



HEART OF MERSEY RESPONSE TO:

Ofcom consultation on Television Advertising of Food and Drink Products to Children. Statements and further consultation.

15 December 2006

ABOUT HEART OF MERSEY

Heart of Mersey (HoM) is a coronary heart disease prevention charity primarily funded by the primary care trusts (PCTs) and local authorities (LAs) across Greater Merseyside. HoM works in partnership with a wide range of partners to achieve its aims. HoM aims to co-ordinate a strategic approach to tackling the high rates of heart disease and associated inequalities in Greater Merseyside. Heart of Mersey is working to achieve its aim through advocacy, campaigns, information and research.

Summary

HoM welcomes the opportunity to respond to the second round of consultations regarding Television Advertising of Food and Drink Products to Children.

Regulatory objectives

- HoM warmly welcomes Ofcom's decision to extend the scope of its first objective to include all children under the age of 16.

Regulatory measures

- *Content standards:* HoM strongly agrees with the decision to confine scheduling restrictions for food and drink products that are assessed as high in fat, salt or sugar (HFSS) as defined by the Food Standard's Agency's nutrient profiling scheme.
- *Pre-9pm restrictions:* HoM agrees that advertisements for HFSS products should not be shown in or around programmes of particular appeal to children, and therefore reiterates the calls made in its June response that restrictions should apply to all advertisements before the 9pm watershed.

Rules on advertising practices

- HoM fully supports restrictions on brand advertising associated with HFSS products and strongly recommends the adoption of the proposed meant nutrient profile (Annex 5) in determining brands which should be restricted.
- Ofcom has acknowledged that the definition of a child for advertising and marketing purposes has consistently been anyone under 16. HoM strongly urges Ofcom to be consistent and recommend the adoption of this definition for all rules that apply to food advertisements.

Full response

Consultation question

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.

Objective 1, extension of scope to include all under 16s: HoM welcomes Ofcom's decision to extend the scope of its first objective to include all children under the age of 16. As Ofcom acknowledges, for many decades the definition of a child for advertising and marketing purposes has been anyone under 16, while the FSA review of advertising to Children took the same view (section 5.9).

Objective 3, impact on broadcasters: HoM wishes to reiterate the point made in its previous response that the purpose of this review is to help tackle the growing problem of childhood obesity; as such the public interest objective of protecting children's health should be the main priority and should not be 'balanced' against "*avoid[ing] disproportionate impacts on the revenue of broadcasters.*"

Objective 4, intrusion into adult airtime: As stated in the previous response, HoM feels strongly that the need to "*avoid intrusive regulation of advertising during adult airtime*" must take into account the over-riding priority to protect children's health. This priority to protect children's health should apply at times when both adults and children are watching.

Specific comments on the modified package 1:

HoM welcomes the broad principles of the modified package 1, insofar as:

- It will restrict the advertisement of HFSS foods, whilst allowing the promotion of healthier foods which the consultation document notes, could help to mitigate the effects on broadcasters of the restrictions on HFSS foods.
- It will adopt the FSA nutrient profiling scheme.
- It will protect all children under the age of 16 years.

However, HoM is disappointed at Ofcom's failure to go for pre-9pm restrictions on HFSS foods. HoM strongly feels that this is the only viable option for effectively tackling the harmful effects of HFSS advertising to children for the following reasons:

- Ofcom's analysis of what children watch on television clearly demonstrates that almost 80% of time spent watching television by 10-15 year-olds is outside children's airtime. Among younger children this figure is 57.3%.
- As the Ofcom's consultation documents note, the estimated the effects of a ban on advertising of HFSS foods in terms of the long term health and social benefits to children range from £203-811pa (VOL). We are puzzled as to why these estimates have been revised downwards from £245-£990pa in the summer documents. Nevertheless, regardless of which figures are used, these conservative estimates EXCLUDE the considerable health benefits likely to accrue to adults from not being exposed to HFSS foods before 9pm. Although the benefits are outside the remit of the intended policy, the benefits have a higher relative impact than for children as the period to discount before the benefits are reaped will be shorter.
- If, costs to adults are to be included in the argument for disproportionality, as in the consultation document, it would be consistent to include their substantial health benefits.

- It is unclear why the October consultation document has revised the costs of not advertising HFSS foods before the 9pm watershed in terms of loss of broadcasting revenue upwards from £103-£166 million per annum in the summer document to £184-£224pa. As Ofcom notes that restrictive legislation is likely to lead to a replacement with non-HFSS food and drink advertisements, for which there is likely to be increasing demand.
- There is strong opinion and demand for a pre-9pm ban on all HFSS advertising. Earlier this year consumer organisation, Which? found 79% of parents in favour of restricting advertisements for unhealthy foods during times that children are most likely to be watching.¹ Ofcom's own research showed that parents who expressed an opinion were 2:1 in favour; and research by the British Heart Foundation in March 2006 demonstrated that 68% of parents supported pre-9pm restrictions compared to a mere 7% against.²
- The October consultation document notes (5.61) participants in the deliberative workshops raised the concern that package 1, in the absence of a blanket 9pm watershed ban "*would still allow HFSS advertisements during times when the largest numbers of children and young people watch television.*"
- The October consultation document notes the strong support for this option on public health grounds from the Office of the Children's Commissioner and Scotland's Commissioner for Children and young people, and the Food Standards Agency.

Rules on advertising practices

- HoM fully supports restrictions on brand advertising associated with HFSS products. HoM strongly recommends the adoption of the proposed meant nutrient profile (Annex 5) in determining brands which should be restricted.
- Ofcom has acknowledged that the definition of a child for advertising and marketing purposes has consistently been anyone under 16. HoM does not therefore understand or agree with the logic applied in restricting some of the rules that apply to advertisements that occur during scheduled television to primary aged children. HoM therefore strongly urges Ofcom to reconsider this position and adopt a consistent definition of children as being those individuals who are aged 16 and under, for both content and scheduling rules.

¹ A survey of 815 parents of 0-16 year olds in Great Britain conducted between 9 February and 7 March 2006.

² Online survey by TNS conducted 9-15 May among 838 British adults aged 16-64 who are parents of children aged 0-17.