

SUBMISSION ASA REVIEW OF CODES OF ADVERTISING FOR CHILDREN

Submission Cover Form:

Name:	Melissa Hodd
If this submission is made on behalf of an organisation, please name that organisation here:	Foodstuffs (NZ) Ltd, on behalf of the Foodstuffs group of companies.
Address/email:	Melissa.hodd@foodstuffsnz.co.nz
Please provide a brief description of your organisation (if applicable):	Grocery Retailer

☒ I agree to this submission being made available to the public

☐ I do not agree to this submission being made available to the public

Responses to Questions

The Panel welcomes comment from submitters about the operation and content of the Codes and related matters. Please give reasons why changes may be necessary / unnecessary and what, if any, restrictions could be implemented. Please cite evidence that supports your views. In particular the Panel would appreciate comments on the following questions:

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

Foodstuffs support the current self-regulatory approach. The fact that the Codes are developed by industry for industry ensures they are fit for their intended purpose, have a high level of buy-in from industry participants, and can be quickly and easily modified if necessary.

We like the fact that the Code is principles based rather than prescriptive. Principles can be applied to any fact scenario. It provides greater flexibility than a rigid rules based approach, and wider coverage. It also ensures that decisions about advertising reflect the spirit and objectives of the relevant Code.

We understand that there is a high level of compliance with the Code.

Having two overlapping codes does add complexity, and is potentially confusing.

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

The current system provides an informal, low-cost, but effective complaints management process and we believe it generally works well.

We support the notion of peer-based review of complaints.

The process is transparent, with decisions being made public, and we support this transparency.

No system is perfect, and not everyone is going to be completely satisfied with every outcome, however, the ASA regime is much more accessible, timely, and affordable, than alternatives such as formal legal avenues, or statutory enforcement regimes.

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

We believe the current principles are sound and don't see any need to make significant changes. We would support the merger of the two codes into one.

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).

Social media is hard to monitor and it is unclear whether this has given rise to any specific issues, however we are not aware of any ourselves.

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

We believe this is an appropriate age as it aligns with the development of children into adolescents.

6. 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?

Possibly, nutrient profiling is being used to distinguish healthier options and so might have a use in advertising, however health claims are subject to their own specific regime under the Food Standards Code.

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

Guidance may be helpful, but again it should be principles based rather than rule based.

8. If further restrictions for advertising to children are necessary, what do you think should be done?

If necessary, we believe the Codes should be modified, in preference to any regulatory proposal.

There should be full industry and public consultation on any proposed changes.

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

We would not oppose this, but question how it would be resourced?

If industry funding were to be contemplated, we would expect full consultation on proposed mechanisms.

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

The key sanction is the removal of the offending advertisement, which is an appropriate measure. This is a significant penalty in itself as the costs of developing advertising can be significant.

Publicity about rulings is an important part of the process and is punitive in itself as brand reputation is very important to advertisers.

Together these sanctions have an important deterrent effect and moderate advertisers' behaviour.

We do not believe it is necessary to have additional sanctions at this time.

11. Are there environments where you consider it to be inappropriate to advertise to children? If yes, please detail any ways you are aware of to restrict advertising on those platforms.

Adult-only venues.

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

Yes we support the two Codes being merged as there would then be one place for advertisers to go to obtain all the relevant guidance.

13. Have you had to alter or remove advertising following a complaint to the ASA? If yes, can you give an estimate of the cost of that decision to the advertiser / agency / media?

Yes, but not in relation to either of the two Codes under review.

14. If you are currently advertising to children, which media do you use and why?

Not at this point in time.

15. What future developments in advertising to children should the Panel take into account when considering any changes? What actions, if any can be taken to address these?

We would expect that the volume of social marketing will increase over time.

16. Do you have any other comments that may assist the Panel?

We would be happy to engage further with the Panel if it has questions which are more specific to our business operations/interests.