

Children's Food Campaign: Consultation response

In light of the impact of Modified Package 1 in particular on the revenues of music channels, Ofcom is seeking views on Modified Package 1 in so far as it extends the restrictions contained in Package 1 to children up to 16.

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I am pleased to submit a response to the above consultation on behalf of the Children's Food Campaign which is co-ordinated by 'Sustain: the alliance for better food and farming' (please see www.childrensfoodcampaign.org.uk). A draft of this response was circulated for comment to all 172 national organisations that support the Children's Food Campaign.

We remain deeply disappointed that Ofcom's conclusions on high fat, salt and sugar (HFSS) food advertising continue to balance the economic health of broadcasters against the physical and mental health of children, and so rejected a 9pm watershed for HFSS food advertising. It continues to be the view of the Children's Food Campaign that a 9pm watershed is the most proportionate and effective way of protecting children from HFSS food adverts.

However, we strongly welcome the use of the scientifically robust Nutrient Profiling model within Ofcom's conclusions, and the change in age of children covered. Our reasons for this are outlined in the rest of this submission.

Introduction

We applaud Ofcom for making the sensible decision to extend its recommendations to children under 16 rather than children under 10.

This decision:

1. is in-line with other generally accepted definitions of childhood;
2. protects the children most at risk of obesity;
3. has a relatively small effect on music broadcasters;
4. is in-line with government policy.

1. Definition of childhood

The generally accepted definitions of childhood place the upper age limit at somewhere between 16 and 18. In particular it should be noted that the United Nations Convention on the Rights of a Child defines children as aged under 18, as does the remit of the National Children's Bureau.

The 2003 Communications Act set out Ofcom's responsibility for sponsorship and advertising, and stated that Ofcom has a remit to ensure "that persons under the age of eighteen are protected" from sponsorship and advertising.¹

As such, Ofcom has a statutory responsibility to protect young people under 18 from advertising which threatens their health, and we believe that there is sufficient evidence to require Ofcom to protect at least all children under 16 from junk food advertising.

2. Children most at risk

Extending the ages covered by restrictions to children aged 16 will also mean that the new advertising rules will offer greater protection for the children most at risk of developing diet-related ill health.

Nearly twice as many children aged 11 to 15 are obese than children aged 10 and under.² In light of the level of obesity among this age group, and the proven impact of junk food advertising on them, it would be appropriate to extend restrictions on advertising to the under 16s.

Older children also exercise more control over their own diets. They are more able to purchase HFSS food and drink themselves and hence junk food advertising has a potentially more significant direct impact on older children's purchase behaviour.

Recent evidence has suggested that dietary quality declines from childhood to adolescence, perhaps due to the greater control they have over their diets. The 2000 National Diet and Nutrition Survey for young people aged 4 to 18 found that older children had poorer diets, consuming chocolate and sugar confectionary, sugary soft drinks and salt in significantly greater quantities than younger children.³ Older children also influence the preferences and purchases of their younger siblings, resulting in junk food advertising to older children having an indirect impact on younger children.

Finally, we note that Professor Sonia Livingstone's Literature Review, commissioned by Ofcom, recognised that, although older children understand the intent of advertising, they are no less susceptible to the influence of HFSS food advertising than younger children.⁴ We note Professor Livingstone's comments at the Westminster Diet and Health Forum in June 2006 that although older children have a different relationship with advertising, it does not mean they are less influenced by it.

3. Effect on music broadcasters

Ofcom estimates that the total loss to music channels of 'modified package 1' would only be between £2.1m and £2.7m per annum, a 1.9% loss in total revenue.⁵ The

¹ United Kingdom, Communications Act (2003), Section 319 (2) (a)

² National Audit Office, Healthcare Commission & Audit Commission, *Tackling Childhood Obesity – First Steps* (The Stationery Office, 2006) available at: www.healthcarecommission.org.uk/assetRoot/04/02/44/68/04024468.pdf

³ J. Gregory et al., *National Diet and Nutrition Survey: young people aged 4 to 18 years* (The Stationery Office, 2000)

⁴ Sonia Livingstone, 'New Research on Advertising Food to Children', *Television Advertising of Food and Drink Products to Children* (Ofcom, 2006), Annex 9

⁵ 'Impact Assessment', *Consultation on Television Advertising of Food and Drink to Children* (Ofcom, 2006) Annex 7

impact of this loss on the UK's broadcasting industry would be minimal given that music channels are not major investors in original British-made programming. This is a small price to pay when compared with the cost of obesity and diet-related ill health to the nation.

4. Government policy

We note that Government policy has been misrepresented in some quarters as concentrating solely on primary school aged children. As has been pointed out by officials on several occasions, although Minister for Public Health Caroline Flint MP has said the Government is primarily concerned with younger children, its policy recognises that diet-related ill health is a problem for children of all ages.

Because the effects of Ofcom's 'modified package 1' (or, for that matter, a 9pm watershed for HFSS food adverts) will be felt most strongly among primary school aged children, although older children will receive protection as well, it is squarely in-line with Government policy.

5. Content Rules

Given Ofcom's welcome recognition that the new rules should cover children aged under 16, and not under 10, we are disappointed that the proposed changes to the content code do not reflect this.

Ofcom decided to extend the scope of its recommendations to include all children under the age of 16 "after considering all available evidence".⁶ There is no evidence older children are not susceptible to advertising methods featuring licensed characters, celebrities, promotional offers and nutritional and health claims. As an 'evidence based regulator', we would expect Ofcom to make recommendations on content rules which are based on the available evidence.

Therefore it is illogical that Ofcom has recommended content rules which would apply to advertising directed at primary school children but not at children under 16. It would be logical, and help parents by increasing transparency, if the content rules applied to advertisements for HFSS products were extended to cover adverts aimed at children under 16, in-line with Ofcom's 'modified package 1'.

Conclusion

We are deeply disappointed that Ofcom has decided not to support a 9pm watershed for junk food TV adverts, which we continue to believe to be an important and cost effective policy measure to improve children's diet-related health. We believe that time will show the ineffectiveness of 'modified package 1', and are keen for Ofcom to publish a transparent research programme to assess the effect of the new rules on children's exposure to HFSS food adverts.

However we are pleased that Ofcom has recognised that Nutrient Profiling is a suitable basis for regulation and that what protections do exist should be extended to children under the age of 16. Therefore, we support Ofcom's change to its 'modified package 1', with the stated caveats.

⁶ *Television Advertising of Food and Drink Products to Children* (Ofcom, 2006)