

Briefing Note on Junk Food Advertising March 2009

Introduction

The Children's Rights Alliance is a coalition of over 90 non-governmental organisations (NGOs) working to secure the rights and needs of children in Ireland, by campaigning for the full implementation of the UN Convention on the Rights of the Child.

This paper, produced to mark World Consumer Rights Day, 15 March, will examine junk food, its impact on children's health; and advertising and its influence on children. The paper will provide an analysis of the existing Children's Advertising Code, and make recommendations for the new Advertising Code.

Junk food and children's health

Junk food is a term used to describe any food low in essential nutrients and high in salt, refined carbohydrates or fat; for example sweets and soft drinks, cake and chocolate, crisps and fast food. Excessive consumption of junk food has three potential effects on children's health:

- *Overweight and obesity:* Junk food is linked to the growth in childhood obesity. The number of obese children in Ireland trebled to 300,000 in the past decade.
- *Malnourishment:* Junk food lacks essential vitamins and minerals, and can leave children lethargic and vulnerable to illness.
- *Behavioural problems:* Junk food can have a negative effect on children's behaviour and their ability to concentrate at school.

Advertising and Children

Studies on the behavioural effects of advertising have found that television has a major influence on the products children ask for, and that increased television viewing leads to increased requests for advertised products.¹ Television advertising can create misperceptions among children about the nutritional values of foods and the pursuit of positive health. Many young children, especially those under the age of six, have difficulty understanding that advertising is a tool used to sell products. It is not until children approach the age of twelve that most are able to comprehend the purpose of advertising.² According to the European Consumers' Organisation:

It is increasingly difficult for children to distinguish between 'advertising' and ordinary entertainment (programmes, films) ... Most children do not develop the ability to distinguish between advertising and programmes until the age of 6-8 ... it is not

1 National Taskforce on Obesity (2005), *Obesity: the Policy Challenges*, Dublin: Department for Health and Children, p. 75.

2 Consumers International (2002), *A spoonful of sugar: television food advertising aimed at children: an international comparative survey*, http://www.consumersinternational.org/Shared_ASP_Files/UploadedFiles/033EBC38-04B3-4477-B8A9-3E056DE35ECE_Doc74.pdf, [accessed 30 May 2008].

*normally until they reach the age of 11 or 12 that children fully understand the purpose of advertising.*³

There is evidence that links the upwards trend in children's weight gain with spending on all forms of advertising to children.⁴ A report from the World Health Organisation (WHO) and the Food and Agriculture Organisation of the United Nations in 2003 concluded that the aggressive marketing of food and drinks that are high in sugar and fat and low in nutritional value to young children could increase their risk of becoming obese. "Part of the consistent, strong relationships between television viewing and obesity in children may relate to the food advertising to which they are exposed".⁵ In 2004, a study by the Southern Health Board in Ireland found that 75% of parents of seven to eight year olds considered that food advertising promoted unhealthy foods and 50% of parents felt that their children pressurised them to buy certain foods or drinks as a direct result of advertising.⁶

The timing of advertising is important, and children's television viewing habits are changing. It is no longer realistic or valid to use the broadcasters' traditional 'day-part'⁷ to determine children's programming. Broadcasting Commission of Ireland (BCI) research confirms that children aged from 4 to 17 years make up a significant portion of the audience for both fringe and prime-time programmes, (including, for example, Eastenders and Champions League) which are not specifically targeted at children. Research findings on children's viewing by time-of-day clearly demonstrate that children do not switch the television off at the RTE Guidelines' watershed hour of 9pm, but instead remain tuned into night time programming.⁸

Controls on advertising

A new Broadcasting Bill was published in Ireland in May 2008. The Bill recognises the negative impact of advertising junk food to children in terms of their health, and states that the proposed new Broadcasting Authority:⁹

*May prohibit in a broadcasting service a particular class of foods and beverages considered... to be the subject of public concern in respect of the general public health interests of children, in particular those which contain fats, trans-fatty acids, salt or sugars.*¹⁰

However, action cannot be taken until the Bill is formally enacted; this is expected to take place in Spring 2009.

3 BEUC: The European Consumers' Organisation, *Children and Advertising: Summary of the BEUC/CB Survey*, 1996.

4 Ann Dempsey, *The Irish Times*, "Calls for Exploitation of Children to Stop", 4 May 2004.

5 BEUC: The European Consumers' Organisation, *Children and Advertising: Summary of the BEUC/CB Survey*, 1996.

6 National Taskforce on Obesity (2005), *Obesity: the Policy Challenges*, Dublin: Department for Health and Children, p. 75.

7 For purposes of audience research broadcasters break the day into day-parts so that it is possible to check how many people are watching at particular times).

8 Broadcasting Commission of Ireland (2003), *Children's Advertising Code: Phase 2 Consultation Document*, p.13, http://www.bci.ie/documents/phase2_adultreview.pdf [accessed 30 May 2008].

9 The Bill proposes a merger of the Broadcasting Commission of Ireland and the Broadcasting Standards Authority into a single body – the Broadcasting Authority of Ireland.

10 Department of Communications, Energy and Natural Resources, *Broadcasting Bill 2008*, p. 45 <http://www.oireachtas.ie/documents/bills28/bills/2008/2908/b2908s.pdf> [accessed 4 June 2008].

To date, the BCI has taken steps towards addressing the negative impact of advertising to children. A chronology of activities is outlined below:

Year	Activity
2001	Under section 19 of the Broadcasting Act, 2001, the BCI was tasked with the development of a broadcasting advertising code specifically for children's advertising. This code covers advertising likely to be of direct or indirect interest to children; it specifies standards to be complied with and rules and practices to be observed.
2003	Development of Code begins. Phased public consultation over 18 months, including members of the public, children, advertisers, and health and government bodies.
2005	Code becomes fully operational and replaces Section 14 of the Codes of Standards, Practices and Prohibitions and Other Forms of Commercial Promotion in Broadcasting Services. The Code applies to all Irish broadcasting services.
2008	Statutory Review of the Children's Advertising Code. Review to address issue of a complete ban on junk food advertising. Conclusions drawn and recommendations drafted. Cannot publish or proceed until Broadcasting Bill 2008 is enacted.
2009	Full enactment of Broadcasting Bill 2008 expected in Spring 2009.

For now, the Children's Advertising Code remains the key standards document. The Code contains rules for advertisers to follow when advertising to children and applies where over 50% of the audience is under 18. The Code states that children's advertising shall not:

- Reflect a range of values that are inconsistent with the moral or ethical standards or diversity of contemporary Irish society
- Exploit children's inexperience and incredulity
- Exert "undue pressure" by encouraging children to think that they will be better off if they buy a particular product.¹¹

The Code also contains provisions relating to: special protection for children in advertising, general safety, violence, diet and nutrition, parental responsibility, programme characters, product prohibitions and restrictions, identification and separation and insertion of advertising. These sections include requirements that, for example, adverts for fast-food and confectionery contain a message that such foods should only be eaten in moderation and as part of a balanced diet; and that the use of celebrities to advertise food or drink products is restricted to public health campaigns.¹²

The Code is statutory, and its breach can lead to suspension of commercial broadcasting by the offender, enforced by the BCI.

Analysis of the Code

The Alliance believes that the Code is insufficient to protect children's health as it fails to completely ban the advertisement of junk food. This position is supported by nutritionists, who say the Code does not go far enough in terms of the restrictions on foodstuffs that can be advertised, and criticise

¹¹ Broadcasting Commission of Ireland (2004), *Children's Advertising Code*, p. 8

¹² *Ibid.*

its failure to ban advertising of energy-dense micro-nutrient poor foods.¹³ Safefood, the food safety promotion board, is supportive of the Code overall, but has raised concerns about its failure to restrict advertising of high-fat and high-sugar foods. The Green Party too has criticised the Code's failure to consider medical advice from national and international sources, including the Irish Heart Foundation, the Irish Nutrition and Dietetic Institute and the North Western Health Board.¹⁴

International examples

Some countries have already introduced more radical measures to curb advertising to children, for example:

- Sweden does not permit advertising aimed at children under 12, does not allow programmes to be interrupted by advertising and does not permit advertising before or after children's programmes.
- The Canadian province of Quebec prohibits all marketing aimed directly at children aged under 13.
- In the Netherlands the public broadcasters are not allowed to interrupt programmes aimed at under 12 year olds with advertisements.
- In Denmark, Finland and the Netherlands, characters or presenters from children's programmes cannot appear in advertisements.
- In Finland, McDonald's cannot promote toys in its advertisements.¹⁵

Recommendations

The Alliance calls on the Broadcasting Authority to introduce a ban on the advertising of junk food before the 9pm watershed, as part of a wider strategy to tackle the growing levels of childhood obesity in Ireland. This ban would be a first step towards a total ban on the advertising of junk food to children.¹⁶

In addition the Alliance,

- Urges that the new Advertising Code recognises that children see the majority of advertising that is broadcast, and do not switch off the television at the guideline 9pm watershed
- Urges that the broadest possible definition be used in relation to a children's programme, that it is not simply a programme made for children, but rather is a programme that children actually watch. This should include soap operas and sports programmes broadcast after 9pm
- Supports the recommendation made by the National Taskforce on Obesity that "The Department of Enterprise, Trade and Employment, the Department of Health and Children, together with the private sector and consumer groups should immediately take multi-sectoral action on the marketing and advertising of products that contribute to weight gain, in particular those aimed at children".¹⁷

13 See <http://www.safefood.eu/Global/Publications/Corporate%20publications/AChildren%27sAdvertisingCode-ResponseToTheBCIConsultationPhase2.pdf?epslanguage=en>, [accessed 12 March 2009]

14 Paul Anderson, *The Irish Times*, "Restrictions on Children's Advertising Proposed", 19 April 2004

15 Investing for Health (2005), *Fit Futures: Focus on Food, Activity and Young People: Report to the Ministerial Group on Public Health*, Belfast: Department for Health, Social Services and Public Safety

16 Children's Rights Alliance (2006), *From Rhetoric to Rights: Second Shadow Report to the United Nations Committee on the Rights of the Child*, Dublin: Children's Rights Alliance, p.51

17 National Taskforce on Obesity (2005), *Obesity: the Policy Challenges*, Dublin: Department for Health and Children, p.94