

# **New restrictions on the television advertising of food and drink products to children**

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**Ofcom CEO – Ed Richards**

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## Ofcom's statutory role

- Independent regulator accountable to Parliament
- Statutory duties to set advertising standards in order to protect audiences in general and children in particular
- Statutory duty to secure television programmes of high quality and wide appeal
- Co-regulatory relationship with the Broadcast Committee of Advertising Practice (BCAP) and the Advertising Standards Authority (ASA)

## Timeline

- December 2003: Secretary of State for Culture, Media and Sport asked Ofcom to “consider proposals to strengthen the rules on food and drink advertising to children”.
- July 2004: Ofcom research concludes that:
  - television advertising effects on childhood food preferences are modest when compared to other factors such as parental influence, school policy and exercise; however
  - given modest direct effects and a larger but unquantifiable indirect effect, new restrictions are warranted and necessary
- Health White Paper November 2004
- Nutrient Profiling scheme by Food Standards Agency in December 2005
- Ofcom published proposals for consultation in March 2006:

## New restrictions

- The Ofcom Board has decided that:
  - Ofcom’s regulatory objective is to reduce significantly the exposure of children under 16 to advertising of food and drink products high in fat, salt and sugar (HFSS)
  - Balancing this objective against its statutory duties to secure television programmes of high quality and wide appeal
  - Restrictions to be targeted at HFSS food and drink product advertising using the Food Standards Agency Nutrient Profiling model

## New restrictions

- The Ofcom Board's preferred approach is:
  - a total ban on HFSS food and drink advertisements in all programmes “of particular appeal to children under the age of 16”, broadcast at any time of day or night on any channel,
  - including total ban in all pre-school children's programming, all children's programming and dedicated children's channels
  - ban would remove HFSS advertising in or around all children's, youth-oriented and adult programmes which attract a significantly higher than average proportion of viewers under the age of 16

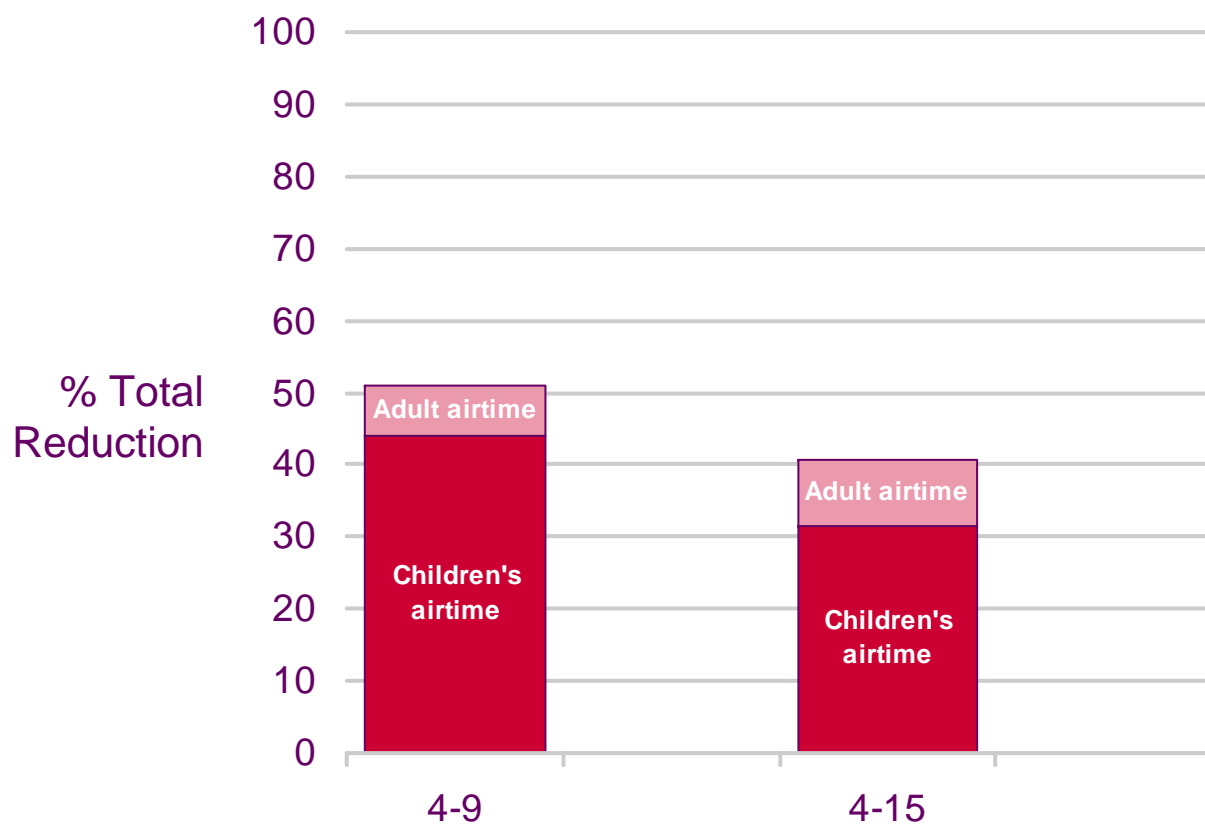
## New restrictions

- This would represent an important enhancement of the level of protection for children:
  - builds on the Ofcom Board's preferred package (Package 1) from the consultation, banning advertising of HFSS products to children up to the age of 9
  - extending the focus to under-16s would capture more programmes on a wider range of channels
- Ofcom is therefore seeking views on this enhancement through a short and focused consultation:
  - will close before Christmas
  - final determination published by end January 2007

## New restrictions

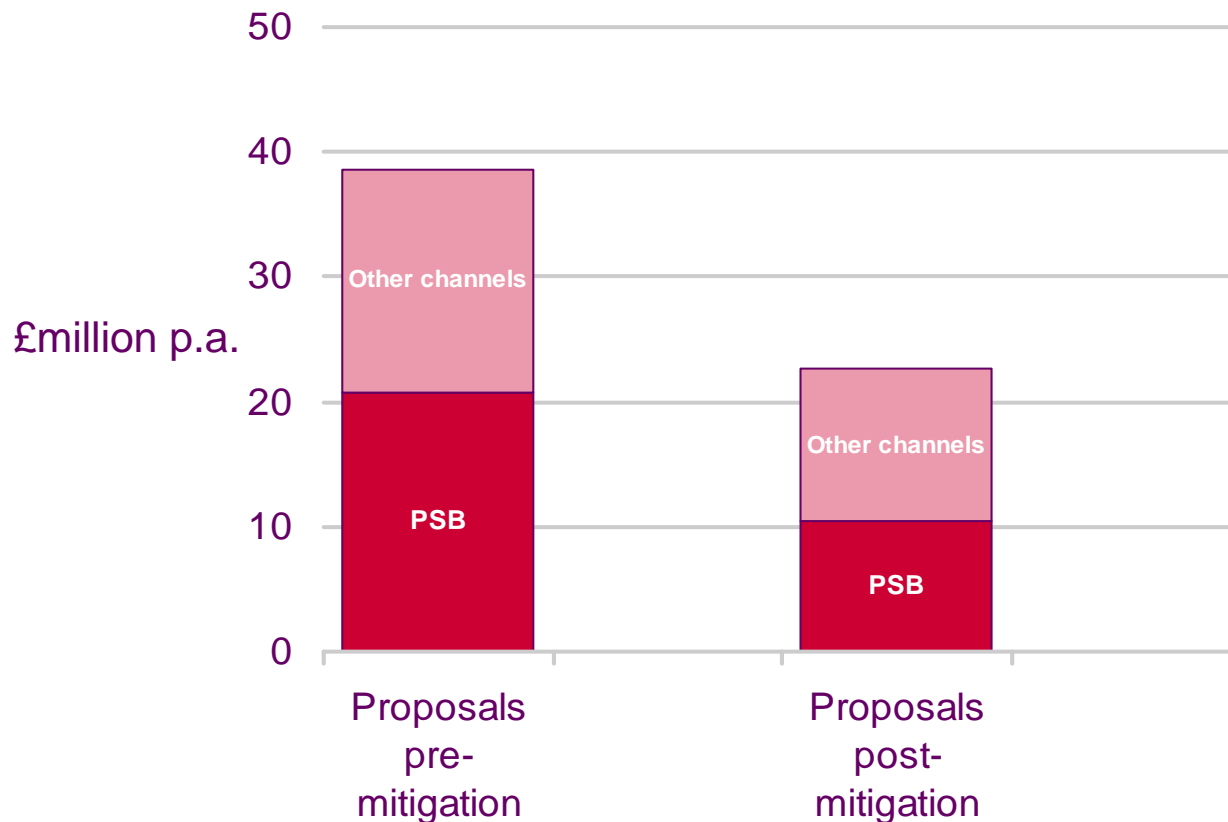
- Ofcom Board has also put forward:
  - General content rules cover responsible advertising to all children at all times
  - Additionally, new content rules for television advertisements targeted at primary school children
  - Ban on advertisements using:
    - celebrities and characters licensed from third-parties (such as cartoons)
    - promotional claims (such as free gifts)
    - health or nutrition claims
- Restrictions on product advertising also apply to product sponsorship

## Reductions in HFSS advertising impacts



Source: Ofcom analysis, Broadcasters' returns to Ofcom

## Estimated costs to broadcasters – Ofcom proposals



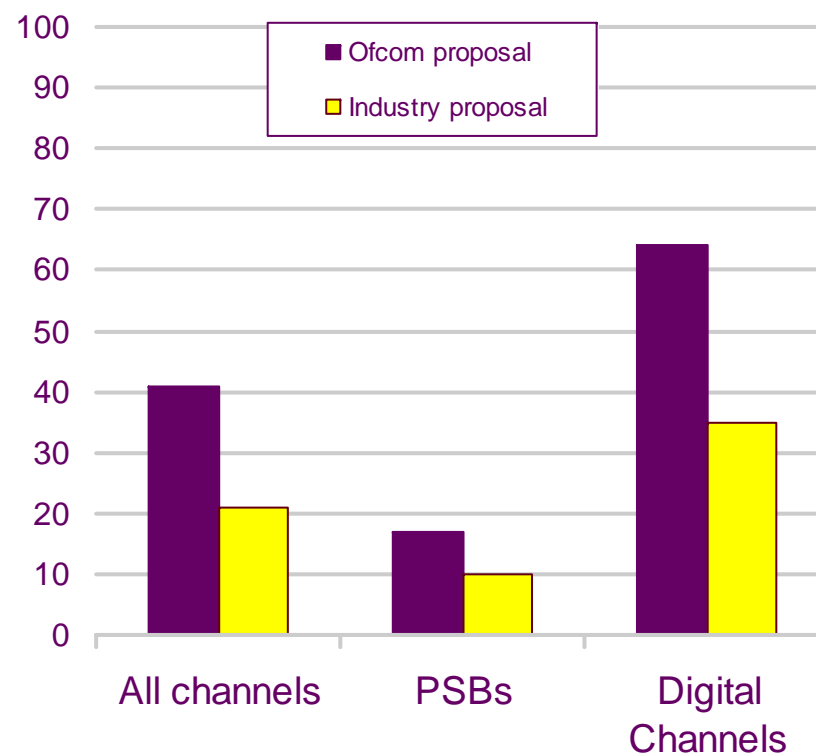
Source: Ofcom analysis, Broadcasters' returns to Ofcom

## Other options considered but not adopted

- Joint proposal submitted by advertisers and broadcasters seeking to impose some limits on food and drink advertising
  - Did not seek to target HFSS. Instead, proposed:
    - ban on all food and drink advertisements in pre-school programming
    - ban on all food and drink advertisements in programmes made for children on general interest channels
    - volume reduction to 30 seconds per hour on all other channels
    - application of content rules
- 9pm watershed ban proposed by many consultation respondents including Food Standards Agency, the Children’s Commissioner, consumer bodies, health organisations and individuals
  - Would remove all HFSS advertising from all channels before 9pm

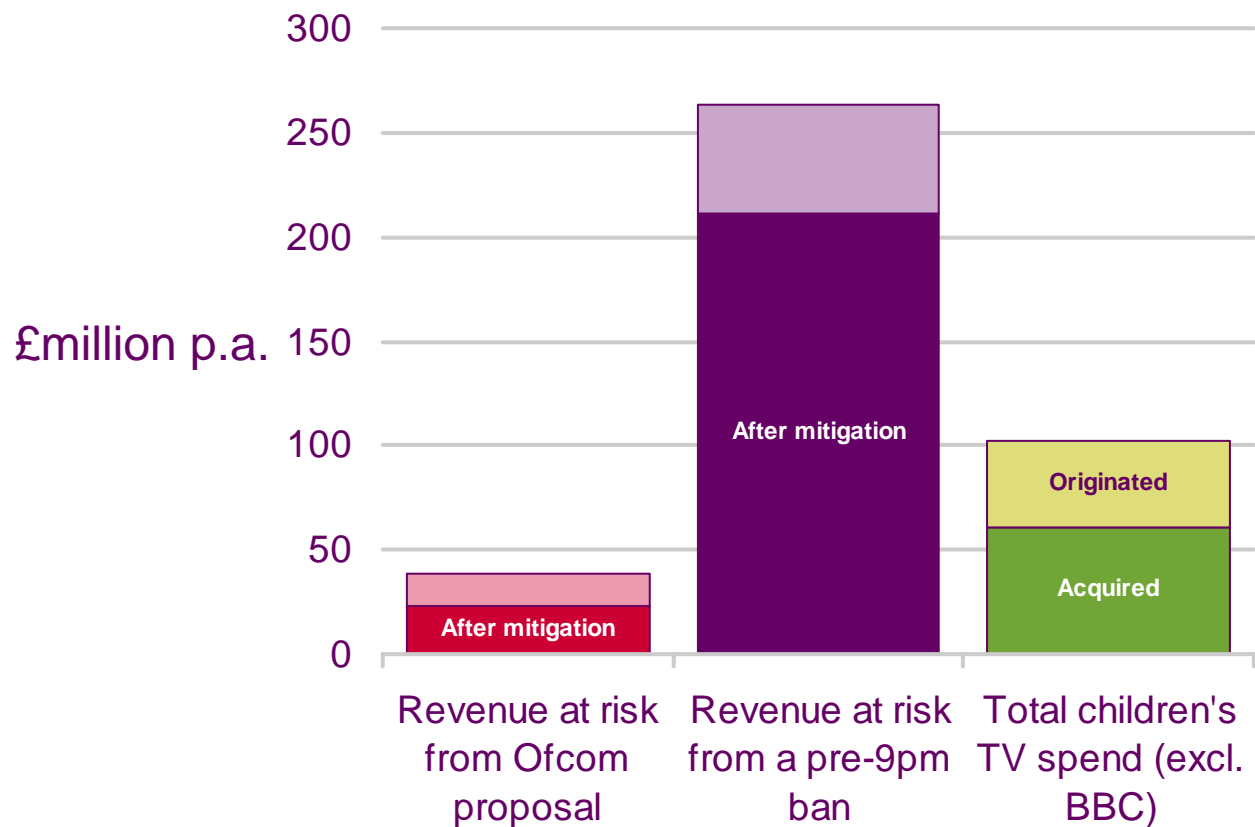
## Option 4 effect

Percentage impact reduction by channel type



Source: Ofcom analysis

## The scale of potential revenue losses from pre-9pm



Source: Ofcom analysis, Broadcasters' returns to Ofcom

## Other key issues

- International broadcasters transmitting from the UK to audiences overseas
- Products not brands
- An incentive based approach – supports healthy food and reformulation
- Collaboration with the spirit and intention
- Review within two years

## Timing

<b>Content rules take effect for all new advertising campaigns</b>	<b>by end of January 2007</b>
<b>Changes to scheduling rules take effect</b>	<b>end of March 2007 - before Easter</b>
<b>All advertising to conform to new content rules</b>	<b>end of June 2007</b>
<b>Restrictions for dedicated children's channels</b>	<b>phased in over 24 months to end of 2008</b>
<b>Ofcom review of effectiveness and scope</b>	<b>starts autumn 2008</b>