

Submission on the review of the Children's Code for Advertising Food

To the New Zealand Advertising Standards Authority Review Panel

This is a submission from the P.A.N.N. (Physical Activity and Nutrition Network), 1189 Amohia Street Rotorua, Bay of Plenty

P.A.N.N. is a Rotorua district network of organisations working with, and sharing an interest in, physical activity, nutrition, oral health and wellbeing using a committed, collective and collaborative approach to achieve the following objectives:

- To increase our community's access to opportunities that will benefit their health and wellbeing in line with P.A.N.N.'s vision and purpose.
- To work collaboratively on projects including submissions, sharing resources, expertise and best practice.
- To support the development of an environment in which community relationships are established and strengthened.
- To ensure consistent and achievable messages are promoted and delivered to the Rotorua community.
- To proactively advocate for physical activity and healthy eating practices, whilst supporting other advocacy groups with purposes linked to our objectives.

In preparation of this submission, we have consulted the members of P.A.N.N. who represent the following organisations; Healthy Families Rotorua, QE Health and Fitness, Rotorua Energy Charitable Trust, Age Concern, Sport Bay of Plenty, Korowai Aroha Health Services, Toi Te Ora Public Health Services, Rotorua Lakes Council, Halberg, Tipu Ora Health Services, Heart Foundation, Bay of Plenty District Health Board, Rotorua Area Primary Health Group, Te Runanga O Ngati Pikiao, Lakes DHB Cardiac services, Lakes DHB Respiratory services, Linton Park Community Services, Rotorua Newcomers Network, Te Papa Takaro o Te Arawa, Rotorua Youth Centre and real NZ

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We, P.A.N.N. support the intent of the New Zealand Advertising Standards Authority (ASA) to review the Children's Code for Advertising Food. Although many of the guidelines have good merit, to ensure the rights of children, their health and wellbeing are upheld, we feel the guidelines can be improved upon.

We will therefore be recommending re-wording current guidelines and the addition of new guidelines to ensure the ASA enforces stricter guideline interpretation and increased compliance by advertisers.

We will also be making comment on the role of a nutrient profiling system and the current definition of a child.

Recommendations Principle 1- Advertisements should be prepared with and observe a high standard of social responsibility.

- **1(b)** This guideline has good intent but we feel it should be strengthened by an additional guideline which states:

Advertisements must exclude persuasive intent

- Selling intent sells what is in an advertisement, whereas persuasive intent makes you want to buy what's in the advertisement through appealing techniques that make the product more desirable than it would normally be.¹
- Children do not have the ability to recognise persuasive intent, until the age of 11-12 years (upper end of childhood and early adolescent) .¹
- Persuasive intent recognition increases steadily with increasing age but is much slower and develops later when compared to selling intent.¹
- **1(c)** We recommend re-wording this guideline to align with definitions used in the Ministry of Health Food and Nutrition Guidelines for Healthy children aged 2-18 years: A background paper.(2012)

Advertisements for ***High fat, sugar and salt (HFSS) foods and drinks must*** not encourage children to consume them in excess

- We recommend the above Ministry of Health guidelines becomes the informing document for all ASA guidelines as the current document is outdated as it was published in 1997.²

We would also like to strengthen guideline 1(c) by recommending the following sub guideline.

For every HFSS food and drink advertisement counter advertising strategies should be implemented, either through "anti HFSS food and drink" ads or airing a greater number of health foods adds relative to HFSS food and drink ads

- Counter advertising can be an effective strategy for promoting healthy behaviour.³
- Studies have shown supportive evidence that children exposed to healthy foods ads have greater positive associations with healthy food and increased nutritional knowledge than children not exposed to health food ads.³
- In the late 60s lower smoking rates were observed following anti- smoking public service announcements under the Fairness Doctrine.³

- **1(d)** We recommend the following re- wording of this guideline to allow the inclusion of screening hour restrictions.

“Advertisements **for HFSS foods and drinks shall not be screened between the hours of 6am and 9am and 4pm and 7pm so as to** not encourage children to consume them in substitution for a main meal on a regular basis, nor should they undermine the Food and Nutrition Guidelines for Healthy Children (2012).

- Peak viewing hours for children have been identified as 6am to 9am and 4pm to 9pm weekdays and 6am to 12pm and 4pm to 9pm weekends. ⁴
- Evidence shows that a high percentage of ads targeting children feature candy, fast food and snacks, with higher exposure to these products, creating a “dose” effect, which in turn increases preference and consumption of these products. ⁵
- Implementing screening restrictions helps prevent a dose response relationship and cumulative behaviour exposure where food advertising promotes beliefs and attitudes supported by the foods most represented. ³
- Overconsumption or excess consumption, particularly when healthy foods are excluded is also linked to obesity and poorer health. ⁵

- **1(e), 1(f), 1(g), 1(h) & 1(j)** We would like to recommend the re-wording of these five guidelines to the following:

1(e) Advertisements for food **must not** portray **HFSS foods and drinks** as complete meals unless they are formulated as such **and should be followed with counter advertising as per guideline 1(c).**

1(f) The quantity of the food depicted in the advertisement **must not** exceed serving sizes that would be appropriate for consumption by a **child aged 12 years or younger.**

1(g) Benefits of foods for a nutritious diet **must not be** exaggerated **nor** imply that a single food should replace a healthy diet **and should promote** the importance of consuming a variety of foods.

1(h) Nutrient, nutrition and health claims **must always** comply with the requirements of the Food Standards Code. Such claims **must not** mislead or deceive the consumer.

1(j) Advertisements for slimming products or foods sold as an aid to slimming should not be directed at children, **nor should they contain images of children.**

Recommendations Principle 2- Advertisements should not by implication, omission, ambiguity or exaggerated claim mislead or deceive or be likely to mislead or deceive children, abuse the trust of or exploit their lack of knowledge or without reason play on fear.

- **2(b)** More consideration needs to be taken into account when interpreting this guideline.

- Studies have established "young children have little understanding of the persuasive intent of advertising". ⁶
- Children begin to understand advertising intent around the age of seven or eight. ⁶

- Preteens, this research suggests, "possess the cognitive ability to process advertisements but do not necessarily do so".⁶

Advertisements often appear to be enjoyable for their own sake; with young children not yet having the cognitive ability to make the distinction between advertising and non advertising content. Consequently the timing, positioning and content must be looked at when setting out guidelines for any standards.

- **2(c)** We would like to recommend rewording this guideline

Advertisements must not mislead as to the nutritive value of any food. **HFSS foods and drinks**, especially those marketed to and/or favoured by children, **must not** be portrayed in any way that suggests they are beneficial to health.

The change in wording is necessary however this must be complemented by enforcement of this guideline, to prevent what appears to be adverts that breach the current guideline.

For example:

- Nutrigrain cereal flaunts its 4 Health star rating and its 'iron man food' status(high in protein and fibre), however it fails to inform consumers that its product contains 27% sugar.
- The Milo cereal ad is also misleadingly stating "with whole grains, calcium and iron, Milo cereal helps give your child the energy to jump into the day". It also flaunts a 4 star health rating yet it fails to mention the 27% sugar content.
- A current Milo energy drink add also states the product is low GI, "rich in Protein" and provides energy, also incorporating the slogan "you've gotta be made of Milo". However again it fails to state its remarkably high sugar content of 46%!

If the above ad had to comply with our amendment to guideline 2c perhaps the ad would state "You've gotta be made of sugar". Which wouldn't be received so positively by the public.

- **2(d)** as per 2(b) children do not have the cognitive ability make the distinction of what is obvious hyperbole. Therefore adverts could be misleading as a result. This needs to be better controlled by restricting the timing, positioning and content of advertising at times children are likely to be watching.

- **2(e)** We recommend re-wording the current guideline to read

Advertisements **must** not claim or imply endorsement by any government agency, professional body, independent agency **or individual** unless there is prior consent, the claim and the endorsement are verifiable and the current agency or body named. An endorser represented **or implied** as an expert should have qualifications appropriate to the expertise depicted.

The 'expertise' in this case should be directly linked to the expertise around the nutritional value of the product not the expertise of the endorser

- **2(g) & 2(h)** We recommend re-wording these guidelines to align with our recommended change to guideline 2(C).

2(g) Advertisements for foods high in sugar ***must not*** claim to be “low fat” or “fat free” ***and must state the products sugar content per 100g clearly*** so as not to mislead the consumer to believe the food is low in energy or beneficial to health.

2(h) Advertisements for foods high in fat ***must not*** claim to be “low sugar” or “sugar- free” ***and must state the products fat content per 100g clearly*** so as not to mislead the consumer to believe the food is low in energy or beneficial to health.

Recommendations Principle 3- Persons or characters well-known to children shall not be used in advertisements to promote food in such a way as to undermine a healthy diet as defined by the Food and Nutrition Guidelines for Healthy Children

3(a) & 3(b) We would like to recommend re-wording the following guidelines as we believe young people may not understand endorsers are paid to promote products and we recognise very young children do not have cognitive ability to understand cartoon characters are fictional.

3(a) Persons or characters well known to children ***must*** present factual and relevant statements about nutrition and health ***that align with the Ministry of Health Food and Nutrition Guidelines for Healthy children aged 2-18years (2012) and which must declare fat, salt and sugar content per 100g regardless of other nutritional content.***

3(b) Persons or characters well known to children ***must not*** be used to endorse ***or encourage consumption of*** foods high in fat, salt and /or sugar.

Further Recommendations:

- We, P.A.N.N support the use of a nutrient profiling system and would recommend the Ministry of Health-Heart Foundation Food and Beverage Classification system which is specific to children. It has different criteria for pre-schoolers and school aged children and has per 100g as well as per serving size criteria for sugar, saturated fat, sodium and energy, as opposed to the current Health Star rating which misrepresents HFSS foods and drinks as healthy and nutritious.
- We recommend the Children’s Code define a child as 12 years or under. Children under the age of 12 are more reliant on parental influence (food and drink purchasing, travel, eating out of home etc). Children are also more susceptible to behavioural change and/or influence than teenagers.

To conclude, P.A.N.N. wishes to thank the New Zealand Advertising Standards Authority for this opportunity to submit on the consultation to review the Children’s Code for Advertising Food. In this submission we have highlighted our support of a change to the current guidelines to prevent misinterpretation, but we have also presented on our concerns that current guidelines can easily allow low compliance and therefore additional guidelines are required if the rights of children and their health are to be protected.

If oral submissions are to be heard by the committee, we wish to make an oral submission.

References

- ¹Carter, O., Patterson, L.J., Donovan, R.J., Ewing, M.T., & Roberts, C.M. (2011). Children's understanding of the selling versus persuasive intent of junk food advertising: Implications for regulation. *Social Science and Medicine*, 72, 962-968.
- ² Ministry of Health. (1997). *Food and Nutrition Guidelines for Healthy Children (Aged 2-12 years): A background paper*. Wellington, New Zealand: Author.
- ³Dixon, H.G., Scully, M.L., Wakefield, M.A., White, V.M., & Crawford, D.A. (2007) The effects of television advertisements for junk food versus nutritious food on children's food attitudes and preferences. *Social Science & Medicine*, 65, 1311–1323.
- ⁴ King, L., Hebden, L., Grunseit, A., Kelly, B., & Chapman, K. (2012). Building the case for independent monitoring of food advertising on Australian television. *Public Health Nutrition*: 16(12), 2224-2254.
- ⁵ Wilcox, B.L., Kunkel, D., Cantor, J., Dowrick, P., Linn, S., & Palmer, E. (2004). Report of the APA Task Force on Advertising and Children. Washington D.C., USA: American Psychological Association.
- ⁶ Story, M., & French, S. (2004). Food Advertising and Marketing Directed at Children and Adolescents in the US. *International Journal of Behavioural Nutrition and Physical Activity*, 1:3.