

Subject : **Consultation on the Review of the Code for Advertising to Children and the Children's Code for Advertising Food ("Children's Code")**

Griffin's Foods Limited wishes to make the following submissions on the Children's Code.

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

Griffin's supports the current Children's Code for advertising to children and the Code specifically for children's food. We believe the current Children's Code is a major contributor to protecting children and assisting parents. The Children's Code also provides clear guidance to advertising agencies, marketers and consumers on advertising to children. The very low number of complaints (9 in the last 5 years) indicates that the current Children's Code is working well, with the industry taking a responsible approach to ensure compliance with both the principles and the spirit and intention of the Children's Code. The very low level of complaints reflects the reduction in negative forms of advertising to children such as encouraging repeated purchasing in a limited timeframe and more responsible advertising methods being adopted within the industry.

We also note that in addition to the Children's Code there are further layers of protection such as restrictions around advertising during school-age children's programme times. The Television Broadcasting Code and the Children's Food rating system applied by the Commercial Approvals Bureau to all food advertising is highly effective. Children's advertisements for food in these zones must be independently approved under a Children's Food classification against the Food Standards nutrient profiling model.

In summary, we support the status quo and believe the current Children's Code is robust and operating effectively to protect the interests of children. However we do support the merge of the two Children's Codes as set out at Question 13 if the intention is to reduce the number of overall ASA Codes.

Question 2: *What are the strengths and weaknesses of the current complaint processes?*

The current complaints procedure makes it very easy for individuals to lay a complaint. The process works well from a practical and common sense point of view with the Chairperson vetting complaints in the first instance. If the complaint has valid grounds having a panel of 5 public and 4 industry members provides a balanced and fair forum for making a ruling.

This complaint process is effective in that a ruling can occur quickly with the advertisement found to be in breach of the Children's Code being removed immediately. Having a right to appeal is also critical in the interests of fairness and natural justice.

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

We believe the age of children should remain at 14 in line with other legislation such as the children Young Persons and their Families Act 1989 and also aligns with the Broadcasting Standards definition of a child. It makes sense to have the age consistent over all legislation and regulation.

Question 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?*

Griffin's does not support introducing a nutritional profiling system such as a star rating system in the Children's Code. The Children's Food Code already refers to the requirement to adhere to Standard 1.2.7 (see Guideline 1(h)). Therefore there is already a nutrient profiling system in the form of the Nutrient Profiling Scoring Criteria ("NPSC") under Standard 1.2.7. This means that foods high in fat/salt/sugar will be unable to make claims that are beneficial to health.

We believe that adding an additional nutrient profiling system is unnecessary, may cause confusion and would add a further layer of compliance cost.

Therefore we suggest that the requirement to adhere to Standard 1.2.7 remain under the Children's Code and no further nutrient profiling system be introduced. This will have the effect of ensuring that health claims can only be made if they meet the NPSC. The Health Star system should remain voluntary, as the Government has intended, and not a requirement for advertisements under the ASA Codes. The Health Star system can also cause confusion for consumers with foods high in sugar/fat/salt still able to achieve a higher star rating based on other ingredients. A product with even a half star rating can appear to have health benefits. If a profiling system was used there would need to be significant research into criteria applied to any algorithm/calculation to assess its relevance and purpose.

Question 9: *Do you support a specific guideline on sponsorship? Why?*

Principle 3 of the Children's Code for Advertising Food provides that persons or characters well known to children should not be used to endorse food high in fat, salt and/or sugar or undermine a healthy diet. This is clear without the need for further guidelines.

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

We support the current system which is based on individual complaints being laid based on public response. Independent monitoring adds another layer of compliance which is in our view an unnecessary addition and may cause confusion. We believe the industry takes the obligations under the Children's Code extremely seriously and do not see a need for an additional body to review and monitor businesses.

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

The sanction of having to withdraw an advertisement immediately is extremely effective. Advertising is often very expensive and involves considerable investment for a business. Television commercials and printing and design of point of sale material is an example of very costly advertising. In addition to this cost the flow on effect to reputation and publicity around breaching the Code is very costly and

damaging to any business, especially in the age of social media. This acts as major deterrent for any business without the need for any further penalties.

Question 13: Do you support or oppose combining the two current codes? Why?

If the intention is to reduce the number of Codes we would support consolidation of the Advertising to Children and the Food Code into one to avoid repetition within both Codes.