

Marianne Elliott
ActionStation
Level 2, 89 Courtenay Place
Te Aro, Wellington
6011

17/04/16

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

Dear Advertising Standards Authority,

My name is Marianne Elliott and I am making this submission on behalf of ActionStation. ActionStation is a community organisation representing more than 140,000 New Zealanders. Since July 2015, we have called for legally enforceable restrictions on junk food and high sugary drinks marketing to children. We have a children's health crisis in New Zealand and it is our community's belief that we need to do something to address this crisis urgently.

Despite the best efforts of parents and teachers to promote healthy eating, our children are being targeted by slick, big budget marketing campaigns telling them junk food and sugary drinks are desirable. They're rotting our children's teeth and causing long term damage to their health. Each year 35,000 children aged 12 years and under have rotten teeth extracted due to excessive sugar in their diets – mainly from sugary drinks and other junk foods.¹

Given that the path of pursuing legislative change has proved to be unsuccessful so far, we appeal now to the Advertising Standards Authority to restrict the marketing of unhealthy junk food and sugary drinks to children as part of your role in corporate social responsibility. We also ask the ASA to note that this ask is in line with the overwhelming majority of public opinion in New Zealand.² The same public who purchase your clients' and associates' products.

Current 'self-regulation' is inadequate on many counts. In a recent Policy Briefing, the New Zealand Medical Association notes that "the existing system of voluntary self-regulation in New Zealand is not adequately protecting children's rights to health. A major limitation is that restrictions around the timing of advertising do not apply during children's peak viewing times in the evenings. Furthermore, the system is reactive, not proactive, and relies on complaints being made before advertisements are scrutinised. Parents are often not even aware the ASA codes exist, let alone know how to make a complaint. Importantly, there are currently no regulations

¹ [Annual Health Survey 2014/15](#), Ministry Of Health

² [We need to protect kids from junk food ads](#) - survey, Jul 20, 2015, *NZ Herald*

relating to on-packaging marketing to children which often feature games, puzzles, website links, promotional characters, gifts and collectibles.”³

This submission has been compiled with the participation of 6,063 ActionStation members who have signed our petition calling for heavier restrictions on marketing junk food and drink to kids.⁴ In preparation for this submission, we set up an online form at actionstation.org.nz/sugarmarketingvskids that asked people to contribute examples of objectionable advertising to children by giving us a brief description of the ad, the time and place it was spotted and the product name. Forty-one people took part in that process. We have attached their submissions in full, and you will find excerpts from a few highlighting our top-line concerns below:

We are concerned about the placement of children’s advertising in supermarkets

Product you wish to make a complaint about?

N/A

Description of the advertisement you want to make a complaint about?

All the [junk food] products placed at child height in supermarkets; that's highly inappropriate and too alluring for kiddies. Such products appealing to children should be placed well out of reach, if not sight.

Where and when was this spotted?

April 6, 2016, supermarkets in Coastlands, Paraparaumu, esp. Countdown.

- Graham Bathgate, Paraparaumu

We are concerned about the use of so-called ‘health experts’ marketing unhealthy products to kids

Product you wish to make a complaint about?

Nutri-Grain

Description of the advertisement you want to make a complaint about?

³ [NZMA Policy Briefing: Tackling Obesity](#) (Page 17)

⁴ ActionStation petition: <http://www.actionstation.org.nz/stop-marketing-at-our-children>

Nikki Hart, 'registered nutritionist', promoting rubbish cereal that has been exposed as one of the worst for added sugar - during times when kids and their parents are likely to be watching.

Where and when was this spotted?

On TV. Can't recall which days, not sure which channel (though probably 1), but during kids' TV watching times.

- Jean Betts, Wellington

We are concerned about the promotion of no/low sugar as a healthier option when artificial sweeteners mean it is just as bad

Product you want to complain about?

CokeZero

Description of the advertisement you want to make a complaint about?

Younger boy being bullied in the park by a group of older boys. Older boys steal his bottle of Coke Zero. The older brother (of the boy) stands up to bullies getting the bottle of coke back. Instead of keeping it for himself, he gives it to his younger brother. Boy looks very happy that his older brother helped him.

Where and when was this spotted?

13/04/16 at 7:47pm on TV2

Advertising targeting children/teens. Obvious childhood/teenage themes in this ad are;

1) sibling relationships

2) bullying

Even though Coke Zero is no/low sugar, it has artificial sweeteners. They may also cause insulin resistance leading to Type 2 diabetes & metabolic syndrome.

- Debbie Blyth, Auckland

We are concerned about the manipulation of human emotions as a tool to sell unhealthy products to kids

Product you want to complain about?

New World

Description of the advertisement you want to make a complaint about?

You can't buy happiness but you can buy chocolate. This advertising is associating unhealthy, sugary food with comfort. While most of us know what constitutes a healthy meal, very few are aware of the emotions behind the food that is presented to children on a regular basis. Even fewer understand how these emotions are entangled with childhood overeating. This is of great concern to me given that NZ has very high rates of childhood obesity.

Where and when was this spotted?

New World in-store poster since September 2014

We are concerned about the sponsorship of community, school and sports groups in exchange for logo placement from junk food companies

Product you want to complain about?

McDonald's Safety Team fluoro safety vests for children on the road patrols at schools

Description of the advertisement you want to make a complaint about?

Children at my school who are on road patrol at the crossing outside the school before school wear bright fluoro safety vests provided by McDonald's with branding on them. I think this is inappropriate marketing of food to children within an education setting (which arguably should be neutral and not marketing anything to kids!)

Where and when was this spotted?

This no doubt happens outside primary (and possibly secondary) schools throughout New Zealand every day.

- Sarah Gerritsen, Auckland

EXAMPLE 2

Product you want to complain about?

McDonald's

Description of the advertisement you want to make a complaint about?

My kids Soccer Player of the Day certificates with vouchers for McDonald's embedded. It just doesn't need to be there, and is inappropriately placed advertising, trying to create a habit in our kids after sport.

Where and when was this spotted?

Dunedin

- Kirsty Fairbairn, Dunedin

Photo examples:



We are also concerned about giving out toys to kids as part of a meal deal

"McD, KFC, all of them - giving a cheap plastic toy to encourage our kids to eat bad food has got to stop. On top of this the advertising is everywhere and the toy with bad food association is terrible. This is the worst form of advertising - cheap toys and unhealthy food with a sugary drink." - d'Arcy Lunn

We are concerned about the blatant use of colorful characters that kids love to market unhealthy products to them

The following are photos contributed by ActionStation members. They are photos taken from supermarkets all around the country:



We have the permission of the submitters included for us to make this submission on their behalf. We also have the contact details of each individual should you wish to follow up with anyone.

Based on our experience with this submission process, and the engagement from our members on this topic, we ask that the Advertising Standards Authority implement much stronger regulations of marketing of unhealthy food and drink to children in all areas of advertising, with a specific focus on the physical placement of advertising to kids including in supermarkets, and in communities through local sports and school sponsorship.

There is already strong agreement of experts within the public health and medical communities in New Zealand about the restriction of unhealthy food marketing as one of the top priorities to tackle childhood obesity.⁵ By leading the way in New Zealand, you could help us become world leaders in children's health and encourage advertisers to do the right thing.

Attached to this submission for your consideration, as well as our members' submission in full, you will find a petition signed by 6,063 New Zealanders who want stronger restrictions too.

Thank you for your time and consideration of our people-powered submission. I look forward to speaking to my submission on behalf of ActionStation in a formal hearing.

Kind Regards,



Marianne Elliott,
National Director, ActionStation
marianne @actionstation.org.nz

⁵ ["Getting serious about protecting New Zealand children against unhealthy food marketing"](#) (Page 37)