

13 April 2016

Codes Review Panel
ASA Secretariat
PO Box 10675
Wellington
By email: asa@asa.co.nz

To the Panel,

CONSULTATION ON THE REVIEW OF THE CODE FOR ADVERTISING TO CHILDREN AND THE CODE FOR ADVERTISING FOOD

Retail NZ is a trade association representing retailers in New Zealand. We have around 5,000 members that together account for around 65 per cent of New Zealand's total retail sales revenue.

We welcome the opportunity to comment on the current reviews of the *Code for Advertising to Children* and the *Children's Code for Advertising Food*. Our members that sell food products and goods for children have a particular interest in these reviews. We understand the ASA conducts regular reviews of all its codes, and that this is a routine review rather than a response to a perceived area of concern or issue.

In our view the two codes are working well. They set very high standards, protecting children from being misled or deceived and ensuring that all advertisements observe a high standard of social responsibility.

The code of advertising food explicitly requires advertisers not to undermine the *Food and Nutrition Guidelines for Healthy Children* and to comply with the *Food Standard Code*. This helps to ensure that children and their families receive consistent messages from all sources about nutrition.

Both codes set out high level principles that are simple to use and easy to understand. They recognise that children have varying levels of maturity and that advertising aimed at different age groups should be appropriate for the intended audience. A fixed set of rules with detailed and prescriptive guidance could not provide this common sense approach.

The codes are well established and our members have a good understanding of what is and is not appropriate advertising for children. Compliance with the codes is very high, we note that there have been just 16 complaints under Code for Advertising to Children since 2009 of which two were upheld. Over the same period the Children's Code for Advertising Food received nine complaints, none of which were upheld. We also note that in comparison to other ASA codes, the level of complaints against the two children's advertising codes is very low, indicating that the current codes are working well.

We note that advertising to children and advertising of food has historically been an easy target for those that want a simple answer to debates about a range of perceived social ills. We strongly support evidence based public policy, where there is clear evidence of a problem and that policy change will have results. When evidence is lacking or inconclusive, public policy should not proceed for its own sake or on a speculative basis. We do not believe sufficient evidence exists to suggest that the currently permitted advertising to children or advertising of food to children is resulting in higher level of child obesity, or that further restricting advertising will lead to lower levels of child obesity.

The review poses a question about the appropriate definition of a child under the current codes, being under the age of 14. The codes already recognise that advertising should be appropriate for the maturity level of the child. Clearly particular care should be taken when advertising to young children that are unable to identify advertisements from other information. However older children are able to make this distinction, and by the age of 14 are able to think critically and filter messages from the many sources they are exposed to as media

RETAIL NZ // HQ

Level 6, 56 Victoria Street, Wellington 6011
PO Box 12086, Thorndon, Wellington 6144

P // 0800 472 472

E // info@retail.kiwi

W // retail.kiwi

Connect with us:



Formerly known as:

The New Zealand Retailers
Association Incorporated

consumers. By 14 individuals are far less vulnerable to being exposed to “information and material injurious to his or her well-being” which the United Nation's Convention on the Rights of the Child, Article 17(e) requires children to be protected against.

The definition of a child as under 14 is in line with the *Children, Young Persons and their Families Act 1989* and aligns with the Broadcasting Standards Authority definition of a child.

We support the current definition of a child as being under 14. It would not make sense to restrict advertising for 14 to 18 year olds under the ASA children's codes in New Zealand. This age group is appropriately protected, along with the rest of the population, under the ASA's general codes.

While outside of the scope of this review, we would like to note our support for a self-regulatory regime for advertising. It is highly responsive and allows issues to be resolved quickly and transparently. It results in a high level of compliance and responsibility overall, as industry is invested in and trusted with maintaining a high standard for all advertising. We believe the current ASA model serves the public and advertisers well.

Retailers are very aware of the need for particular care when advertising is likely to reach children. We know that advertising forms a significant part of the many messages that children are exposed to on a daily basis from a wide variety of sources. But it should be noted that these messages are overwhelmingly positive, in relation to food for example, encouraging healthy eating and promoting activity. We have effective safeguards protecting children from negative messages in the form of the ASA and the two children's' advertising codes.

Yours sincerely,



Greg Harford
General Manager, Public Affairs
027 243 2842