
<td>All media (section 3 refers specifically to children and advertising)</td>
<td>2.1 Not misleading or deceptive with nutrition or health claims. 2.2 Not encourage excess consumption or undermine healthy diet and active lifestyle. 3.2 Not exploit children’s imaginations to encourage excessive consumption. 3.6 Premiums not used unless integral element of product.</td>
<td>Advertising Standards Bureau</td>
</tr>
<tr>
<td>Regulation level</td>
<td>Regulatory Body</td>
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<td>3.5 Not encourage children to urge parents for products.</td>
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<td>3.4 Not undermine parents.</td>
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<td></td>
<td></td>
<td>3.3 Not suggesting advantage over other children when owning product.</td>
<td></td>
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<tr>
<td>Advertising and marketing communications to children</td>
<td>All media</td>
<td>(Also covers safety, sexualisation, etc.)</td>
<td>2.1 Not contravene community standards.</td>
<td>Advertising Standards Bureau</td>
<td></td>
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<td>2.2 Fair representations, not misleading or deceptive.</td>
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<td>2.7 Not undermine parental authority or ask children to appeal to parents for products.</td>
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<td>2.8 Not minimise price by using ‘only’ or ‘just’</td>
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<td></td>
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<td></td>
<td>2.12 Not utilise premiums to promote excessive consumption</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>2.15 Not promote unhealthy eating or drinking habits or inactive lifestyle</td>
<td></td>
</tr>
<tr>
<td>Ethics</td>
<td>All advertising</td>
<td>All forms of marketing communications are decent, honest and truthful</td>
<td>Relevant marketing will comply with other codes, as above</td>
<td>Advertising Standards Bureau</td>
<td></td>
</tr>
<tr>
<td>Australian Food and Grocery Council</td>
<td>Responsible Children’s Marketing Initiative</td>
<td>Television, radio, print, cinema, third party websites.</td>
<td>Only healthy dietary choices are to be advertised to children and to be advertised in the context of a healthy lifestyle (diet &amp; physical activity)</td>
<td>Advertising Standards Bureau</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Limits on premiums, characters, product placement, games and school advertising unless healthy as above.</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Nutrition criteria set in individual company action plans</td>
<td></td>
</tr>
<tr>
<td>Regulation level</td>
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</tr>
<tr>
<td></td>
<td>Quick Service Restaurant Initiative</td>
<td>Television, radio, print, cinema, billboards, games, emails and internet.</td>
<td>Only healthy dietary choices are to be advertised to children and to be advertised in the context of a healthy lifestyle (diet &amp; physical activity). Limits on premiums, characters, product placement, games, school advertising, sporting events and product placement unless healthy as above. Standardised nutrition criteria set by group.</td>
<td>ASB</td>
<td></td>
</tr>
</tbody>
</table>
Appendix B: South Australian food marketing to children
discussion paper guidelines

Guideline 1: Policy aim

Codes on food marketing to children should articulate the aim of reducing children's exposure to the marketing of energy-dense nutrient-poor foods and beverages.

Guideline 2: Specifying the foods and beverages

Agreed criteria* defining energy-dense nutrient-poor foods and beverages should underpin codes on food marketing to children. An unhealthy food is any food or beverage that fails to meet the agreed criteria.

*To be developed, but interim arrangements apply

Guideline 3: Defining age groups

At a minimum, as the first step, restrictions on the marketing of unhealthy foods and beverages should apply to those under 14 years of age; with a second step defining children as up to age 17 years.

Guideline 4: Defining an unhealthy food advertisement, food brand and marketing directed to children

Codes on food marketing to children should incorporate the following definitions of an unhealthy food advertisement (including food brands) and marketing directed to children. An ‘unhealthy food advertisement’ includes any visual or audio message that publicises or promotes one or more unhealthy food products. It also includes any visual or audio message that publicises or promotes a food brand, unless one or more healthy food products are the dominant feature of the message (i.e. a food brand advertisement). A ‘food brand’ is a trade mark or design registered in respect of a food product or food range; the name of a manufacturer of a food product or food range; or the name of a food range, or any other words, designs or images, that are closely associated with a food range. An unhealthy food advertisement ‘directed to children’ should include any unhealthy food advertisement that is intended or likely to appeal to children (whether or not the advertisement is also intended or likely to appeal to older age groups), and any unhealthy food advertisement that is likely to be seen or heard by children. Assessment of whether an unhealthy food advertisement is directed to children should involve consideration of the circumstances in which the advertisement is published, broadcast, displayed or communicated, the nature of the advertisement and the nature of the food product advertised.

Guideline 5: Ensuring a comprehensive approach

Codes on food marketing to children, in minimising children’s exposure to the marketing of unhealthy food, should take a comprehensive approach. This will include targeting all media channels, broadcast and non-broadcast media, settings where children and families with children gather, marketing methods used to reach children and brand promotion.

Guideline 5.1: Television advertising

Free to air television

Unhealthy foods are not advertised if the advertisement is:

- directed to children, or
- broadcast during the following times
  - weekdays 6-9am and 4-9pm
  - weekends and during school holidays: 6am-12pm and 4-9pm, or
- on a designated children’s channel

Subscription television

Unhealthy foods are not advertised if the advertisement is:

- directed to children, or
- broadcast on channels regularly watched by significant numbers of children,
- during the following times:
  - weekdays 6-9am and 4-9pm
  - weekends and during school holidays: 6am-12pm and 4-9pm, or
- on a designated children’s channel.

Guideline 5.2: Food marketing in children’s institutions or services

Unhealthy foods are not marketed in or in association with events or activities of

- childcare (long day care, out of school hours care, vacation care), preschools (kindergarten) and schools (primary and secondary); or
- other institutions or services that provide services primarily to children (including medical, care,
- educational or recreational).

Guideline 5.3: Food marketing in conjunction with children’s events and activities, including children’s sport

Unhealthy foods are not marketed at or in association with events or activities in which primarily children are involved or participate (e.g. children’s sport or school fairs).

Guideline 5.4: Cinemas and theatres

No screening of an unhealthy food advertisement in a cinema before, during or after a G film, or before, during or after a PG film that is directed to children; and

No unhealthy food advertising directed to children inside or outside the premises of a cinema or theatre.

Guideline 5.5: Public places and transport

Unhealthy food advertisements directed to children are not visible or audible in or from a public place or public transport.

Guideline 5.6: Internet sites

No unhealthy food advertising through the internet, if the advertisement is:

- directed to children
- uploaded on, or linked directly to a website or webpage that is directed to children
This applies to both company owned websites and third party websites.

**Guideline 5.7: Print publications**

No unhealthy food advertising in a print publication (such as a magazine or comic) that is directed to children.

**Guideline 5.8: Radio**

No advertising of unhealthy food or beverages on radio, if the advertisement is directed to children.

**Guideline 5.9: Recordings, toys and other items and objects**

No supplying, distributing, hiring or selling, or offering anything that constitutes or contains an unhealthy food advertisement directed to children (such as visual or audio recordings, computer disks, clothes, toys, materials, equipment or other items or objects).

**Guideline 5.10: Product placement**

No promotion or publicising of unhealthy food, during, within or as part of the content of a media product (such as a film, television program, radio program, print publication, computer game or website) that is directed to children.

**Guideline 5.11: Premiums (including competitions and give-aways)**

No supply of or offering to supply a premium* for the purpose or with the effect of promoting unhealthy food to children.

*Premium means a good, service, prize, voucher, competition entry, product give-away or product sample, offered or supplied with or without charge.

**Guideline 5.12: Use of popular personalities and characters**

No direct or indirect promotion or endorsement of an unhealthy food by, or in association with, a personality or character that is popular with or likely to appeal to children.

**Guideline 5.13: Direct marketing to children, including electronic**

**Direct mail**

Children are not sent by addressed mail anything that constitutes, includes or contains an unhealthy food advertisement.

**Direct electronic marketing (email, SMS, voicemail)**

Direct electronic messages that constitutes or contain unhealthy food or beverage advertisements are not sent to a child.

**Guideline 5.14: Product packaging**

Unhealthy food is not packaged in a manner directed to children (such as featuring colours, graphics, pictures, cartoons, personalities, competitions, activities or references to films, television programs, games or sports, that are intended for or likely to appeal to children).
Guideline 5.15: Unsolicited documents

Unsolicited documents (such as flyers, leaflets or pamphlets) that constitute or contain advertisements for unhealthy food or beverages directed to children are not distributed to the public.

Guideline 5.16: Retail outlets – point of sale

Point of sale advertising (retail premises)

No displaying or communicating an unhealthy food advertisement directed to children inside or outside retail premises where unhealthy food products are sold.

(This does not encompass advertisements that are in, on or part of product packaging, which is dealt with in a separate guideline).

Point of sale display and placement of products (retail premises)

No placing or displaying an unhealthy food product in a retail outlet in a manner intended or likely to attract the attention of children, for example

- below a height of 1 metre from the floor; or
- within a distance of 2 metres from the point of sale (cash register or checkout counter).
Reference List


(61) Australian Communications and Media Authority. Use of electronic media and communications: Early childhood to teenage years. Commonwealth of Australia; 2009.


(123) Public Health Association of Australia. Marketing of Food and beverages to Children Policy. PHAA; 2009 Sep.


