

**Coalition on Food Advertising to Children
Response to Draft Commercial Television Industry Code of
Practice.
August 2003**

The Coalition on Food Advertising to Children (CFAC) is a group of organisations and prominent individuals who recognise that food advertising to children can be problematic for children's eating habits and future health. The Coalition aims to enhance the health of Australian children by calling for a ban on all commercial television food advertising during programs where children (aged 0-12 years) make up a substantial proportion of the viewing audience. This ban will not preclude the promotion of healthy eating messages via Community Service Announcements.

Members of CFAC include:

Royal Australasian College of Physicians, Paediatric Branch
Royal Australian College of General Practitioners
Australasian Society for the Study of Obesity
Cancer Council of Australia
Australian Consumers Association
Public Health Association of Australia
Nutrition Australia
Young Media Australia
Dr. Rosemary Stanton
Dr. John Coveney, Department of Public Health, Flinders University of SA
Kaye Mehta, Department of Nutrition & Dietetics, Flinders University of SA
Women's and Children's Hospital, Adelaide
Dept of Public Health, University of Adelaide
Noarlunga Health Service, SA.

CFAC's position on television food advertising to children is supported by recent international reports:

- ◆ Broadcasting bad health. Why food marketing to children needs to be controlled. A report by the International Consumer Food Organisations for the World Health Organisation consultation on a global strategy for diet and health. The International Association of Consumer Food Organisations (IACFO). July 2003.
- ◆ TV advertising and children: A policy analysis. M. Caraher. Department of Health Management and Food Policy. City University. London UK. July 2003.
- ◆ Food manufacturing. Obesity: the big issue. J P Morgan. European Equity Research. London. April 2003.
- ◆ Diet Nutrition and the Prevention of Chronic Diseases. Technical Report series 916. World Health Organisation / FAO, 2003.

CFAC reviewed the Draft Industry Code of Practice (henceforth referred to as Draft Code) for its adequacy as a self-regulatory document to protect children against inappropriate marketing of foods outside the 5 food groups identified in the Australian Guide to Healthy Eating (AGHE). These are termed non-core foods (1).

CFAC applauds the Television and Advertising Industries for responding to concerns about the obesogenic impact of food advertising directed at children.

The Industry Code Review has provided an opportunity for the industries to demonstrate their commitment to socially responsible marketing by initiating stricter industry self-regulation.

After a thorough analysis of the AANA Code of Advertising to Children and the draft Commercial Television Industry Code of Practice, CFAC is not confident that industry self-regulation will adequately protect children against inappropriate advertising of non-core foods.

The main areas of contention are:

- ◆ **For food advertising to children, the AANA Code, which is adopted by the Industry Draft Code, provides no additional protection above what already exists through the Children's Television Standards.**
- ◆ **Neither the AANA Code nor the Industry Draft Code provide clear and unambiguous guidelines for advertisers or television stations to adopt socially responsible marketing to children.**
- ◆ **The AANA Code and the Industry Draft Code are predicated on the Children's Television Standards (CTS). These do not clearly define socially responsible advertising practices to protect the interests of children over commercial interests. The CTS need to be reviewed at the same time to provide unequivocal clarity about the standards required to protect children's interests.**

CFAC presents this submission and hopes it will assist with revision and refining of the Draft Code.

1. Recognising good intentions

The Draft Code appears to have responded to the strong concerns expressed in each of the recent childhood obesity forums about the potentially obesogenic influence of television food advertising directed at children.

The Explanatory Note, Review of the Commercial Television Industry Code of Practice, Request for Public Comment, states that "the primary areas of proposed change relate to advertising to children,..." (p5).

The proposed changes include the statement that:

- 1.1 "The proposed amendments incorporate the new Australian Association of National Advertisers Code of Advertising to Children." This new AANA Code contains new requirements covering food advertising to children.
- 1.2 A new Advisory Note to provide guidance, advice and recommendation to television staff, on when an advertisement is directed to children.
- 1.3 A requirement that "all advertising directed to children (whether or not they are broadcast during children's programs) must comply with the comprehensive Children's

Television Standards which have been determined by the Australian Broadcasting Authority".

2. Do the changes go far enough?

2.1 New AANA Code of Advertising to Children. (Appendix 2)

This Code is stated as serving a self-regulatory purpose, to ensure a "high sense of social responsibility in advertising to children in Australia".

The Code covers Factual Presentation, Safety, Social Values, Parental authority, Price, Qualifying Statements, Competitions, Premiums, Alcohol, Food & Beverages.

CFAC considers the AANA Code does not adequately protect children against inappropriate marketing of non-core foods.

◆ Section 2.10: Food & Beverages.

2.10.1: Advertisements to children for food and/or beverages:

(a) should not encourage or promote an inactive lifestyle combined with unhealthy eating or drinking habits; and

Clause #2.10.1 (a) contains vague and potentially confusing wording which would not assist advertisers.

Advertisements should not promote an inactive lifestyle or unhealthy eating or drinking habits.

To provide useful guidance on responsible advertising, this clause should be separated into two separate clauses with definitions and detail on what constitutes 'unhealthy eating or drinking habits'.

◆ Section #2.8: Premiums.

The clauses covering Premiums fail to address the problem of 'dominance of advertising of premiums over the main product or service being advertised.' Research from Flinders University of South Australia in 2001 found that premium offers did dominate the product being advertised. The research team made a complaint about this to the Television Industry and the Australian Broadcasting Authority. The ABA rejected the concerns but CFAC does not agree with the definition of 'premium offer' that was used.

Clause #2.8: should include CTS 20.2a, and be clarified to preclude the portrayal of premiums in advertisements dominating in any way (including time) over the main product or service being advertised.

Within the definition of 'Premium', the Code should make it clear that 'Premium' includes toys offered as part of fast food meals and other food products advertised to children.

◆ Section #2.4: Parental Authority.

Clauses #2.4.1 (b) & (c) do not relate to Parental Authority but to ideas of 'Social Responsibility'.

A new clause is needed under Parental Responsibility, stating that:

"Advertisements to children must not undermine the role of parents in educating children to be healthy and socially responsible individuals".

A new clause on 'Social Responsibility is needed to include #2.4.1 (b) & (c).

CFAC's overall assessment of the AANA Code of Advertising to children is that:

(a) it does not adequately protect children against inappropriate marketing of non-core foods.

(b) it does not provide clear and unambiguous guidelines to advertisers to exercise their social responsibility about advertising to children.

2.2 The Draft Commercial Television Industry Code of Practice.

- ◆ Section 6: Classification and placement of Commercials and Community Service Announcements.

A critical look at this section reveals:

a new clause '6.20: Advertisements to Children for Food and/or Beverages'.

The two clauses provided, 6.20.1 and 6.20.2 relate directly to the AANA clause 2.10.1

CFAC considers that this coverage does not adequately protect children against inappropriate marketing of non-core foods.

- ◆ The Draft Code does specify that commercials or Community Service Announcements directed to Children "must exercise special care and judgement and comply with the CTS 17 -21 (Clause # 6.17). We believe CTS 10 should also be included here.

Backed by content analysis research conducted by Flinders University of SA in 2001, CFAC believes that the Children's Television Standards (CTS) are not able to clearly define socially responsible advertising practice that protects the interests of children over commercial interests.

As the Industry Code of Practice requires compliance with the CTS, it is imperative that the CTS are reviewed and strengthened to provide unequivocal clarity on the standards required to protect children's interests.

2.3 Advisory Note: Commercials or Community Service Announcements directed to children.

This Advisory Note is new and is intended to provide guidance, advice and recommendation to television staff on when an advertisement is directed to children. It lists criteria for a 'commercial or CSA directed to children.'

CFAC considers that the Advisory Note does not provide adequate guidance to television staff because it does not address the appropriate content of advertisements directed at children.

2.4 Monitoring and surveillance of compliance to Industry Code & CTS.

Section 1: Introduction states #1.5 that "Licensees must seek to comply fully with the Code.." However, there are no obvious mechanisms to monitor compliance, particularly in those aspects of advertising of concern to CFAC.

The current system of relying on complaints to monitor compliance with the Industry Code does not provide the public with sufficient assurance of protection. In fact, it is left to the public to lodge complaints of breaches of the Code. Members of CFAC who work with the public believe that community members (a) do not have an adequate understanding of the details of the Industry Code to make informed complaints, (b) do not fully understand the process for making complaints, and (c) in relation to television advertising fear litigation from the food companies may arise out of their complaint. Relying on complaints as the mechanism for monitoring compliance with the Code therefore falls short of a true commitment to ethical and responsible practice by the advertising and television industries.

CFAC considers that the Industry Code of Practice and the ABA Children's Television Standards should be monitored regularly by an independent body and the results should be a condition of licensing, and made public.

2.5 Section 7. Handling of complaints.

CFAC commends the changes in: Clause # 7.6, with telephone complaints being treated seriously, recorded and brought to the attention of key staff.

7.8.2 A complaint about advertisements relating the CTS 17 -23 will be referred automatically to the ABA.

However, references to telephone complaints are inconsistent in the Draft Code. Clause #7.2 Scope: defines a complaint as a written complaint. A telephone complaint is deemed appropriate only in the case of a "disability".

CFAC recommends consistency in all references to telephone complaints.

2.6 Definitions.

The Draft Code contains inconsistencies in the definition of "children" with variations including 'primary school age and under' and 'less than 14 years old'.

CFAC recommends a consistent definition of children throughout the document.

2.7 Section 2. Classification.

The new Industry Code proposes an expansion of the PG (Parental Guidance) classification time zones into the 5.00pm (Kaye is this correct?) - 7.30pm timeslot on weekdays and the 8.30am to 7.30pm timeslot on weekends. These are currently G classification times.

CFAC joins other consumer groups, such as Young Media Australia, in concern for any reductions to G programming, especially when the community has not been adequately consulted on such changes.

Conclusion.

The Coalition on Food Advertising to Children applauds the efforts of the Television and Advertising Industries in responding to concerns about the obesegenic impact of food advertising directed at children.

The Industry Code Review has provided an opportunity for the industries to demonstrate their commitment to socially responsible marketing by initiating stricter industry self-regulation.

After a thorough analysis of the AANA Code of Advertising to Children and the draft Commercial Television Industry Code of Practice, CFAC is not confident that industry self-regulation will adequately protect children against inappropriate advertising of non-core foods.

Reference.

1. Smith A, Kellet E, Schmerliab Y. The Australian Guide to Healthy Eating. Canberra: Commonwealth Departments of Health and Family Services; 1998.