



13 April 2016

Advertising Standards Authority

[asa@asa.co.nz](mailto:asa@asa.co.nz)

Tēnā koutou,

Thank you for the opportunity to provide a submission on the Consultation on the Review of the Code for Advertising to Children and the Children's Code for Advertising Food consultation.

The primary contact for this submission is:

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We wish to speak to this submission if the opportunity arises.

Ngā mihi,

Lance Norman

CEO

Hāpai Te Huaora

1. The advertising of food to children is a most important topic for Māori. The Māori population has a young demographic profile<sup>1</sup>. One-third of people of Māori descent (33.1 percent) are aged under 15 years of age therefore the Māori population potentially has greater exposure to children's advertising than non-Māori.
2. Māori communities are interested in increasing the number and range of healthy eating environments for children. This is evident in the number and range of kohanga reo, marae and sports clubs actively taking part in establishing healthy food policies for children. At least twenty-five Māori organisations in Auckland have implemented healthy eating/healthy drinking policies in the last year<sup>2</sup>. Advertising to children needs to align with this momentum building within Māori communities for healthy food environments<sup>3</sup>.
3. It is unclear how the Advertising Standards Authority (ASA) engage with Māori. We recommend ASA set out their terms of reference for engaging with Māori across their various codes and standards.
4. Hāpai Te Hauora (Hāpai) support the introduction of independent monitoring and evaluation of the codes and recommend Māori representation in the monitoring/evaluation group.

#### Marketing to tamariki mokopuna

5. Fifty-six public health experts participating in the Healthy Food Environment Policy Index identified the reduction of food marketing through broadcast and non-broadcast media in settings where children gather as two of their seven top priorities. Hāpai Te Hauora has a representative on this group.
6. An article published in the New Zealand Medical Journal last year pulled together ten local studies from the past sixteen years. It showed the continued dominance of unhealthy food products in food marketing to children across multiple platforms, including television, print and websites. In one early study, up to 80 per cent of all television food advertising in children's viewing slots was for "unhealthy" products. More recently, a 2014 investigation into magazines targeted at children and adolescents found that 72 per cent of food references were for unhealthy goods. This has occurred despite the presence of the current ASA codes being in place.

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<sup>1</sup> One in seven people (598, 605 or 14.9 percent) in Aotearoa NZ identify as Māori (while 668,724 people identify as of Māori descent) <http://www.stats.govt.nz/?gclid=CKKhouPMiswCFYSjvQodO8oHQQ>

<sup>2</sup> See [www.hapai.co.nz](http://www.hapai.co.nz) Nutrition & Physical Activity policies implemented 2015-2016

<sup>3</sup> See <http://www.Maoritelevision.com/news/regional/orakei-volcanoes-take-steps-curve-obesity>

## **What are the strengths and weaknesses of the current Children's process?**

### **Strengths**

7. We commend the code's recognition of and alignment with the United Nations Convention on the Rights of the Child.

### **Weaknesses**

8. Advancing indigenous people's right to health requires a systemic response to implementation of the United Nations Convention on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous People. Hāpai recommend the code align with the United Nations Declaration on the Rights of Indigenous Peoples in particular article 17 section 2, "states shall in consultation and cooperation with indigenous peoples, take specific measures to protect indigenous children from economic exploitation.....", and article 22, "particular attention shall be paid to the rights and special needs of elders, youth, women, children..."<sup>4</sup>.
9. Hāpai recommend ASA implement a process consistent with the WHO recommendations on the marketing of foods and non-alcoholic beverages to children 2010<sup>5</sup>.

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

### **Weaknesses**

10. In the interests of fair, impartial and consistent decision-making, we recommend a non-self-regulated complaints process (see Bowers et al 2012)<sup>6</sup>.
11. We note that a review panel is established for alcohol however there is not currently a review panel to oversee the advertising of food to children. We recommend the establishment of such a panel as well as Māori representation on this panel.

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

12. Hāpai recommends the development of a co-regulation model in line with the WHO recommendations on the marketing of foods and non-alcoholic beverages. Hāpai recommends this is supported by independent monitoring and evaluation.
13. Hāpai recommends the codes be strengthened to end the unhealthy food sponsorship of children's sports teams and the use of high profile spokespeople to promote unhealthy food to children.

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

14. More and more these days, tamariki mokopuna are being exposed to advertising in ways that their whānau may not be aware of including advertising preceding youtube videos, advertising within apps and ads on facebook and instagram. Hāpai recommends that the ASA codes are

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<sup>4</sup> [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>5</sup> World Health Organisation [WHO]. *Set of Recommendations on the Marketing of Food and Non-Alcoholic Beverages to Children*. Geneva:WHO Press, 2010.

<sup>6</sup> Bowers S., Signal L & Jenkin G. (2012). Does current industry self-regulation of food marketing in New Zealand protect children from exposure to unhealthy food advertising? Report prepared for the Cancer Society of New Zealand. Health Promotion and Policy Research Unit, University of Otago: Wellington.

strengthened so that they can effectively deal with the increasingly sophisticated marketing strategies that are utilised by food manufacturers to market unhealthy foods.

**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.**

15. Hāpai is concerned about the use of sponsorship as a marketing strategy of unhealthy foods to tamariki mokopuna. Examples of these include the advertising of Burger King in conjunction with Joseph Parker boxing matches, the advertising of KFC at Super Rugby, advertising of KFC in conjunction with the NRL video referee, advertising of Gatorade by the All Blacks and advertising of Wendys by the New Zealand Warriors.

16. We also note the advertising of Ice beer on school buses in the Mt Wellington suburb of Auckland in April 2016. This is exposing children to inappropriate products and does not align with national and international childrens' conventions.

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

17. Currently the definition of ages of children varies. This is unhelpful. Hāpai recommends the definition of a child be amended to include those aged up to 18 years of age in line with the Ministry of Health's Childhood Obesity Plan.