

From: webform@ofcom.org.uk
Sent: 15 December 2006 11:44 AM
To: foodadvertising
Subject: Responding to the Food Advertising Further Consultation

Title:

Ms

Forename:

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Name and title under which you would like this response to appear:

Professor Brian Ratcliffe, Honorary External Affairs Officer

Representing:

Organisation

Organisation (if applicable):

The Nutrition Society

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What do you want Ofcom to keep confidential?:

Keep nothing confidential

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Ofcom should only publish this response after the consultation has ended:

You may publish my response on receipt

Question 1: 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. :

The Nutrition Society welcomes Ofcom's current position and appreciates the progress that has been made during the consultation process towards developing a mutually beneficial strategy. The Society is also supportive of Ofcom's modification to Package 1 in order to encompass programming aimed at, and of specific interest to children up to 16 years old, and the proposal of Options 5 and 6 which incorporate this extension. To reiterate comments made by the Society in response to the July 2006 consultation, the Society feels that children aged 10-15 years are more likely to be making purchases independently of their parent than children under 10 and therefore they do require this 'protection from persuasive advertising'.

In response to Options 5 and 6, whilst we appreciated that the costs are greater than the predicted benefits in the proposed Option 6, the Society is of the opinion that Ofcom's reasoning for not choosing Option 5 in preference to Modified Package 1 are not robust enough, given that there is an additional 5% reduction in HFSS impacts predicted by the application of Option 5 and that the monetised benefit is still greater than the cost.

Additional comments:

The Nutrition Society welcomes the decision to adopt the Food Standards Agency Nutrient Profiling model to restrict the advertising of HFSS foods only. However, the Society reiterates that there is a lack of continuity from the proposals suggested by the FSA and subsequently Ofcom. Ofcom refers to foods high in fat, salt and sugar, whereas the FSA guidance on nutrient profiling examined energy density, which is different. Thus "foods high in energy, salt and sugar (HESS)" would be more accurate than HFSS. From the analysis provided in this consultation paper, the Society assumes that the 3.2% difference in maximum lost revenue predicted between Package 1 and Package 2 would be accounted for by non-HFSS foods. This provides evidence that manufacturers do already advertise some non-HFSS foods and therefore there is scope to increase advertising of these foods. The Society also feels that by not restricting all food advertising to children, manufacturers may be encouraged to reformulate their products so they meet the criteria of non-HFSS foods. If this does occur, the Society questions whether Ofcom has taken into consideration that the cost may not be as substantial as currently predicted and the benefits may also be greater.

The Society is supportive of Ofcom's aim to implement restriction early in 2007, and also appreciates the need to for dedicated children's channels to have a longer implementation period. The Society does however have a slight concern that allowing dedicated children's channels to be showing up to 50% of the minutage recorded in 2005 throughout 2008 is excessive when, essentially, a complete ban is expected after 31st December 2008.

As a total ban on all advertising of HFSS foods is not currently an option, the Society feels that regulating the content of advertising of such foods is of great importance and anticipates the further consultation on this matter. At present the Society is supportive that revised content rules will apply to all food and drink advertising irrespective of scheduling (1.16), however questions why restriction on the use of 'the most persuasive techniques' (6.42g) (celebrities, licensed characters and promotional offers and nutrition and health claims) in HFSS food advertising should be limited to advertising targeted at primary school children. Celebrities and licensed characters will still be recognisable to

younger children if featured in advertising not directly targeted at them and the Society feels that this would be a loophole for manufacturers in targeting younger children. Also, the Society is concerned that manufacturers should be able to make health claims in HFSS food advertising aimed at older children, who are more likely to understand the benefit being portrayed than the younger child, and therefore is more likely to result in a purchase. However the Society's main concern with regards to the regulation of content is that the restrictions being discussed are in adverts directly targeting children. The Nutrition Society is of the opinion that one of the key content regulations should be that manufacturers should not be allowed to target children, of any age, in advertising of HFSS foods.

It has been understood from the consultation document that Ofcom does not perceive a Pre-9pm ban as a viable option at present either, however the Society recommends that the implementation of the final proposal is monitored and evaluated into the future and that the possible use of a 9pm watershed is reviewed in the light of the emerging evidence.