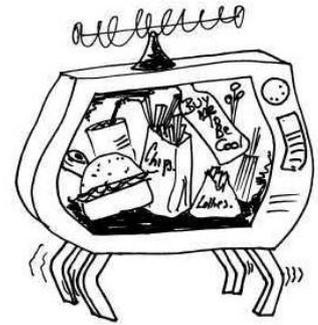


Ms Lyn Maddock  
Acting Chair  
Australian Communications and Media Authority  
Canberra Central Office  
PO Box 78,  
BELCONNEN ACT 2616



Dear Ms Maddock

*Re: Children's Television Standards relating to food advertising*

We write to request that the Children's Television Standards that specifically relate to food advertising be urgently reviewed and updated.

The Coalition on Food Advertising to Children (CFAC) was formed in July 2002. It includes key organisations that recognise that food advertisements targeting children are a significant threat to children's nutrition and future health. The Coalition's goal is to enhance the health of Australian children by calling for a ban on all television food advertising during programs where children (aged 0-12 years) make up a substantial proportion of the viewing audience. This will not preclude the promotion of healthy eating messages via Community Service Announcements.

Food advertising to children has been recognised as a significant contributing factor to Australia's obesity crisis. Food advertising to children contributes to an obesogenic environment, whereby unhealthy food choices increasingly become the automatic choices. The Children's Television Standards, which fall under the responsibility of the Australian Communications and Media Authority, must do more to protect children, who are a vulnerable group and susceptible to exploitation, from food advertising.

CFAC would like to see an urgent and independent review of the Children's Television Standards that addresses food advertising directed at children. The review must:

- include an open and broad consultation process that involves consumers and public health groups
- provide clear and unambiguous specifications for all relevant standards
- include new standards addressing the advertising of unhealthy foods to children, so that a ban is enforceable
- reflect children's peak viewing times more accurately
- address issues of monitoring of compliance.

The rationale for our call for a review of the Children's Television Standards is set out clearly in the attached document.

Yours sincerely

Kaye Mehta  
Chair, Coalition of Food Advertising to Children

## Rationale for review of Children's Television Standards

In Australia, the prevalence of overweight and obesity in children and adolescents has been estimated at 25%<sup>1,2</sup>. Of even more concern are data showing the rapid change in obesity prevalence. For example, over the decade between 1985 and 1995 in Australia, the prevalence of paediatric obesity more than trebled and that of combined overweight and obesity almost doubled<sup>1,2</sup>. More up to date results are pending with researchers suggesting that the prevalence has escalated further.

Childhood overweight and obesity represent very serious health problems. Children who are overweight and obese are at an increased risk of suffering other health problems including type 2 diabetes, fatty liver disease, and endocrine and orthopaedic disorders<sup>3</sup>. The health problems of childhood overweight and obesity often carry on into adulthood. Obese children have a 25-50% chance of progression to adult obesity, and this may be as high as 78% in older obese adolescents<sup>3</sup>. Adult obesity carries an increased likelihood of metabolic, orthopaedic and cardiovascular diseases, certain cancers, and a range of other disorders.

It has been well documented that the current levels of food advertising in Australia are a significant concern. There is enough evidence to warrant a call to governments to intervene in this area. Both the National Obesity Taskforce in Australia and the World Health Organisation have recognised the problem of food advertising to children. *Healthy Weight 2008*, the national action agenda for children, young people and their families, included a key objective of "better protection for young people against the promotion of high-energy, poor nutritional value foods and drinks and/or sedentary lifestyles through advertising and media that encourage unhealthy eating, inactivity and overweight"<sup>4</sup>. One of the actions listed in this national action plan is to "monitor and assess the effectiveness of the Children's Television Standards and the revised regulatory framework for food and drinks advertising to children in meeting health objectives and recommend modifications (eg the inclusion of health objectives in the regulatory code of practice)."

In 2003, the World Health Organisation in the *Diet, Nutrition and the Prevention of Chronic Diseases Report* concluded that the heavy marketing of fast food and energy-dense micronutrient-poor foods and beverages is a "probable" causal factor in weight gain and obesity<sup>5</sup>. The following year, a systematic review commissioned by the United Kingdom's Food Standards Agency, and probably the most comprehensive study of its type conducted to date, found that food advertising to children does affect food choices and does influence dietary habits, with subsequent implications for weight gain and obesity<sup>6</sup>.

A recently published study found the quantity of advertising on children's television to be related to the prevalence of excess body weight among children<sup>7</sup>. The authors concluded that as there is "evidence of a possible link between obesogenic food advertising and child overweight,...children require special consideration in respect of advertising as they are less able than adults to understand fully the intent of advertising or its persuasive techniques, and are thus less able to judge the advertisements critically"<sup>7</sup>.

Children deserve to be protected from an obesogenic environment. There is little doubt that the excessive level of food advertising on Australian televisions contributes to an obesogenic environment. Australian studies have reported that unhealthy foods make up between 55 percent and 80 percent of total food advertisements<sup>8-10</sup>.

### Problems with the current system

The current Australian television advertising regulations are complex and confusing, particularly as they exist as a system of co-regulation. The Children's Television Standards and the Commercial Television Industry Code of Practice both lack precise definitions in regards to breaches of either set of regulations. Variable interpretation of the standards and code's wording means that our current system of regulation fails to protect children from large volumes of unhealthy food advertising on television. Of concern is the fact that the types of food that can be advertised or the number of food advertisements that can be shown on television are not currently regulated in Australia.

The current standards that relate to food advertising include:

*CTS 17 - No advertisement may mislead or deceive children, and nothing in these Standards shall be taken to limit the obligation imposed by this standard.*

*CTS 18.1 - A licensee may not broadcast any advertisement designed to put undue pressure on children to ask their parents or other people to purchase an advertised product or service.*

*CTS 19.6 - An advertisement for a food product may not contain any misleading or incorrect information about the nutritional value of the product.*

*CTS 20.2a - Any reference to the premium must be incidental to the main product or service advertised.*

Advertising to children is prohibited in Sweden (since 1991), Norway (since 1992) and Quebec Canada (since 1980). In all three cases, the ban is enforced by a government agency. Although to date no systematic evaluation of the impacts of these bans on children has been undertaken, and would of course be very difficult to measure, there is sufficient merit to adopt a similar approach in Australia.

The Children's Television Standards only cover 'C' and 'P' programs, when in reality children are exposed to food advertising at times outside of these programs. The Australian Broadcasting Authority have stated that children's peak television viewing time is between 5pm and 9pm<sup>11</sup>. It has been estimated that children watch an average of 2.5 hours of television per day. The most recently published study on the level of food advertising has shown that Australian children are exposed to 11 advertisements for foods high in fat and/or sugar per day, if they watched the average 2.5 hours/day of commercial television<sup>8</sup>.

CFAC is concerned about the current system which allows for industry self-regulation. The International Association of Consumer Food Organisations (IACFO) concluded in a report to the World Health Organisation that industry self-regulation is unlikely to be adequate to protect children against heavy marketing of high energy,

low nutrient foods<sup>12</sup>. Industry self-regulation has been referred to as the “foxes guarding the hen-house”<sup>13</sup>.

The current co-regulatory system in Australia does not adequately protect children from the obesogenic effects of television food advertising. Industry self-regulation coupled with government regulation for ‘C’ and ‘P’ programs has not thus far protected children from heavy marketing of high-energy, low nutrient foods. As stated above, Australian studies have consistently shown one-third of advertisements directed at children are for food and of those up to 80% were for unhealthy non-core foods, as defined by the Australian Guide to Healthy Eating<sup>8-10</sup>.

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

The current system relies on complaints to monitor compliance with both the Children’s Television Standards and Industry Code of Practice. This does not provide the public with sufficient assurance of protection. In fact, it is left to the public to lodge complaints of breaches. This is not satisfactory on a number of levels: (1) members of the public do not always have the time to lodge complaints; (2) members of the public do not have an adequate understanding of the details of the Standards to make informed complaints; (3) members of the public do not fully understand the process for making complaints; and (4) members of the public may be fearful of the threat of litigation from food industry. Relying on complaints as the mechanism for monitoring compliance with the Children’s Television Standards therefore falls short of a true commitment to ethical and responsible practice by government, advertising and television industries.

Despite the advertising and food industry arguing that the current Children’s Television Standards are adequate, a research study found serious and repeated breaches of one of the current Standards<sup>14</sup>. CFAC has lodged two complaints to the Australian Broadcasting Authority about food advertisements, which we strongly believed to be in breach of the Children’s Television Standards. None of these complaints were upheld because of the ambiguous nature of the Standards.

CFAC believes that the Children’s Television Standards should be monitored regularly by an independent body and compliance with the standards should be a condition of licensing, and made public.

There has been much talk by our politicians and members of the food industry that a child’s eating is solely the responsibility of parents and that only education efforts are required to address the rising rates of obesity. CFAC and its member organisations believe that this is naïve simplification of a very complex problem, and strategies focusing on education of parents and children are not adequate interventions for preventing and managing obesity. Multiple strategies are needed that focus on the environmental factors that induce obesity-promoting behaviours in individuals. It is unrealistic and impractical to expect parents to exercise the necessary control, such as requiring televisions to be switched off at each advertisement break or selectively prohibiting their children from watching television channels which show

advertisements. As television is the largest source of media messages about food to children, and while it disproportionately promotes high-energy low nutrient foods, it is imperative that standards be put into place to more effectively ensure food advertising to children is appropriate.

Action by the Australian Communications and Media Authority

As the Children's Television Standards fall under the responsibility of the Australian Communications and Media Authority, we urge you to take action against unhealthy food advertising that is pervasive and overwhelming in quantity, and that is misleading and deceptive in quality, by reviewing and updating the standards that specifically relate to food advertising.

An update and review of the Children's Television Standards would assist in improving a significant aspect of the obesogenic environment faced by children and their parents, which is a critical public health strategy to address Australia's childhood obesity crisis.

Should you wish to discuss any of the issues further, please contact the Chair of CFAC, Ms Kaye Mehta at the address below.

11 November 2005  
Coalition on Food Advertising to Children  
Department of Nutrition & Dietetics  
School of Medicine  
Flinders University SA 5042

The Coalition on Food Advertising to Children (CFAC) is a national advocacy group. Members include the following organisations:

- ❑ Royal Australasian College of Physicians, Paediatric Branch
- ❑ Royal Australian College of General Practitioners
- ❑ Australasian Society for the Study of Obesity
- ❑ Australian Medical Association
- ❑ The Cancer Council Australia
- ❑ Australian Consumers Association
- ❑ Australian Dental Association
- ❑ Australian Confederation of Paediatric and Child Health Nurses
- ❑ Public Health Association of Australia
- ❑ Nutrition Australia
- ❑ Young Media Australia
- ❑ Home Economics Institute of Australia
- ❑ Women's and Children's Hospital, Adelaide
- ❑ Dept of Public Health, University of Adelaide
- ❑ Noarlunga Health Service, SA.
- ❑ Dr. Rosemary Stanton.

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