

13 April 2016

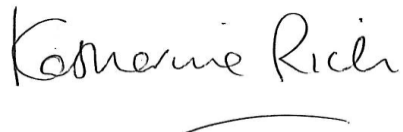
Sir Bruce Robertson  
Chair  
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ASA Secretariat  
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Dear Sir/Madam

Attached are the comments that the New Zealand Food & Grocery Council wishes to present on the ***Consultation on the Review of the Code for Advertising to Children and the Children's Code for Advertising Food.***

Yours sincerely



Katherine Rich  
**Chief Executive**

**Codes Review Panel**

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

**13 April 2016**

The New Zealand Food & Grocery Council (the "NZFGC") welcomes the opportunity to comment on the ***Consultation on the Review of the Code for Advertising to Children and the Children's Code for Advertising Food.***

### **New Zealand Food & Grocery Council**

NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand.

### **Overarching Comments**

NZFGC considers the self-regulatory Code for Advertising to Children and the Children's Code for Advertising Food (the Children's Codes) have operated effectively since their development. Both codes recognise the need for special consideration to be given to children in relation to advertising, the need for additional protection to that provided for consumers in general.

NZFGC considers the Children's Codes reflect high standards for responsibility by the industry that ensure parents' and children's trust and protection for the benefit of all of the community. However, this review offers opportunities to update them, ensure they are adequately addressing the explosion of digital channels and forms of engagement and that protections focused on health are further explored.

NZFGC recommends the definition of the age of children for the purposes of the Children's Codes would more accurately reflect of development and cognitive ability of the target audience of food and beverage advertising if it was reduced to under 12. There are numerous laws, agreements, pledges and determinations that set the age of 'a child' at any one of a myriad of levels for all sorts of reasons. For the Children's Codes we should base the age on child development and advertising influence. This strongly suggests an age for children of under 12 years is the most appropriate and effective.

NZFGC is supportive of investigating the application of a profiling or criteria scheme for food composition for advertising food to children but suggests that the investigation needs to consider the applicability and transferability of an existing scheme such as the Health Star Rating system for this purpose. Such an investigation would recognise that a system developed for one purpose might warrant amendment or redevelopment for another purpose or might not work for another purpose. Any profiling or criteria scheme would need to be consistent with the relevant Ministry of Health food and nutrition guidelines for children.

NZFGC does not consider there is a need for a specific guideline on sponsorship but would support investigation of the adequacy of the guidelines under the principles in the current Children's Codes that set parameters to ensure advertising of sponsorship is appropriate and supportive of the health and wellbeing of children.

NZFGC supports investigating alternatives to independent monitoring that might contribute to the effective underpinning of a robust self-regulatory system supporting and protecting children in the community such as the consultative review mechanism suggested by the Association of New Zealand Advertisers (ANZA).

NZFGC can see merit in combining the Children's Codes as part of the review process which would address duplication and overlap.

### **Detailed Comments**

This submission comments briefly on self-regulation and the Advertising Standards Authority's (ASA's) role then addresses several key elements of the Children's Codes that need to be met by self-regulation:

- *Clear objectives*
- *Arrangements consistent with underpinning/associated legislation*
- *Effectiveness of the Codes*
  - *Parameters for application*
  - *Transparency and appeals*
  - *Monitoring and compliance*

It then responds to the questions asked by the ASA Review Panel.

### **Self-regulation**

The future of self-regulation for the food and beverage industry is not within the scope or remit of the ASA's current review of the Children's Codes. At the time the ASA was established, the New Zealand Government made the decision to support self-regulation of advertising against its policy objectives, requiring arrangements to be consistent with underpinning/associated legislation, seeking the establishment of effective monitoring and compliance and requiring transparent operation and appropriate appeals arrangements. All this was in order to deliver on an efficient and effective system for the benefit of New Zealanders and minimised costs for industry, government and the general public.

**The ASA sets out high ethical standards for advertising products** by commercial players by means of its Codes. The outcome these deliver is the application of responsibility by the industry for high advertising standards and ensuring consumer trust and protection for the benefit of all of the community.

### ***Clear objectives for Children's Codes***

The objectives of the Children's Codes are embodied in the text of the Introductions and in the titles of the principles. It's worth highlighting that in the past many people who have criticised the Codes have been unaware of the extent, rigour and content of the Codes.

In relation to the titles of the principles, two of these are almost identical for both the Children's Codes:

- Advertisements should be prepared with and observe a high standard of social responsibility ["to consumers and to society" added in the Children's Code for Advertising Food]
- Advertisements should not by implication, omission, ambiguity or exaggerated claim mislead or deceive or be likely to mislead or deceive children, abuse their trust or exploit their lack of knowledge or without reason play on fear.

A third principle is included in the Children's Code for Advertising Food:

- Persons or characters well-known to children shall not be used in advertisements to promote food in such a way so as to undermine a healthy diet as defined by the Food and Nutrition Guidelines for Healthy Children.

Just as with legislative trends which now require objectives to be explicit for primary Acts, the Children's Codes would benefit from an explicit objective such as:

"This Code sets out the key principles, guidelines and parameters to ensure that advertisers adhere to a high standard of social responsibility in advertising products, including food and beverage products, to children to protect them from misleading, deceptive or exploitative advertising, and that is protective of their safety and trust, supportive of their wellbeing and understanding of their health."

### ***Arrangements consistent with underpinning/associated legislation***

An effective self-regulatory regime must be well integrated and consistent with other existing regulation.

The ASA Advertising Code of Ethics first basic principle is that:

"All advertisements must comply with the laws of New Zealand."

The Children's Codes both reference the United Nation's Convention on the Rights of the Child. Both also state that:

"Advertisements should comply with the laws of New Zealand and appropriate industry codes including the New Zealand Television Broadcasters code "Getting It Right for Children" available on [www.nztbc.co.nz](http://www.nztbc.co.nz)."

Reference is also variously made to *Principle 3 of the Privacy Act 1993*, the food and nutrition policies of Government and the Ministry of Health's Food and Nutrition Guidelines and the review of the regulation of nutrition, health and related claims by Food Standards Australia New Zealand and contained in the *Australia New Zealand Food Standards Code* (the Food Standards Code).

If the Advertising Code of Ethics states that all advertisements must comply with the laws of New Zealand, then the more specific Codes should reflect this same expectation and wording. The Children's Codes should therefore both state that:

"Advertisements must comply with the laws of New Zealand and should comply with appropriate industry codes including the New Zealand Television Broadcasters code "Getting It Right for Children" available on [www.nztbc.co.nz](http://www.nztbc.co.nz)."

Truthfulness in advertising in New Zealand is underpinned primarily by the Fair Trading Act 1986 although a range of other legislation also deals with truthfulness for specific aspects such as advertising food (the *Food Act 2014* and the Food Standards Code). It is not the role of the Children's Codes to reference all laws relevant to advertising. The statement on compliance with laws is very clear and removes any uncertainty for industry.

At the time the Children's Code for Advertising Food was completed, a claims standard for the Food Standards Code was under review. That standard has now been completed (Standard 1.2.7 Nutrition, Health and Related Claims) and this addresses some of the parameters relating to claims in the Children's Code for Advertising Food. Those parameters may now be redundant.

### ***Effectiveness of the Codes***

The effectiveness of the Children's Codes is reflected in the adequacy of the parameters set by the guidelines for advertisers in relation to appropriateness of content for children, the protections they engender and exposure to material.

### ***Parameters for application and protection***

The Code for Advertising to Children contains guidelines that set the parameters for high standards to address community concerns around pestering, violence and aggression,

anti-social behaviour (such as bullying), self-esteem, unsafe acts, realistic toy weapons, sexual imagery, degradation to individuals or groups and gambling or gaming.

The Children's Code for Advertising Food contains guidelines specific to food and beverage advertising which, in addition to repeating the guideline on pestering contained in the Code for Advertising to Children, set parameters for a range of protections and support: not undermining the role of parents in educating children to have a balanced diet and be healthy individuals; not to consume treat/fast food or snacks to excess, as regular main meal substitutes or as complete meals (unless formulated as such); not to undermine the Food and Nutrition Guidelines nor the importance of consuming a variety of foods; not to exceed age-appropriate serving sizes; to comply with the claims standard; not to promote inactive or unhealthy lifestyles nor to direct slimming products to children.

The guidelines are comprehensive. Their application is further enhanced by guidance that addresses the issue of exposure on television. While television is still a significant media channel for younger children, many older children are now regular users of other digital tools including phones, tablets and PCs. These other tools include a range of channels that should continue to be considered and warrant particular focus in the future to ensure the most appropriate protection of children.

In relation to the detail of the parameters, NZFGC considers that treats, fast food and snacks should not be grouped together. Snacks and fast food can and do meet nutrition guidelines in many instances. Snacks can play an important role in the young child's diet by delineating appropriate times and portions for eating outside meal times as well as contributing to nutrition such as nuts, fruit and vegetables. Beneficial snacks are discussed below in response to the questions.

#### Transparency and appeals

The effectiveness of the Children's Codes and their equity and fairness is assessed in terms of transparency (in the process) and appeals. It is important to have protections in place to ensure that the system is not captured by the industry it is regulating and that it continues to promote wider community interests and expectations.

The ASA ensures this through: public reviews (such as the review currently being conducted), guidance on interpretation and the complaints process.

The complaints process has two pathways – a free service for consumers and a user pays adjudication service for competitor complaints. The latter includes provision for the appointment of an independent investigator/auditor to interview the parties and provide a report but there is no provision for appeals. The free service for consumers provides that all rulings and decisions of the Complaints Board may be appealed on certain grounds. The Complaints Board composition ensures non-capture of decision making by advertisers by comprising an independent chair, 4 non-industry members and 3 industry members.

#### Monitoring and compliance

Compliance is essential if the Children's Codes are to be effective – no matter how well designed, an instrument will not achieve its objectives if those who are subject to it do not comply. An important element of compliance is monitoring which currently is achieved in a number of ways such as competitors following each other's advertising and through members of the public. Another important element of any self-regulatory system is that the industry, in this case the advertisers, are aware of the Children's Codes and understand them and there should be both a willingness and ability to comply.

Awareness and understanding is delivered by education, training and instruction on responsibilities and obligations. The ASA raises awareness through publishing reports and

metrics associated with complaints and decisions. ANZA, as the industry association, uses a range of mechanisms to ensure that its members are fully informed and have the appropriate skills to ensure that they can comply with the Children's Codes. It may be an area that the ASA could review and report on in future.

The willingness to comply is given effect through the media channels 'signing up to' the Children's Codes and upholding the principles of self-regulation by refusing to carry advertising that is contrary to these Codes. When a complaint is upheld, the advertiser, agency and media are informed, requiring the advertisement to be withdrawn or revised. New Zealand's size and the concentration of channels ensures this has been effectively conducted particularly in relation to television. Further examination of internet and other media channels could warrant greater focus in the future.

Monitoring occurs effectively through the Complaints Board which ensures the actions of the advertisers meet expectations and this in turn, provides reassurance to the general public. While there are no direct financial penalties, the system requirements for non-compliance (removal of advertisement, public announcements etc) are singularly effective in ensuring compliance.

The Children's Codes are effective and efficient instruments in that they provide the benefit of a principle based self-regulatory environment for advertisers to meet which provides protections for children and minimises costs whilst also providing the necessary flexibility to ensure their currency.

## Responses to Questions

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

**NZFGC Response:** The strengths of the two current Children's Codes are that they set clear principles and guidelines that provide the parameters for advertisers around their marketing to children. This recognises that children need special protections that address their vulnerability and their inability, until around the age of 7-8 years, to recognise the role of advertisements. The guidelines are stronger and clearer than many who question or criticise them are aware.

The two Children's Codes dovetail well together while the strength of the Children's Code for Advertising Food is that it deals in greater detail with specific aspects concerning food which play such a fundamental role, via parents and caregivers, in the health and wellbeing of children. It is of particular importance in the current environment and in the community's focus on obesity.

The weakness of the Children's Code for Advertising Food is that it is somewhat dated. The review process currently in train, and that is regularly scheduled for the future, ensures they continue to be relevant and evolve in a changing environment. We commend the ASA for undertaking regular reviews of its Codes.

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

**NZFGC Response:** The strengths of the complaints process are that a single complaint triggers the process; the timeliness of responding to complaints, a feature that has been the focus of considerable shortening in recent years; the opportunity for companies to provide supporting evidence for the Complaints Board to consider; the breadth and balance of membership of the Complaints Board ensures it has diverse representation; the reporting of decisions and the actions that are followed when a complaint is upheld; the free cost to consumers for making complaints; and the appeals process for consumer complaints. The publication of decisions reflects the ASA's views on what is and is not acceptable in advertising which aids transparency and encourages compliance. Published decisions do get quick action from advertisers.

The ASA's complaints process has operated very effectively and at no cost to the taxpayer. We note there have been only 9 food related complaints in the past 5 years under the Children's Codes. In light of this statistic, we do not believe this warrants any additional consideration in relation to the Complaints Board and the Appeals Board. This arrangement of Boards is comparable to other advertising self-regulatory arrangements internationally.

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

**NZFGC Response:** Any changes that would be necessary to protect the rights of children and their health/wellbeing should be justified on the basis of evidence that the current Children's Codes are deficient. NZFGC has no such evidence nor has seen such evidence. However, it may be that the criteria of "high in fat, salt or sugar" in relation to treat food may be too broad and further specificity of these criteria or a profiling schema may address this area. We are aware that critics of the Children's Code for Advertising Food suggest that there are few complaints about food advertisements because the Code is too easy to comply with. That is not NZFGC's view as we see first-hand how hard companies work to adhere to and comply with the Codes. Critics also want the Code to address more in relation to obesity. There is a particular focus on treat food in clause c of the Children's Code for Advertising Food:

"Advertisements for treat food, snacks or fast food should not encourage children to consume them in excess."

While there is no evidence of a causal relationship between New Zealand's food advertisements and childhood obesity, neither is there is evidence that they are not and some strengthening of the guidelines in the Children's Codes could be investigated as we have suggested above and in response to Question 8.

**Question 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).

**NZFGC Response:** Digital media has changed rapidly over the past 5 years and certainly since the Children's Code for Advertising Food was developed. On-line marketing channels such as social networks and advergames, warrant continuing consideration in the application of the Codes and in the complaints process. Just as food companies are increasingly publishing their nutrition policies, the ASA encourages companies to develop 'social media policies'. Trust through transparency suggests publishing such policies could be the next step and we are starting to see this happen.

While digital marketing channels are very difficult to measure, new forms of marketing are definitely featuring on them. This is not to say that these new forms of marketing are necessarily effective and while this may be a topic for broader consideration by the ASA, particularly in relation to children, the ASA could seek views on developments with Codes of other similar agencies overseas. The ASA might also identify research that could be undertaken (possibly through the Health Research Council) in this area to gather evidence on these channels, the advertisements they carry, and on how children understand and respond to marketing on these channels. It is important to keep in mind that content analysis does not in itself say anything about the effects, or the effectiveness, of advertisements, a factor that research might need to consider.

There is an issue of practicality as well. A lot of digital content is completely beyond the control of New Zealand marketers, including user-generated content, and internet content viewed is often global in origin. Youtube is a good example. There is also the prospect of children using their older sibling's or parent's computers and being exposed to inappropriate content but this is a much wider issue than food related advertisements.

**Question 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.

**NZFGC Response:** NZFGC has no examples of content of concern in relation to advertising to children or advertising food to children. We would state, however, that food advertisements that are not directed at children such as in magazines for an adult audience and street side billboards and posters that children see from the street side or the family car are not necessarily assessed against the Children's Codes and neither should they be.

To the extent that any examples are provided that involve NZFGC member companies, we would be happy to facilitate discussion with that advertiser.

We would also suggest that date information should be sought in respect of examples of concerning advertisements, given how rapidly the food advertising environment evolves.

**Question 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.

**NZFGC Response:** NZFGC has no examples of placement of advertisements of concern.

We are concerned that an approach favoured by many health academics is whether children see food advertisements even those that are clearly targeting adults. Consequently constraints such as no 'unhealthy' food advertisements prior to, for example, 9pm are proposed on the basis that there is a high child audience up to that time. However, prime time between 6-9pm is when adult audiences are at their highest so children watching TV during this time are likely doing so because their parents are watching TV. Not only does prime time contain news, news magazines and documentary programmes but also AO (Adult Only) programmes after 8.30pm. Many of these programmes contain violence and horrific events. It is therefore difficult to argue that food advertisements during prime time are targeting children. On the other hand there are some programmes that can be classified as 'family' such as a Disney film.

Currently TV programmes for pre-schoolers contain no advertisements. Programmes for school-aged children may contain food advertisements providing the food complies with the School Food and Beverage Classification system or meets the criteria to be eligible to make a health claim under Standard 1.2.7 of the Food Standards Code. The TV broadcasters operate this system on a self-regulatory basis.

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

**NZFGC Response:** The age of under 14 years for a child covered by the Children's Codes was selected because it aligns with the Broadcasting Standards Authority definition and that of the *Children, Young Persons and their Families Act 1989*. This rationale is too narrow. NZFGC suggests the age to define 'children' for the Children's Codes would more accurately reflect the development and cognitive ability of children if it was reduced to under 12 years.

Jean Piaget's work on cognitive development has been the basis of many theories explaining children's understanding of advertising. By around 7-8 years the child has developed abilities to differentiate right from wrong and by 11 can analyse and objectify information. The US Institute of Medicine concurs with this view, that before the age of around 8 years, children lack the defences, or skills, to discriminate commercial from non-commercial content, or to attribute persuasive intent to advertising. Children generally develop these skills at about age 8 years, but children as old as 11 years may lag in this development.<sup>1</sup>

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<sup>1</sup> Institute of Medicine, Food Marketing to Children and Youth: Threat or Opportunity, 2005

Importantly, the US Institute of Medicine reports on the level of evidence for aspects of television advertising for children aged 2-11 years – strong evidence for influencing food and beverage purchase requests and short-term consumption and moderate evidence for influencing the food and beverage beliefs. There is moderate evidence of influencing the usual dietary intake of younger children ages 2–5 years and weak evidence that it influences the usual dietary intake of older children ages 6–11 years.

By contrast, for teens aged 12–18 years, there is insufficient evidence that food and beverage advertising influences their purchase requests, their beliefs and their short-term consumption and only weak evidence that it does not influence their usual dietary intake.

Accounting for socio-cultural differences and influences has come more recently<sup>2</sup> to create a theory of childhood consumer socialisation and for children to achieve ‘advertising literacy’. Many suggest that children can recognise an advertisement as different from a television programme around the age of seven or eight.

There is a distinct difference in children’s cognitive abilities between around 7-8 years and 12-13 years. Beyond this upper age, adolescents are emerging adults and have a greater capacity to understand the world around them, including advertising, than children. We grant adolescents meaningful privileges and responsibilities which are well documented. We would particularly note that in Sweden and Québec, the only jurisdictions to apply advertising bans worldwide, restrictions apply to advertising to children under 12 and 13 respectively and that most advertising standards define children as 12 years (e.g. US, Canada, France, Spain, Mexico, Brazil).

The definition of a child applied in other circumstances and jurisdictions varies widely and there are examples for each year from 7 to 18 years somewhere in the world. There are numerous laws, agreements, pledges and determinations that set the age of ‘a child’ at any one of a myriad of levels for all sorts of reasons. This variation does not assist us to find the appropriate age for the Children’s Codes for New Zealand. Indeed, the greater immersion of today’s children in digital media could well be generating greater skills for them in dealing with the digital experience.

NZFGC recommends the definition of the age of children for the purposes of the Children’s Codes should reflect the development and cognitive ability of the target audience of food and beverage advertising and for this purpose under 12 years is supported by evidence.

**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?

**NZFGC Response:** The Children’s Code for Advertising Food under Principle 2, contains several guidelines relating to foods high in sugar, fat and salt in line with and referencing the New Zealand Ministry of Health’s food and nutrition guidelines. As noted above, the guideline of a ‘treat food’ in the current Children’s Code for Advertising Foods is one “high in fat, sugar or salt”. If applied to all foods, then foods naturally high in good fats, such as nuts and avocado, or sugar, such as fruit, may end up in this category. Therefore, it would be useful to have some sort of criteria to help make a clear distinction.

For this reason, NZFGC is supportive of investigating the application of a profiling or criteria scheme for food composition for advertising food to children. We note that for nutrient profiling to be effective, it needs to be specific to an objective and an environment and may not readily

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<sup>2</sup> Roedder John D. Consumer socialization of children: a retrospective look at twenty-five years of research, 1999

transfer or work for different environments or for different purposes. For example, the nutrient profiling scheme that underpins Standard 1.2.7 on Nutrition, Health and Related Claims in the Food Standards Code could not be picked up and used for the Health Star Rating system. Similarly the Health Star Rating system profiling algorithm and application to categories of food was developed for use by the shopper of packaged food in the supermarket environment. This in part explains the categorisation that applies, that shoppers looking for cereals in the cereals aisle do not compare those products with products in other distant aisles.

If a nutrient profiling scheme was to be considered for the Children's Codes, extensive research on appropriateness, criteria, application and algorithm would be required to assess its applicability and transferability for this purpose. Such an investigation would need to recognise that a system developed for one purpose might warrant amendment or redevelopment for another purpose. In this case, it would need to be specific to, and appropriate as a measure, for the child.

We understand the UK is pursuing just such a course and the ASA might consider the research undertaken in the UK in this area and consider embarking on similar research relevant to the New Zealand environment.

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

**NZFGC Response:** NZFGC understands that the scope of application of the Children's Codes applies to advertisements that are used in sponsorship situations. This requires an understanding of the distinction between company sponsorship vs product sponsorship of events as they can be treated differently. We appreciate that company sponsorship is the mainstay of a huge range of community projects, activities and events and in our view company sponsorship is a strong contributor to the health and wellbeing of New Zealand's children.

Branded product sponsorship is also relevant for companies and the symbiosis of the relationship can reflect the changes in the food supply we are seeing now: reformulations, product phase outs and the presentation of healthier options. The addition of salads to take away menus and vegetables to hamburgers is now common. Product sponsorship is specific and it is important that this explicitly meets the requirements of the Children's Codes and the provision around composition.

NZFGC does not consider there is a need for a specific guideline on sponsorship but would support investigation of the adequacy of the guidelines and parameters in the current Children's Codes to ensure the Codes are providing adequate and appropriate guidance for companies in marketing to children for product sponsorship.

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

**NZFGC Response:** The ASA meets best practice requirements. Independent monitoring when properly done can be complex and is very expensive. Together with the high level of compliance evidenced through the low complaint rate, these are the main reasons independent monitoring has not been undertaken. The issue is who pays? Would this be covered by the taxpayer? And if so, would this be a good use of money given there have been only 9 complaints against advertisements under the Children's Codes in the last 5 years.

If the ASA did decide to go down this track, NZFGC would support investigating cost effective alternatives to independent monitoring that would deliver the same high level of compliance. We understand that ANZA has suggested the establishment of a consultative review arrangement as a possible alternative and NZFGC supports investigation of the proposal. When there are other ways of establishing that no advertisements are being aired during children's times, paying an independent person to sit through and watch all children's programmes would be expensive and inefficient.

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

**NZFGC Response:** The sanctions reflected in the principles for self-regulation are that if a complaint is upheld, the advertisement must be immediately withdrawn or amended. The company must also pay any costs associated with the complaint being processed. The media are similarly required not to publish or broadcast an advertisement which has been held by the Complaints Board to be in breach of the Codes. A further 'penalty' is applied through reporting the complaint and the public exposure of a product/service/brand to negative publicity. These are powerful sanctions in relation to loss of advertising investment and publicity.

Given the high compliance rates, we do not consider the need for further penalties to be introduced. However, more broadly, the ASA might consider sanctions such as mandatory training of company marketing personnel in the application of the Codes or funding training for others in the particular area. These would not only impact the business but have a positive contribution of enhancing understanding of the Codes.

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

**NZFGC Response:** The range of restrictions currently in place adequately address the environments accessed by children. As noted above, broader digital channels should be continually considered and warrant particular focus in the future in the guidance on application of the Children's Codes to ensure the most appropriate protection of children.

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

**NZFGC Response:** NZFGC can see merit in combining the Children's Codes as part of the review process. There is some duplication in the Codes and overlap. It is possible that the food specific guidelines could be under a specific principle within a broader Code. Alternatively, an annex for more specific elements of a Code for advertising to children, such as relating to toy weapons and gambling and gaming, could then also be considered.