

OBESITY & THE IMPACT OF MARKETING ON CHILDREN

POLICY CONSENSUS STATEMENT

Background/Context:

We are a group of independently minded Canadians. We are educators, Aboriginal, community and youth leaders, journalists, public policy researchers, academics, and authors. We do not represent any private interest.

We had a difficult task given the volume of information presented in one day. We have done our best, however, to deliberate on the information presented by the experts, and reach a consensus in one long night.

The health of Canadian children and the reduction of childhood obesity are at the centre of this discussion. In our view, the voices of children and youth themselves are missing in this process and they must be heard.

Canadians value a leadership role for the public sector in a wide range of social and economic issues. The current epidemic of childhood obesity demands such leadership, and we call on governments to lead the process of bringing all sectors together to find solutions.

For purposes of context we have followed the definition of marketing as provided to us by the conference committees. They define marketing as “encompassing the planning and carrying out the conception, pricing, promotion and distribution of goods and services”.

Advertising is but one component of marketing. Today’s marketing is much more. We were not presented with any thorough research on the many dimensions of marketing in today’s world, including but not limited to: pricing; product placement; merchandising; labelling; branding; packaging; in-store displays; online advergames; branded toys and clothing; sponsorship; character creation and celebrity endorsements; and many other platforms that marketing now employs.

Answering the Questions:

WHAT IS THE IMPACT OF MARKETING ON CHILDREN?

Marketing food and beverages to children has an impact on their food and beverage choices. The foods and beverages marketed to children are predominantly unhealthy, and unhealthy food and beverage choices are contributing to obesity.

WHAT IS THE CURRENT FEDERAL SYSTEM GOVERNING MARKETING TO CHILDREN? DOES IT WORK?

Access to our children is a privilege not a right, and as such should be subject to stringent regulation.

Government legislation at the federal and provincial levels provides overarching rules on commercial marketing. The federal *Food and Drugs Act* and the *Competition Act* prohibit selling or advertising in a manner that is false, misleading or deceptive to consumers. However, for the most part, with the exception of Quebec, advertising to children is an industry self-regulated system.

The Canadian Association of Broadcasters and Advertising Standards Canada (both industry groups) developed a *Broadcast Code for Advertising to Children*. It has been endorsed by the CRTC, which requires broadcasters to comply with it as a condition of licensing in Canada. However, this system is administered by the industry. For a fuller explanation of the regulatory framework, please see the appendix.

Currently, Canadian legislation and the self-regulatory system do apply to all advertising, including advertising to children. However, the system is geared towards advertising; there are no specific provisions regarding the many other forms of marketing food and beverages to children that exist in today's multi-media marketplace. There is a regulatory void when it comes to protecting children's health from the dangers of marketing unhealthy food and beverages.

We believe that the system of self-regulation of advertising to children – however extensive it is – is insufficient and was not designed to deal with the public health crisis of rising rates of childhood obesity. We live in a world where marketers are not just selling products, but are surrounding those products with multi-layered experiences. **The current regulatory environment is insufficient in scope and vision to respond to this new world.**

WHAT ARE THE OPTIONS AVAILABLE TO MITIGATE THE IMPACT OF MARKETING ON CHILDREN? DO THEY WORK?

There are many options.

The first option is to continue the status quo with a self-regulated system that is focused mainly on television advertising.

For all of the reasons above, we believe this status quo is unacceptable, and cannot continue.

We considered the Quebec model of banning all commercial advertising to children under the age of 13, but we were concerned that applying it Canada-wide at this time would be divisive and might eliminate the opportunities for positive marketing of healthy foods and beverages.

We considered the UK and Swedish models of banning certain types of TV advertising to children, but we clearly see that **TV advertising alone is a small piece of the puzzle.**

We agree, however, and we think Canadians would agree, that unhealthy food and beverages should not be marketed to children. We recognize and celebrate all ongoing efforts to promote media literacy and to harness the power of marketing to promote active lifestyles and encourage healthy dietary choices. After considering **all** of the evidence presented to us, we came up with this made in Canada plan.

THE PLAN

First of all, we affirm that marketing regulation should be only one piece of an integrated society-wide battle against obesity and all its many causes, including poverty, geographic vulnerability, and an increasingly sedentary lifestyle.

Furthermore, any limitation on marketing food and beverages to children has to speak to all forms of marketing including indirect marketing to parents and guardians. These limitations must also apply to all stakeholders in marketing to children including, but not limited to, retailers, broadcasters, suppliers and providers that send ads to cell phones.

Marketing to children on the Internet is a significant dimension of the issue. The CRTC has told us it has the legal authority only to regulate broadcast video and audio streamed online, and for now there is yet another regulatory void for the rest of internet content. When it comes to the health of Canadian children and the dangers of marketing unhealthy food and beverages to them, we believe that the federal government should exercise its authority to regulate Internet marketing to children through the *Competition Act*.

Complexity is not an excuse for inaction.

We also understand that it is complex to define what constitutes unhealthy food and beverages, as well as the age definition of a child for this purpose. For these reasons, **we call on the Government of Canada to appoint a panel of public health experts to define the age threshold and what constitutes unhealthy food and beverages.** The panel should be convened and begin its work within six months of the release of this statement. We know that this is a tight timeline. **But this is a public health emergency.**

We encourage the expert panel to be transparent in its process and start a dialogue with children, parents, educators, industry, advertisers, food growers and producers, NGOs and other stakeholders, but we affirm the primacy of the public health experts on setting the definitions.

Once the definitions are established – and again, we call for the utmost speed in getting this crucial work done – we call on the Government of Canada to create, approve and then go on to enforce a regulatory regime that ends all marketing of unhealthy food and beverages to children within two years.

As well, we include here marketing that is targeted to children indirectly through their parents or guardians.

In view of the urgency of this public health crisis, the epidemic of obesity in children, we believe that the complexity of the issues is no excuse for inaction. If marketing of unhealthy food and beverages to children in Canada does not end within two years, we call for a ban on marketing of all food and beverages to children either directly or indirectly through their parents at that time.

We highlight the practice of marketing to children **through** adults because we anticipate that marketers may simply shift to surrogates if they are limited in their access to children. This would not solve the problem. If manufacturers are marketing healthy food and beverages to children, they have nothing to fear. If they are marketing unhealthy food and beverages, they should not be able to shift their marketing efforts to encourage adults to buy those products for their children.

We also want to exempt explicitly public service announcements about healthy lifestyles from any marketing restriction. Marketing is a powerful force, and it should be used by government to encourage healthy choices in food and beverages, as defined by public health experts.

Furthermore, we want to acknowledge that in calling for limitations on all forms of marketing unhealthy food and beverages to children, we are re-opening a longstanding societal debate about corporate sponsorship of children's activities, sports teams, etc. In the limited time we have, we cannot deal in full with this issue.

But we do feel that if companies want to support the healthy activities of children and give back to the community, they should be willing to do so without making the promotion of their brand, logos and commercial characters a condition for their generosity. If we are serious about prioritizing the health of our children - and the future health of our society - sacrifices and compromises will have to be made on all sides.

We know that bans are controversial, but we believe our recommendations are in line with the principles underlying the industry's Canadian Children's Food and Beverage Advertising Initiative, the voluntary food industry initiative around food and beverage advertising to children. We believe our plan provides a more level playing field for all participants.

Finally, we recognize that the practice of Canadian companies marketing food and beverages to Canadian children comprises only a small part of the media landscape. We call on governments, broadcasters, retailers, and others to apply these principles in Canada wherever possible across media and platforms. For example, Canadian broadcasters license US programming for both simulcast and rebroadcast in Canada, and sell the commercial time to Canadian advertisers. The Television Bureau of Canada has told us that these prime-time US shows have the highest numbers of young viewers. Should these programs be exempt from the restriction on marketing unhealthy food and beverages to children? We think not - the same rules should apply wherever possible. While this is just one example, the message is that stakeholders should look for as many areas as possible where the marketing of unhealthy food and beverages could come to an end.

Sadly, Canada is one of the world leaders in childhood obesity. We think Canada can lead the world in addressing this epidemic and begin the reversal of this alarming trend. Our proposal is a small piece of that important task.

APPENDIX: BROADCAST REGULATION IN CANADA

There are a number of codes that are supplementary to existing federal and provincial laws and regulations that govern advertising, including the regulations and procedures established by Health Canada, Industry Canada and the Canadian Radio-television and Telecommunications Commission (CRTC).

Since 1968, the CRTC regulates all aspects of the Canadian broadcasting system under a mandate outlined in the *Broadcasting Act* (1991), the *Telecommunications Act* (1993) and the *Bell Canada Act* (1987)¹. The CRTC works with the Canadian Association of Broadcasters² (CAB) through the Canadian Broadcast Standards Council³ (CBSC) to support the self-regulation of broadcast content by private sector broadcasters in Canada. In 1963, Advertising Standards Canada (ASC)⁴, the Canadian advertising industry self-regulatory body, developed the *Canadian Code of Advertising Standards*, which sets the standards for acceptable Canadian advertising messages, and applies to all media. Code clauses run the gamut - from accuracy and clarity to safety to advertising to children.

To complement the general principles outlined in the *Canadian Code of Advertising Standards*, the CAB, in cooperation with the ASC, developed the *Broadcast Code for Advertising to Children*. The CRTC endorsed this *Broadcast Code for Advertising to Children*. Compliance with this code is a condition of broadcasting licences in Canada. The *Broadcast Code for Advertising to Children* is administered by the ASC. CRTC mandates preclearance of children's advertising on television by ASC's Children's Clearance Committee under the *Broadcast Code for Advertising to Children*, and the ASC also administers the complaints-driven mechanism for children's advertising in other media.

¹ The CRTC grants, amends and renews broadcast licences, monitors the performance of licencees (TV cable companies, cable and radio stations) and establishes broadcasting regulation and policy. The CRTC works closely with the industry in the development of broadcasting standards regarding violent content, gender portrayal, cultural/minority rights, advertising and programs aimed at children.

² CAB founded in 1926 represents nearly 402 privately-owned, advertising-supported television and radio stations across Canada and it offers advice on technical, regulatory and advertising issues, and presents the industry's position to governments, regulators and consumers.

³ The CBSC is an independent council created by CAB in 1990 to respond to public complaints about radio and television programming. The CBSC administers the voluntary broadcasting codes developed by the industry and informs broadcasters of trends in complaints. When complaints are lodged, the CBSC acts as the "middle-man" between the public and the broadcasting industry. For example, if a complaint is settled at the CBSC level, then it doesn't go on record at the station level. When problems cannot be resolved by the CBSC, the CRTC makes the final decisions - which will remain on record at the station level.

⁴ The members of the ASC include advertisers, advertising agencies, and media organizations. ASC accepts and adjudicates complaints from consumers or industry related to advertising. The Canadian Code of Advertising Standards is the principal instrument of advertising self-regulation in Canada, and since 1963, it has been revised periodically to keep it up to date and relevant.

In 2004 and 2007, under the social values provision of the *Broadcast Code for Advertising to Children*, Interpretation Guidelines were developed to ensure, among other things that snack food advertisements aimed at children clearly depict the role of the product within the framework of a balanced diet, and that portion sizes presented in commercials are age-appropriate. These Interpretation Guidelines were also added to the Canadian Code of Advertising Standards to encompass advertising to children in media other than broadcast.

In 2007, the Canadian Children's Food and Beverage Advertising Initiative was announced. Under this Initiative, 16 leading food companies have committed to advertise only healthier products or not to advertise to children under the age of 12 on television, in print and on the Internet. However, different companies have different definitions of "healthier" products. Furthermore, public health experts are not involved in the determination process.

Participants have also made commitments in other areas, including no advertising in elementary schools. The initiative is administered by the ASC, which will audit and publicly report on company compliance.

Policy Consensus Statement Panel Members

Avi Lewis (Moderator)

Jane I. Campbell

Sheree Fitch

Renée Hodgkinson

Sharon Manson Singer

Adam Spence

Catherine Turner

Kenneth Wong