

Introduction

One in three kids in New Zealand are overweight or obese. They face a life where they are 3 – 10 times more likely to be obese adults, their quality of life is reduced and they have a greater risk of developing chronic conditions. Long term, diabetes, heart disease and an early death beckons.

Junk food advertising aimed at kids plays a part in this epidemic. Over 50% of adult New Zealanders don't understand how to eat healthily themselves yet they are expected to protect their kids and fend off the pester power of advertising from junk foods.

The code must ensure that decisions around food and beverage marketing to children are weighted in favour of their health and well-being.

We also think the panel should read and keep in mind the WHO's Report of the Commission on Ending Childhood Obesity including the "Set of recommendations on the marketing food and non-alcoholic beverages to children."

(<http://www.who.int/dietphysicalactivity/publications/recsmarketing/en/>)

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

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

The current process is time consuming and difficult. It requires quite a lot of prior knowledge and skill to complete. It also takes a significant amount of time to get a judgement so often by the ad has already run its course and there is little or not punishment.

Louise Signal had produced a couple of papers on the complaints process

<http://www.otago.ac.nz/heppru/research/otago076602.html#publications>

The Morgan Foundation would like to see a quick and easy complaint process that is straight-forward, quick to complete and well publicised. This may form the initial part of a complaint process. A simple process of submitting a description of the ad, when it was seen and why it was a concern would help gather information on what the general public considered inappropriate. It could also provide more statistics on how many ads the public were concerned about.

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

A child's interest must be the primary concern when making any decisions in relation to them. As a matter of principle, there should be no junk food advertising aimed at children.

The question is how you define "junk food", "advertising" and "aimed at children".

Junk food – the Healthy Star Rating scheme provides a useful starting point but it is rather lenient on certain foods and nutrients such as sugar. We would argue for that reason that the definition of junk food should be set at the threshold of 3.5 stars, in line with [the findings of the NSW Government review of the HSR system](#) compared to existing eating guidelines.

Advertising – needs to be broader than the current code, including online, packaging, signage around schools, sports sponsorship, prizes and giveaways.

Aimed at children – this could be left broad and reviewed on a case by case basis. If we wanted to get specific to provide greater certainty, we would suggest:

- Any ad that is clearly targeted at children, including the use of cartoon characters or children's role models.
- Any ad that is viewed in a context that is either targeted at children or by an audience that is disproportionately made up of children, i.e. delivered on a website, TV or radio programme that is targeted at kids or has a disproportionate child audience, or in a place that has a majority of children in its clientele.
- Inline with the *WHO's Set of recommendations on the marketing food and non-alcoholic beverages to children*, Recommendation 5 – "settings where children gather should be free from all forms of marketing of foods high in saturated fats, trans-fatty acids, free sugars or salts."
- For the avoidance of doubt that should include schools and a 300m radius around the school. (Compared to rich neighbourhoods, poor neighbourhoods have three times the number of dairies and fast food outlets around schools¹).

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).

Point of sale (POS) and packaging – POS should explicitly include packaging, or it should be included in its own right. For example

¹ Obesity-promoting food environments and the spatial clustering of food outlets around schools. Day, Pearce 2011.
(<http://www.ncbi.nlm.nih.gov/pubmed/21238858>)

packaging that uses cartoons to explicitly encourage kids to pester parents to buy the product. For example yoghurts/dairy food with Dora the Explorer or Thomas the Tank Engine.

Sponsorship of events and sports teams isn't covered in the current code. All Blacks and other sports people are national role models. By being sponsored by PowerAde the All Blacks are endorsing their younger fans to consume these drinks. Sponsorship should be covered within the codes.

Campaigns and handouts/freebies need to be covered by the code. Handing out products to kids at skate parks, beaches, playgrounds and outside schools is inappropriate. The code needs to cover campaigns of this nature.

New media (Twitter, Instagram, SnapChat etc.) isn't covered in the current code. The code needs to be future proofed to cover all media that can reasonably be considered children will access.

Marketing using any media should be prohibited in environments such as schools and sports. Sponsoring player of the day certificates aimed at children is inappropriate.

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.

New World Little Shop giveaways – these giveaways are small toy versions of products, aimed at children. The supporting products for sale (scales, shopfronts, shopping baskets etc.) show the intent is for these giveaways to appeal to children. Of the products featured in 2015 over 30% were junk food.

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.

Packaging, sponsorship and promotions are all forms of advertising and should be included in the code.

Examples of promotions that should breach the code:

- Coca-Cola promotions over summer handing out free products to young children. We have personal experience of children under 5 being given Coca-Cola.
- Burger Fuel promotions handing out vouchers for fries on school grounds.

Prominent display of energy drinks and gel shots in shops adjacent to primary schools.

Shop branding with soft drink or ice cream brands adjacent to primary schools.

Fast food billboards adjacent to schools.

Dora the Explorer and Thomas the Tank Engine “yoghurts” and dairy foods make kids want the yoghurt and pester their parents to do so.

Use of cartoon characters on junk food cereals – e.g. Coco Pops

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

There is an element similar to the drinking legislation here (if you look under 25 we’ll check). Kids tend to role model those slightly older than them, so an ad arguably aimed at 15 year olds is also likely to appeal to 14 year olds. The age should be higher to reduce this grey area. The age should be 18 to be consistent with the age of leaving school and drinking.

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. The Morgan Foundation would strongly support a nutrient profiling system used within the codes. A nutrient profiling system helps consumers make choices about healthier food and beverage options.

The Healthy Star Rating scheme provides a useful starting point but it is rather lenient on certain foods and nutrients such as sugar. We would argue for that reason that the definition of junk food should be set at the threshold of 3.5 stars, in line with [the findings of the NSW Government review of the HSR system](#) compared to existing eating guidelines.

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

The Morgan Foundation supports a specific guideline on sponsorship. Sponsorship of sports teams is very powerful as kids idolise these players. Using them to advertise crap foods is powerful and misleading.

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

Independent monitoring is essential to ensure that codes are working as they are intended. The University of Otago public health school do work in this area and we support working with them or other universities.

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

Withdrawal of an advert is not always appropriate due to the time it takes to get a ruling on a complaint. At times when an ad is deemed in breach it has already run its course so there is no downside to advertisers.

Morgan Foundation would like a review of sanctions imposed by the ASA, perhaps monetary sanctions need to be included. Multiple breaches by a product or brand should also be treated as significant breaches.

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

There should be no advertising in any schools or education facilities (including early childhood) or areas where children gather.

We agree with the definition in *WHO's Set of recommendations on the marketing food and non-alcoholic beverages to children*. Specifically, Recommendation 5: "Settings where children gather should be free from all forms of marketing of foods high in saturated fats, trans-fatty acids, free sugars, or salt. Such settings include, but are not limited to, nurseries, schools, school grounds and pre-school centres, playgrounds, family and child clinics and paediatric services and during any sporting and cultural activities that are held on these premises."

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

The Morgan Foundation supports the two codes remaining separate. Having two codes allows more specific detail on food marketing and gives more strength to the protection of children.