

**Ofcom Consultation on the Broadcasting Code Review: Commercial references
in television programming
September 2010**

Response from the Children's Food Campaign

Introduction

The Children's Food Campaign aims to improve young people's health and well-being through better food – and food teaching – in schools and by protecting children from junk food marketing. We are supported by over 150 national organisations and a draft of this response has been circulated for comment to all supporting organisations. The Children's Food Campaign is co-ordinated by Sustain: the alliance for better food and farming (for more information see www.childrensfoodcampaign.org.uk).

Our concerns

In the Department of Culture, Media and Sport's consultation which closed on 8 January 2010, the Children's Food Campaign opposed product placement of high fat, salt or sugar (HFSS) food and drink products on television because it would increase children's exposure to marketing for these products. A diet rich in HFSS foods increases the risk of a wide range of non-communicable diseases, including those directly related to overweight and obesity. Figures published in 2008 by the National Child Measurement Programme in England shows that by the time children reach Year 6 (age 10-11), almost one-third, 32.6%, are overweight or obese.¹

Marketing for HFSS foods contradicts all the messages about healthy eating that children receive, undermining their ability to choose better food and their parents' efforts to feed them healthily. Food marketing has been shown to have an impact on children's food preferences, purchase behaviour and consumption at both brand and category levels and these effects are independent of other factors. Such marketing works by directly influencing children's food preferences, and also – more powerfully – by indirectly influencing what family and friends consider to be a 'normal' diet.²

Evidence from the US suggests that manufacturers of HFSS food and drink products would, in the absence of regulation, be likely to take advantage of product placement to promote their products. Figures from the first six months of 2008 show that Coca-Cola was the company paying for the most placements, accounting for more than 30% of all placements by the top ten companies paying for product placement³.

By its nature, product placement allows marketing to be integrated into programmes, and is not always recognisable. As a result, it would be even more problematical (and probably impossible) for parents to protect their children from product placement marketing of HFSS products, compared to the already difficult challenges they face from children's exposure to traditional spot advertising. Studies show that children

¹ NHS (2008) *National Child Measurement Programme. 2007/08 school year headline results.* December 2008. NHS Information Centre

² Hastings et al. (2003) *Does food promotion influence children? A systematic review.* Food Standards Agency

³ Nielsen (2008) *News release: Product placements decline by 15% in first half, Nielsen reports.* New York

are particularly susceptible to embedded brand messages because these operate at a subconscious level. Research has shown that counter-balancing initiatives such as addressing children's media literacy would be ineffective in addressing this⁴.

We therefore welcome provisions in the Regulations that prohibit product placement of "food or drink high in fat, salt or sugar" and the clarification in this consultation that "HFSS products are defined by the nutrient profiling scheme which was devised by the UK's Food Standards Agency for use by Ofcom."

We understand that this is a wide ranging consultation, but this submission limits its comments to the issues of food and diet, which are the remit of our campaign. It also builds on our response to last year's consultation on the DCMS Consultation on Product Placement on Television.

Consultation questions

Proposal 4: Thematic placement

4.1 Do you agree that clarification that thematic placement is prohibited is appropriate? (See proposed Rule 9.10). If not, please explain why.

Yes, we agree that thematic placement (where a funder could pay for a plot line or theme within a programme) should be prohibited as it could otherwise be used to promote unhealthy behaviours, such as the consumption of unhealthy food or drink products.

4.2 Do you agree with Ofcom's proposed description of thematic placement? (See proposed Rule 9.10). If not, please explain why, and suggest drafting changes, if appropriate.

Yes, we agree with the proposed description of thematic placement, and the provision that this does not extend to the legitimate coverage of issues in a programme (such as a public health message in a soap) which may be created through liaison with relevant public services working in the public interest.

Proposal 6: Additional prohibited categories

6.1 Do you agree that it is appropriate to prohibit the placement of those products and services that are not allowed to be advertised on television? (See proposed Rule 9.15). If not, please explain why.

Yes

⁴ Russell, C.A. (2002) Investigating the effectiveness of product placement in television shows: The role of modality and plot connection congruence on brand memory and attitude. *Journal of Consumer Research*, 29, pp.306-318; Law S.; Braun, K.A. (2000) I'll have what she's having: Gauging the impact of product placement on viewers. *Psychology & Marketing*, 17, pp.1059-1075; Moore, E.S., Lutz, R.J. (2000) Children, advertising, and product experiences: A multi-method inquiry. *Journal of Consumer Research*, 27, pp.31-48; D'Astous, A., Chartier, F. (2000) A study of factors affecting consumer evaluations and memory of product placements in movies. *Journal of Current Issues and Research in Advertising*, 22, pp.31-40; Auty, S., Lewis C. (2004) *Psychology & Marketing*. 21 (9) pp.699-716

6.2 Do you consider that the wording of proposed Rule 9.15(f) is appropriate? If not, please explain why, and suggest drafting changes, where appropriate.

Yes

6.3 Do you agree that it is unnecessary to apply advertising scheduling restrictions to product placement? If not, please explain why.

While we welcome the prohibition of HFSS products from placement under the Regulations, we are concerned that, unlike the advertising scheduling restrictions, they apply only to UK-made programmes. Many TV programmes that children see originate from outside the UK, and under the product placement restrictions would be permitted to include placed HFSS products.

Some of these programmes are covered by the advertising scheduling restrictions, for example *The Simpsons*; but others fall outside the scheduling restrictions which the product placement prohibitions seek to cover, including *American Idol* which in the first six months of 2008 in the US contained 4,636 product placements, including a high number of placements for Coca-Cola⁵. In order to provide comprehensive protection to children from placement of HFSS products, a restriction on product placement in all programmes shown before 9pm should be applied.

6.5 Please identify any areas of this proposal which, if it is accepted, you consider Ofcom should issue guidance on.

We call upon Ofcom to issue guidance on the use of brand imagery in product placement. For example, in the US-made programme *American Idol*, contestants are shown waiting on a “Coca-Cola couch” (see illustration below).



Source: <http://money.howstuffworks.com/product-placement.htm/printable>

⁵ Nielsen (2008) *News release: Product placements decline by 15% in first half, Nielsen reports*. New York

Proposal 8: Sponsor references (product placement) within programmes

8.1 Do you consider that it is appropriate to allow sponsors to product place in programmes they are sponsoring? If not, please explain why.

As long as the placement of the products with which we are concerned (HFSS food and drinks) remain prohibited under the Regulations, we would not press for a continued restriction on sponsors placing products in programmes they are sponsoring. However, this position is based on our understanding that sponsors that are a HFSS brand (which may legally sponsor a programme) will not be permitted to place its (HFSS) products within the programmes it sponsors. We recommend that Ofcom clarifies this issue.

8.2 Please identify any potential impacts of Ofcom's proposal that you consider should be taken into account, and provide evidence, wherever possible.

It is possible that this proposal may encourage a company to sponsor a programme using a food or drink product which is classified as "healthy" (rather than "less healthy") by the nutrient profiling scheme because it gives them the advantage of being able to place the sponsoring product in the programme to reinforce product awareness. If this was to happen, it could have public health benefits by shifting the balance of sponsorship and advertising, and consequently consumption, towards healthier products.

Proposal 10: Allowing sponsorship credits during programmes

10.1 Do you consider that it is appropriate for sponsorship credits to be broadcast during programmes? (See proposed Rule 9.25). If not, please explain why.

We do not consider it appropriate for sponsorship credits to be broadcast during programmes when the sponsor is a prohibited product e.g. a HFSS food or drink. If this were to happen, it would be a direct conflict with the Regulations' intention of prohibiting the placement of certain products.

In addition, we draw Ofcom's attention to our response to question 6.3 which identifies the exception of programmes made outside the UK from the Regulations, and recommends that a restriction on HFSS food and drink product placement in all programmes shown before 9pm be applied.

10.4 Please identify any potential impacts of Ofcom's proposal that you consider should be taken into account, and provide evidence to support these, wherever possible.

When the sponsor is a HFSS product, allowing sponsorship credits to be broadcast during programmes will result in an increased exposure of viewers, including children, to additional marketing for HFSS products. Our concerns about this are explained above.

Proposal 11: Content of sponsorship credits during programmes

11.1 Do you consider that it is appropriate to limit the content of sponsorship credits broadcast during programmes? (See proposed Rule 9.27). If not, please explain why.

As explained above, we feel strongly that it is inappropriate for sponsorship credits to be broadcast during programmes where the sponsor is promoting a prohibited product, such as a HFSS food or drink. However, in a highly concerning scenario in which they were permitted, we consider it would be vital to limit the content of sponsorship credits broadcast during programmes to neutral statements and graphics that must "not include any advertising messages, calls to action or any other information about the sponsor, its products or services".

Proposal 14: Rules prohibiting surreptitious advertising

14.1 Do you consider it is appropriate to include a rule prohibiting surreptitious advertising? If not, please explain why.

We strongly support the inclusion of a rule prohibiting surreptitious advertising, as without such provision, advertisers might seek to promote prohibited products such as HFSS food and drinks through this means.

14.2 Do you consider that the wording of the proposed rule and meaning is appropriate? (see proposed Rule 9.3). If not, please explain why, and suggest drafting changes, where appropriate.

We consider that the wording of the proposed rule and meaning is appropriate.

Proposal 15: Removal of the virtual advertising rule

15.1 Do you consider that it is appropriate to remove the virtual advertising rule? If not, please explain why.

As long as the placement of the products with which we are concerned (HFSS food and drinks) remain prohibited under the Regulations, and given the fact that virtual advertising would now fall within the definition of product placement, we would not press for the continued inclusion of the virtual advertising rule.