

8th April 2016

Codes Review Panel
ASA Secretariat
PO Box 10675
Wellington

To whom it may concern,

Re: Consultation on the review of the code for advertising to children and the children's code for advertising food

Dietitians New Zealand Incorporated (Dietitians NZ) is the professional association of registered dietitians and associated nutritional professionals. With a membership of approximately 670, we represent the largest group of fully trained food and nutrition professionals in New Zealand. This submission has been developed by National Office in consultation with members who have the appropriate knowledge and skills in this area and reflects the comments and opinions of our overall membership. We trust the comments made in our submission will be given due consideration.

Dietitians are registered health professionals who meet standards required by the New Zealand Dietitians Board under the Health Practitioners Competency Assurance Act (HPCA) 2003. In New Zealand, by law, dietitians must be registered with the Dietitians Board and hold a current practising certificate, work within a specified scope of practice, participate in a continuing competency programme, and adhere to a Code of Ethics.

Dietitians NZ supports the Advertising Standards Authority's decision to review the code for advertising to children, in particular the children's code for advertising food. All statements made in this submission are evidence based and any reports and research used has been listed in the attached Appendix.

Advertising of energy-dense, nutrient-poor food and beverages during children's viewing times has been shown to correlate with increased consumption of these foods, as marketing influences food preferences and dietary choices. Food advertisements are also associated with children's increased asking behaviour for these foods. Restricted marketing of energy-dense, nutrient-poor foods is cited as a very important step in the 'Tackling Obesity' policy briefing, published by the New

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Zealand Medical Association in May 2014. As New Zealand has the third highest rate of overweight and obesity in the OECD world, it is crucial that measures are taken to counteract the current “obesogenic” environment. While restricting advertising of energy-dense, nutrient-poor food and beverages will not resolve the burden of overweight and obesity alone, it is an essential piece in a complex and multi-faceted puzzle.

We have chosen to comment on the following questions from the consultation document:

3. What changes, if any, are necessary to protect the rights of children and their health / wellbeing?

The current period considered as children’s viewing time is limited and needs to be extended to reflect the actual time children watch television. Research from the Broadcasting Standards Authority shows that a large proportion of children watch television until 8.30pm on weeknights. Dietitians NZ urges a ban on all energy-dense, nutrient-poor food and beverage advertisements until after 9pm each night. This is consistent with the World Health Organisation’s recommended “watershed” approach.

7. The Children’s Codes currently define a child as under the age of 14. Do you support or oppose this definition? Why?

Dietitians NZ opposes this definition. As stated in the Consultation paper, the United Nations considers a child to be under the age of 18 years. Research from Australia shows that teenagers (12-17 years) are influenced by the power of marketing and advertising and that advertisements influence their food choices and dietary behaviour. During these years, children are able to make some of their own decisions around what food they eat and often have money available to buy food before, during and after school. They are still developing maturity and are easily influenced by external sources. Energy-dense, nutrient-poor food and beverages are often readily available, and advertising will encourage purchase of these products. Dietitians NZ recommends defining a child as under the age of 18 years.

8. Is there a role for a nutrient profiling system such as the health star rating system in the children’s codes? If yes, in what way and which system would you suggest?

Yes, there is a role for a nutrient profiling system, to assist in directing whether foods and beverages are suitable to be advertised to children and will provide an objective method to monitor compliance with the code.

The Health Star Rating system developed by the Ministry for Primary Industries is designed to be easy to understand and help New Zealanders to make quick and healthier food choices. However, this system is designed for use only on packaged

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foods. Similarly, the NPSC score, previously cited in New Zealand literature has been used to classify if a product is “healthy” but is only applicable to packaged foods. Such profiling systems could be applicable for packaged foods, while whole, unprocessed, and naturally nutrient-dense foods, such as nuts, legumes and fresh or frozen fruit and vegetables, should automatically qualify and would not require a nutrient profiling system to be advertised to children. This would sit in a similar fashion to the Pan America Health Organisation Nutrient Profile Model.

9. Do you support or oppose a specific guideline on sponsorship? Why?

Dietitians NZ supports specific sponsorship guidelines preventing conflicting health messages to children. Dietitians NZ acknowledges that some schools or community sports centres rely heavily on sponsorship from the food and beverage industry and these can influence the food and beverage choices of children. With this in mind, Dietitians NZ supports such a specific guideline being made applicable to these child centric events. A nutrient profiling system could be enlisted in a sponsorship guideline and the food and beverage industry could be encouraged to depict healthy lifestyle activities in their sponsorship, such as the Sanitarium Weet-Bix Kids TRYathlon.

However, Dietitians NZ also has concerns that even with such a sponsorship guideline, sponsorship of events which are not solely positioned to children but that will have children present may create an unfair advantage, such as KFC sponsorship of Super Rugby. Fundraisers (sausage sizzles, chocolate bars etc.) would also need to be considered in conjunction with this guideline for it to be effective and give a level playing field. Additionally, Dietitians NZ has concern over international events that are streamed in New Zealand for example, Gatorade or Red Bull for the NFL - which creates an unfair environment for the New Zealand based food and beverage industry and a loop hole to advertising to children in New Zealand.

Whilst it is clear in the Children’s Advertising Code that persons or characters well-known to children should not be used to endorse food high in fat, salt and/or sugar, Dietitians NZ supports television shows played during children’s viewing times also being included in this guideline.

10. Do you support or oppose the introduction of independent monitoring and evaluation of the codes? How would this work?

Dietitians NZ supports the introduction of independent monitoring and evaluation of the codes to prevent any conflicts of interest. Dietitians NZ would support a working group of either health experts or researchers from different fields and members of the lay public to evaluate the codes.

12. Are there environments where you consider it to be inappropriate to advertise to children?

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Dietitians NZ considers advertising of energy-dense, nutrient-poor foods and beverages to children inappropriate in the following settings:

- Schools, early childhood education centres, any form of childcare centre, or in close proximity to these;
- During the opening credits of movies, or during commercial breaks of television shows aimed at children;
- Playgrounds, sports fields, family sporting or cultural events, medical centres, or other places commonly visited or utilised by families and children;
- 'Player of the day' awards or similar, as well as and ceremonies and any other prizes that may be given freely to children; and
- Websites targeted towards children.

Dietitians NZ recommends a ban on all forms of advertisement of high-energy, nutrient-poor food and beverages from these areas.

However, if advertisements promote products or programmes that are deemed healthy, using a nutrient profiling system, and or promote active lifestyles, these would be acceptable to promote to children. Examples of such acceptable products or programmes include;

- Fonterra milk in schools;
- Sanitarium and Fonterra's Kickstart breakfast;
- Sanitarium Weet-Bix Kids Tryathlon; and
- 5+ a day.

Yours Sincerely,

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Appendix:

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8. Goldberg, M.E., Gorn, G. J., & Gibson, W. *TV messages for snack and breakfast foods: Do they influence children's preferences?* *Journal of Consumer Research*, 1978. 5(2): p. 73-81.
9. Ministry for Primary Industries. *Health Star Rating*.
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