



**Dietitians Association of Australia submission to the Australian Communications and Media Authority Issues Paper, Children's Television Standards Review
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Introduction

The Dietitians Association of Australia (DAA) is the National Association of the nutrition and dietetic professions, with branches in each State and Territory. DAA represents over 3200 members and as such is the largest professional nutrition-focused body in Australia. Dietitians are employed in a wide variety of work areas including clinical dietetics, public health and community nutrition, education, food service and management, private sector, government, research, industry, public relations, marketing and communications. DAA is the leader in nutrition and advocates for better food, better health, better living for all. DAA welcomes the opportunity to comment on the ACMA issue paper Children's Television Standards Review.

The most recent study data available indicates that overweight and obesity are serious health issues affecting up to 25% of Australian children (1). The World Health Organization confirmed that the current volume of food and beverage advertising to children is impacting on the food preferences, purchase behaviour and consumption of an unhealthy diet, after reviewing a report based on the current evidence on the state and effects of food advertising to children (2).

DAA has already developed and endorsed *Best Practice Guidelines for the Treatment of Overweight and Obesity in Adults*. DAA has also been engaged in advocating strongly on public health aspects of obesity and working with a range of stakeholders. The *DAA Overweight and Obesity Strategy*, which encompasses all aspects of overweight and obesity prevention, including food and beverage marketing to children.

As part of this strategy the DAA is again calling for more responsible marketing of food and beverage products and tighter government regulation of food and beverage marketing, and is meeting with a range of stakeholders including political parties and industry on this important issue.

Key Principles

We want to see a system of government regulation of food and beverage marketing to children (0-12 years) that really works to help them eat better. Regulation of food and beverage marketing must allow the promotion of healthy eating habits, and appropriate foods and beverages, to our children. The current system does not significantly reduce the number of Energy Dense Nutrient Poor (EDNP) television advertisements to children, and undermines positive health promotion programs and campaigns.

An aspect of food and beverage marketing that has gained much attention is the use of the television medium to advertise to children. Recent research reflects the public concern with this issue and the positive correlation between television food advertising and children's food preferences (2). We believe television can also be a powerful medium for promoting positive messages about healthy eating and it would be a missed opportunity for promoting positive nutrition messages to ban all food and beverage advertising to children.

We support a collaborative approach to developing a system of government regulation because we believe in working with all stakeholder groups is essential to bring about sustainable changes that really make a difference. Dietitians, government agencies, food, beverage and advertising industries and the public all need to actively participate in developing this system. The regulatory system that is developed needs to be transparent and unambiguous to ensure confidence by all parties.

DAA believes changes to food and beverage television advertising regulation is part of the solution to the obesity crisis in children, as it will make it easier for parents to support their children to make healthier food choices. This strategy should be part of a bigger plan that requires equal focus and investment. DAA is aware of the shifts in the viewing trends of children and therefore, whilst the suggested changes will have an important impact, it is only the first step in effective regulation within the marketing continuum and the emphasis on other marketing channels needs to be considered as a matter of urgency.

Background

For full details of the DAA Obesity Strategy go to www.daa.asn.au

Who Should Regulations Protect?

The aim of any government regulation over marketing and advertising should be to protect those that are most vulnerable. The literature on the development of children indicates that by the age of 12, children are able to differentiate advertising from entertainment and become critical of advertising (3, 4). Additionally, there is little evidence on the impact of food and beverage advertising to young people over the age of 12 years (5). Any regulations restricting advertising and marketing to children over the

age of 12 would therefore require further debate. For the purpose of DAA's position on TV advertising, children are defined as 0 to 12 years.

Current Screen Time Trends

Current trends in television viewing are shifting with the changing electronic environment. Statistics from OzTAM based on 2006 estimates show a significant decrease in free to air television viewing, whilst subscription television viewing increased (6). Based on the 2006 universe estimates reported by OzTAM, 24.9 per cent of Australian homes have access to subscription television (7).

Additionally more Australian families are gaining access to the internet from their homes with most children (47 per cent) accessing the internet 2-6 days per week in 2003 (8). These figures are expected to climb as more households gain access to fast speed internet. The total number of internet subscribers in Australia increased by 239,000 (4%) from September 2004 to March 2005 (9).

Current screen time trends highlight the need to not only focus on television advertising to children but also to address food and beverage marketing to children as a whole. Research by Ip et al 2007 indicates that parents are noticing their childrens' food and beverage preferences being influenced by not only television advertising but road sign advertisements, supermarket product placements and promotions, peer pressure, school curriculum and school canteens (10). However, as a first step DAA would like improved government regulation in food advertising to children through the television medium.

Current OzTAM data also indicates that the majority of children are viewing television both inside and outside the current C and P designated programs. Generally, C programs are aired during the 4-5pm timeslot, however the peak viewing time for children 0-14 years is between 7-8pm (3). Therefore, regulations which limit regulation to C and P programs are ineffective in protecting the majority of 0-12 year olds watching television, and a new regulatory system needs to be broadened outside these designated programs.

**Specifically, in relation to television advertising to children (0-12 years)
DAA is calling for:**

1. Government regulation of EDNP foods and beverage advertising to children (0-12). To achieve DAA's recommendations, a government led regulatory body would need to be developed which brings together all key stakeholders including Accredited Practising Dietitians. This regulatory body would be responsible for the development of the regulation framework and implementing a compliance monitoring system.
2. A regulatory framework that includes: the development of an assessment system to select products that reflect the Australian *Dietary Guidelines for Children and Adolescents* (to be revised 2007/2008) and approve them for marketing to children, including television advertising. Under this system, foods that do not meet this criteria would not be permitted for marketing to children. The assessment system needs to reflect the Australian food supply and our foods standards legislation and be a useful resource to encourage food companies to improve the nutritional quality of their products. Current tools being developed by FSANZ for use in health claims should be modified to be appropriate for the purpose of regulating food and beverage television advertising to children.
3. The use of the OzTAM rating system to identify television programs of particular interest to children, where only products approved by the above system could be advertised. The OzTAM data should be used to determine when children are **actually** watching television and should be reviewed on a regular basis to ensure any regulations are consistent with the changes in viewing trends. This rating system should cover television programs of particular interest to primary school age children, twelve years old and under, including **at least** C and P rated programs and beyond.
4. Regulations that cover the portion and serve size of foods and beverages advertised. All food and beverage marketing and television advertising must represent appropriate portion sizes of foods and beverages, and avoid promoting over consumption of any item, eating more than usual, or eating more often than usual. Portion sizes and quantities of foods and beverages advertised should be in line with the Australian Guide to Healthy Eating (once revised).
5. Banning premium offers and endorsements with cartoon characters and celebrities for EDNP food and beverage purchasing by children, or for children. Premium offers refers to the use of promotional offers that provide an added incentive to purchase the food or beverage such as give-aways, competitions and prizes. It also encompasses promotional offers that encourage over consumption such as three for the price of two offers. The nutrient profiling system as indicated in point two would provide a framework to exclude EDNP and permit more nutritious foods and beverages to continue to use incentives.

In response to the current review of the Children Television Standards by the ACMA, the Dietitians Association of Australia is calling for:

16. a) Should industry be required to adopt a monitoring and reporting role regarding the outcomes of the new AANA *Food and Beverages Marketing and Communications Code* before any changes to the CTS are considered?

There is no need for industry to adopt a monitoring and reporting role regarding the outcomes of the new AANA *Food and Beverages Marketing and Communications Code* before any changes to the CTS are considered.

b) Why or why not?

Food manufacturers, both locally and globally, are already beginning to adopt more socially responsible approaches to food and beverage marketing to children. However, while industry should be required to self monitor their compliance to the AANA code, self monitoring and reporting on its own will not address the impact of food and beverage marketing to children. A self regulatory model has been in place in the past, however in order to address a public policy concern to impact on obesity outcomes, a government regulatory system needs to be adopted (11). Additionally, as the promotion of food and beverages provides financial gain for manufactures, the conflict of interest requires more than self-regulation (11).

17. a) Should advertising provisions to children (currently in both the CTS and the *Commercial Television Industry Code of Practice*) be consolidated under the CTS?

Yes, DAA supports this option.

b) Why or why not?

Consolidating all advertising provisions to children to the CTS facilitates consistency, collaboration, and transparent and unambiguous guidelines, which will ensure confidence by all parties. The current system has inconsistent and ambiguous definitions (12). Therefore there has been confusion in terms of breaches and unnessesary loop holes. Including all key stakeholders in the development of this system will facilitate transparency and reduce the risk for conflicts of interests.

18. a) Should the amount of food advertising allowed during C programs be limited?

This approach is limited in scope and will not address the current concerns.

b) Why or why not?

Current OzTAM data shows that children contribute to significant percentages of the overall viewing audience outside of C and P programs (10). Use of the OzTAM rating system to identify television programs of particular interest to children, where only

products approved by a nutrient profiling system could be advertised. The OzTAM data should be used to determine when children are actually watching television and should be reviewed on a regular basis to ensure any regulations are consistent with the changes in viewing trends. DAA would expect that the rating system would cover C and P programs at a minimum and would include other programs as reflected in the viewing data. Restrictions during programs of interest to adolescents need further discussion with all stakeholders as there is little research on this issue and any restrictions will have an even greater impact on adult viewing time.

Restrictions to the amount of food and beverage advertising during these times would reduce the amount of advertising to children. However, this approach does not address the imbalance of healthy and EDNP food advertising. Nor does it address the frequency of EDNP food advertising. Therefore, the opportunity to promote healthy food and beverages would be reduced and health promotion campaigns would be undermined.

19. a) Should food advertising be banned during C programs?

DAA does not support a total ban of food and beverage advertising during C programs.

b) Why or why not?

As stated in Question 18. b) above, restricting regulation to C programs will not prevent children's exposure to EDNP food and beverage advertising. Restrictions need to be evidence based and should therefore reflect the current viewing trends to ensure they cover timeslots when children are actually watching television.

DAA believes that a total ban of food and beverage advertising would mean a lost opportunity to promote healthy eating via a powerful medium. Therefore, we are calling for the development of a comprehensive government regulatory system, as stated in the DAA statement above, with a nutrient profiling assessment system to determine which foods are to be permitted to be advertised to children and which foods will be banned. This government regulator would also be required to enforce and monitor new regulations.

20. a) Should all food advertising directed to children be banned?

DAA does not support a total ban of food and beverage advertising, but is calling for the development of a nutrient profiling system to identify EDNP foods and beverages, which would be banned from advertising at times when children are watching television.

b) Why or why not?

Please see response to question 19. b)

21. a) Should the CTS provisions (CTS 20) in relation to premium offers be maintained?

The current CTS provisions in relation to premium offers needs to be changed, as it is currently unclear and does not prevent the use of premium offers directed to children.

b) If not, why?

The use of premium offers and endorsements with cartoon characters and celebrities for EDNP food and beverage purchasing by children (0-12), or for children should not be permitted. Premium offers refers to the use of promotional offers that provide an added incentive to purchase the food or beverage such as give-aways, competitions and prizes. It also encompasses promotional offers that encourage over consumption such as three for the price of two offers. Using the nutrient profiling system as indicated above would provide a framework to exclude EDNP and permit more nutritious foods and beverages to continue to use such incentives.

The current CTS provisions allow the use of premiums for EDNP food and beverages if the offer does not stimulate unreasonable expectation of the product advertised, and that any reference to the premium is incidental to the main product advertised. As children under the age of 12 cannot critically analyse advertisements, they cannot differentiate the desire for the premium and the desire for the product. Additionally, children under the age of 12 are unable to discriminate commercial from noncommercial content or identify the persuasive intent of advertising (13). Therefore, changes need to be made to ensure these children are protected from this form of marketing.

23. a) Should the use of premium offers in food advertising be banned during C programs?

This approach is limited in scope and will not address the current concerns.

b) Why or why not?

Current OzTAM data shows that children contribute to significant percentages of the overall viewing audience outside of C and P programs. Therefore, any regulation over the use of premiums restricted to C programs will not reflect current viewing trends and will expose children to the use of premium offers to advertise EDNP foods. Use of the OzTAM rating system to identify television programs of particular interest to children, where only products approved by a nutrient profiling system could use premium offers. The OzTAM data should be used to determine when children are actually watching television and should be reviewed on a regular basis to ensure any regulations are consistent with the changes in viewing trends. Please refer to the DAA statement above.

24. a) Should the use of premium offers in all food advertising to children be banned?

A blanket ban of all premiums should not be enforced.

b) Why or why not?

DAA believes that the use of premium offers and endorsement by cartoon characters and celebrities should not be permitted for foods and beverages that do not fit within the nutrient profiling system (e.g. that reflects the Australian Dietary Guidelines for Children and Adolescents) as described in question 19. b). Therefore, foods and beverages of nutritional quality would be able to make use of this marketing tool to promote healthy eating to children, while EDNP foods and beverage would be banned from using this advertising tool.

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