



### **1. What are the strengths and weaknesses of the two current Children's Codes?**

#### *Strengths:*

The existing two Children's Codes are appropriately themed around social responsibility, ethical responsibilities and role modelling.

They make clear attempts to empower children and their families with consumer choice.

They expose the various components of advertising that can be employed to influence consumer decision-making power, such as implication, omission, ambiguity, hyperbole and redirecting consumer gaze

#### *Weaknesses:*

The Children's Codes do not address aggressively enough the prevalence of values and emotion-based advertising techniques aimed at children through imagery, slogans and additional incentives to consuming and purchasing unhealthy foods.

The Children's Codes do not address responsible marketing of products e.g. product placement responsibilities in stores which can contravene *Principle 1(b): children should not be urged in advertisements to ask their parents, guardians or caregivers to buy particular products for them.*

The Children's Code 3(b) *Persons or characters well known to children should not be used to endorse food high in fat, salt and/or sugar* needs to be tightened more to monitor the use of aligning to children's movie, popular books and games as an enticement to purchase unhealthy foods.

### **2. What are the strengths and weaknesses of the current complaints process?**

Although though currently outside the jurisdiction of the ASA and the Codes of Practice, the growing number of children's movie and TV characters available free through the purchasing of fast foods can only be viewed as a deliberate promotion of foods high in fat, salt and/or sugar. There must be a serious consideration given to adopt a mechanism whereby the ASA board can make a ruling.

### **3. What changes, if any, are necessary to protect the rights of children and their health/well-being?**

SSBs are an interesting area. They are treat beverages that provide no nutritional value and yet are pervasive in retail outlets, events, community and family gatherings and have entire supermarket aisles dedicated to them. The sheer availability and accessibility of SSBs, coupled with low comparative prices to other drinks, weakens consumer choice and buying power.



Although mass public re-education of the poor health outcomes of SSB consumption needs to be aggressive and ongoing through strategies noted in the Child Obesity Plan (particularly Health Star Rating promotion, partnership with industry, information and resources for general public, public awareness campaign, health promoting schools and Healthy Families NZ) the Children's Codes can contribute here:

- All SSBs should forgo voluntary status and be compulsorily engaged with the Health Star Rating nutrition labelling system
- All SSBs should include images of tooth decay, obesity and other relevant chronic diseases on packaging
- Retail outlets need to have restrictions placed on placement and size of SSB products instore

Another interesting area is the use of toys in unhealthy fast food outlets which are directly marketed to children e.g. the McDonald's Happy Meal, the Burger King Jr Meal. It is surprising that this marketing ploy has withstood the test of time and we have become complacent in these companies' unabashed attempt to recruit consumers at such a young age. More so, they encourage pressure to repeat purchases of the products in the interests of collecting the series of toys. They create opportunities by the alignment of products with recent film releases and other events in popular culture that appeal to the value of children to be socially accepted and included. The Children's Codes need to be more direct here:

- These types of products must be monitored aggressively so as they advertise strictly the **food** and not the **products** associated with them.
- Many of the combo packages have healthier options, such as fruit slices or water. Advertising codes should demand that the healthier options in the combo be advertised as a priority over the less healthy options, such as SSBs and fries.

Many of these fast food outlets have children's playgrounds attached to use as activity to offset the consumption of unhealthy foods. These facilities are rarely, if at all, advertised or prioritised in marketing strategies.

The marketing of products goes hand-in-hand with advertising and warrant their own set of codes. Placement is a huge area of concern. These include the placement of unhealthy foods at children's eye level at checkouts, entire aisles in supermarkets dedicated to SSBs, placement of 'specials' (many salt/sugar/fat laden foods) in the supermarket before you get to the fruit and vegetable section and end-of-aisle specials featuring unhealthy foods.

#### **4. Please comment on any concerns you have with different media formats in relation to advertising to children (for example: magazines, television, social media, websites)**

Just a general comment in regards to the imagery used in unhealthy food advertising that appeals to a young audience across all media outputs.



- Unhealthy foods are often associated with visual imagery that evokes excitement, a sense of fun and adventure, belonging, playfulness, curiosity, discovery and other values that appeal to a child's senses. The use of bright colours, busy patterns, flowing fonts, rounded shapes, punctuation for emphasis (e.g. exclamation marks), brand characters (e.g. clowns, furry animals), photographic imagery of happy children and/or families enjoying the products and high resolution graphics all combine together to an intoxicating mix to lure children into engaging with the products.
  - In audio advertising, voiceovers can be engineered to deliberately capture a youthful audience. A higher pitch/tone of voice, a faster delivery and the use of a younger voice are examples of advertising that is again potent and attractive to children.
- 5. If the content of advertisements is a concern, can you please give examples and/or supporting evidence? A product name and ad description would be helpful so we can source the advertisements.**

The website [www.happymeal.co.nz](http://www.happymeal.co.nz) is concerning. The website is dedicated to everything about the Happy Meal but the food itself. There is not a single image or mention of the actual food and reinforces the blatant underhandedness McDonald's practises. It is not so much the way the unhealthy food has been advertised as the omission of it in itself in favour of focusing on all the hooks that lead children to the consumption of unhealthy food.

Burger King [www.burgerking.co.nz](http://www.burgerking.co.nz) has a downloadable pdf of nutrition data of all menu items (Nutrition, located on Real Good Foods dropdown menu). However, the table is confusing, difficult to find on the site and seems somewhat a token gesture to social responsibility. Nutritional information should be available upfront and in a more user-friendly format if the restaurant chain is to take its position seriously in providing informed choice to consumers.

- 6. If the placement of advertisements is a concern, can you please give examples and/or supporting evidence? For broadcast media, it would be helpful to have the time/date/channel or programme. For other media, a link/publication title/outdoor location would be appreciated.**

N/A

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



We support this definition as, according to the Children's Commissioner, the law allows parents to leave a young person without supervision from the age of 14 and a young person of 14 can be charged with committing a criminal offence.

**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?**

Definitely. As a start, all SSBs should be required to compulsorily advertise their rating according to the Health Star System rating programme. Which would be 0 stars. Similarly, McDonald's, Burger King and other fast food outlets engaged in providing unhealthy children's meals should also be required to compulsorily advertise their Health Star rating.

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

The precedent was set by the Smokefree Environment Act 1990 which successfully banned tobacco advertising and sponsorships and established the Health Sponsorship Council (HSC). This provided the ASA with proven and successful methods of sponsorship; over time we have a society have adapted to smokefree environments as the norm. The same can be achieved within the food and beverage industry.

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

We must ensure the Children's Codes have the reach and depth to maintain a strong position in a fast-changing world. A monitoring and evaluation of the code will provide a means to stay relevant and purposeful.

**11. What is your view of the sanctions imposed by the ASA when a complaint is upheld?**

We support sanctions as a sign of true commitment to children and harsh consequences imposed as a deterrent across the food and beverage industry. It will also allow the ASA to imposed sanctions accordingly to the degree of breach and level of operation.

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

Schools, early childhood centres, sportsgrounds and clubs, parks and reserves, junk mail/home invasion. Mainly as it these environments that have the potential to exploit the vulnerability of children and the ability to negatively influence an audience en masse.

**13. Do you support or oppose combining the two current codes?**

We support the combination of the two current codes but rather than reduce their guideline content, would support the inclusion of further codes relating to marketing and other points mentioned throughout this submission.