



Caxton House
Room 306
6-12 Tothill Street
London
SW1H 9NA
T. 0207 273 4783
F. 0207 273 4841
[E.info@sft.gsi.gov.uk](mailto:info@sft.gsi.gov.uk)

www.schoolfoodtrust.org.uk

Further response to Ofcom consultation on 'Television advertising of food and drink products to children'

Dr Michael Nelson
Head of Research
School Food Trust

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The School Food Trust welcomes the proposals from Ofcom regarding television advertising of food and drink products to children, but is concerned that the measures do not go far enough to make a significant impact on children's health.

On 28 June 2006, we summarized the views of the SFT as follows:

We support the principle of universal restrictions of advertising of foods high in fat, sugar and salt (HFSS) to all children. We therefore welcome Ofcom's consultation on television advertising of food and drink products to children.

We do not accept the packages for restriction proposed by Ofcom. We have therefore, under our response to question 13, set out our preferred package.

School Food Trust proposed package for regulating television advertising of food and drink to children

1. There should be no food or drink advertising, promotion, product placement or sponsorship in programmes made for preschool children.
2. The BCAP standards should be revised in light of the comments made in the annotated Annex attached (see original submission).
3. There should be no HFSS advertising, promotion, product placement or sponsorship before 9 pm.
4. The rules should apply to all terrestrial, web-based, cable and satellite television broadcasting.

In relation to the specific proposals dated 17 November 2006 and the issues raised for consultation, the School Food Trust has the following responses:

1. The School Food Trust maintains its position in relation to HFSS advertising set out in our previous response and summarized above.
2. The SFT further proposes that brand advertising (in the absence of product advertising) for companies whose products are primarily associated with HFSS foods should also be subject to a pre-9pm ban.
3. We welcome the proposed extension of the age range for restriction of HFSS advertising to include children aged 10-15 as well as those aged 4-9.
4. It is not clear how “programmes of particular appeal to children” is defined. If it is defined in terms of the proportion of children watching, the definition will not include many programmes that are watched by both children and adults (e.g. “nature” programmes, popular early evening soap operas). The advertisers’ argument that adults have a right to view HFSS advertising should be waived in favour of the gains accruing to children’s health. There is no evidence to support the advertisers’ position that the impact of an advertisement for HFSS foods on children is modified if viewed in the presence of an adult. Nor is it justifiable to argue that it is the responsibility of parents to modify the impact, as many children will view such programmes without an adult being present.
5. The difference in impact between the original Package 1 and the Modified Package 1 is minimal, yielding only minor further reductions in the HFSS impacts on children. There is no strong case for preferring Modified Package 1, and we reject it as the basis for modification of HFSS advertising to children.
6. The definition of “efficiency” appears to be predicated solely on the need for advertisers and broadcasters to maintain their income specifically in relation to an adult viewing audience. It is calculated purely in terms of existing advertising profiles. It fails to take into account likely shifts in profiles that would occur should, for example, a 9 pm ban on HFSS advertising be imposed. It is therefore fundamentally flawed and should not provide the basis for judging the extent to which advertising to adults will be affected adversely.
7. In the absence of other evidence, it appears that Ofcom is using “efficiency” as the guiding principal underlying its decision making in reference to the concept of “proportionality”. It ignores the absolute gains in quality of life and value of life, which are maximized under the pre-9pm ban, and which would therefore have the greatest likely impact on child public health, albeit at the greatest estimated revenue loss. Ofcom’s proposed adoption of Modified Package 1, by their own calculation, has only half the benefits that would accrue in quality of life and value of life if the pre-9pm ban on HFSS advertising were imposed. Thus, it would appear that Ofcom’s decision is itself disproportionate, in that it appears to favour the interests of advertisers and broadcasters over the interests of public health. If an element of proportionality were to be introduced in the decision making process, it would favour Option 6 over Modified Package 1, in that it results in gains in public health more than halfway between Modified Package 1 and the pre-9pm ban.