

Examination of food marketing and potential regulatory strategies both in the US and abroad.



Controlling marketing to children

Can corporate social responsibility ever deliver?

Neville Rigby

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Marketing to children – recent chronology

2004 – WHO Global Strategy on Diet, Physical Activity and Health

2006 – WHO forum/consultation on marketing to children in Oslo

2006 – IOTF airs Sydney Principles on marketing

2007 – WHO mandated to develop draft recommendations on marketing to children as part of their ‘action plan’ on preventing noncommunicable diseases (after US blocked language using term ‘code’)

2008

January - WHO Executive Board hears concern that marketing not specified in action plan

February – consultation on action plan content

March – Consumers International/IOTF code on marketing published

May – 8 Big Food brands CEOs write to WHO DG offering 5 key global commitments

May – WHA concern that marketing no specified in detail in action plan

October – CSPI to convene own meeting with Coca Cola and PepsiCo to seek global agreement on what can be sold in schools

November – WHO to hold ‘dialogue’ with Member States, NGOs, and private sector on what marketing recommendations should include.

December – Expert advisory group to finalise WHO recommendations

January/May 2009 - WHO Executive Board and World Health Assembly to debate recommendations which could set the standard

What is the contribution of food marketing to the obesity epidemic?

What is the actual and potential role of food marketing restrictions in curbing the epidemic?

What is happening in worldwide?

What contribution did marketing make?

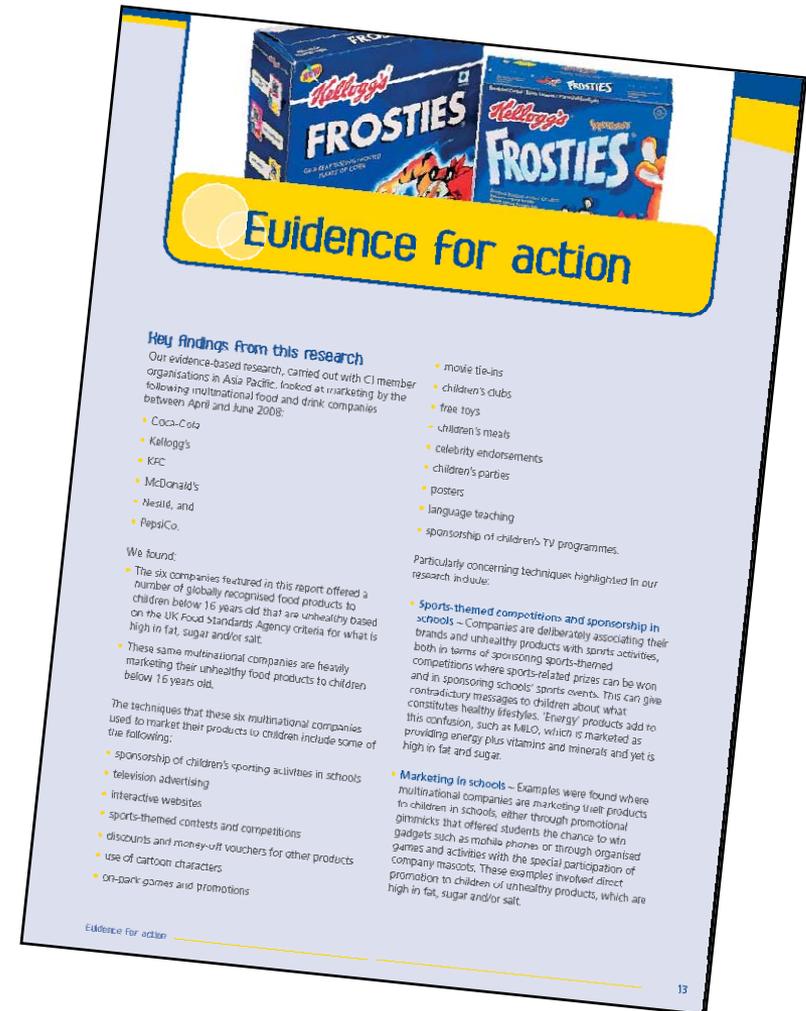
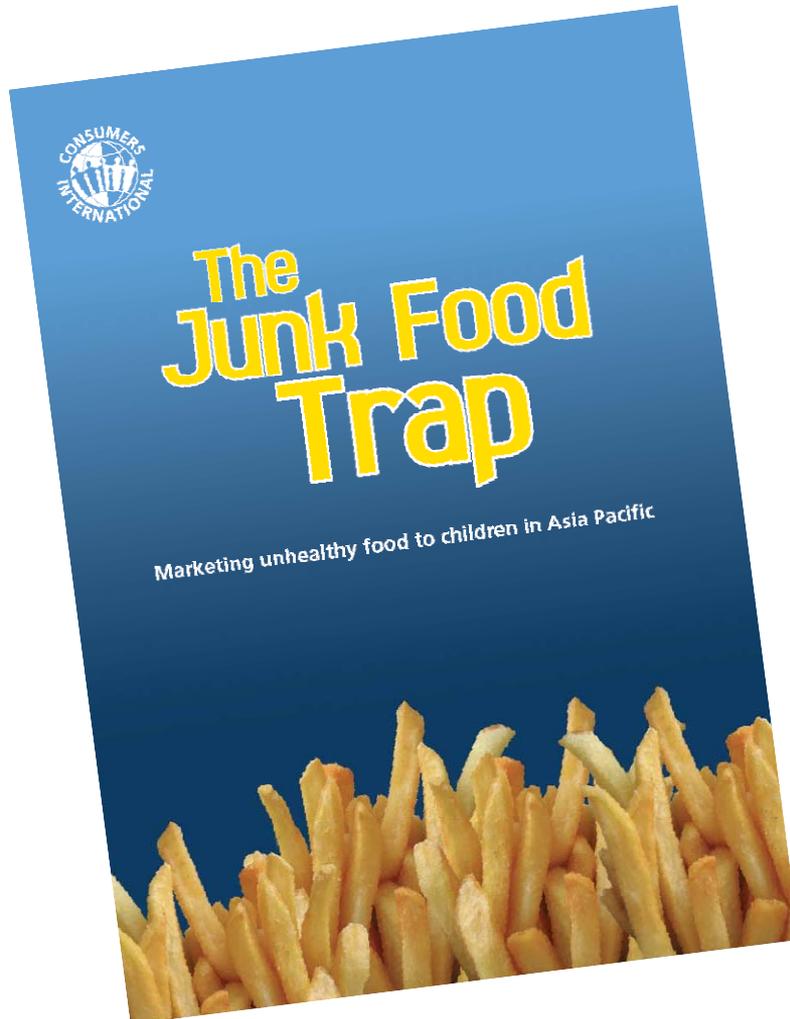
What is the actual and potential role of food marketing restrictions in curbing the epidemic?

Taking marketing as both promotion and availability:

- Potential in curtailing promotion to reduce the stimulus to overconsume HFSS foods/beverages
- Potential in curtailing availability to reduce opportunity to overconsume HFSS foods/beverages
- An inducement to manufacturers to produce 'marketable' products within defined nutritional criteria
- A powerful signal to alter social norms
- Ultimately only changing dietary profiles on a mass consumption level can help to curb the epidemic

What is happening worldwide?

Junk food marketing in Asia



Indian food divide: Fat on junk or death by hunger

— Patralekha Chatterjee —

THE UNDERFED still outnumber the overfed. But food is the new religion of aspiring India, competing with sex on the pleasure-o-meter of the urbane and the upward-mobile.

There have always been those who clearly love food for its abiding satisfactions. But the food gurus of today are the spiritual leaders of the gastronomic world. They not only guide us towards new eateries and new cuisines, but also help create new needs, new snobberies and raise the bar about the cheese, chocolates, wine and olive oil we consume. All this may seem good news but as our eating alternatives expand, so does our anxiety about eating itself. Alongside food, fear of fat is the obsession of the day among a certain kind of urban Indian.

Even as malnutrition continues to stalk India's poorest, the country's wealthier population is experiencing a parallel increase in obesity, with its attendant health complications. "The increased pace of socio-economic development of our countries, now acclaimed globally, has brought along with it rapidly increasing burden of non-communicable diseases, like cardiovascular diseases, cancer, diabetes, strokes," warned health minister Anbumani Ramadoss at a recent conference of health ministers from 11 Asian countries in New Delhi.

"Together with tobacco and alcohol, physical inactivity and unhealthy diet — a concept called junk food — are the common risk factors associated with these diseases. Due to the fact that such diseases are expensive to treat and manage, controlling the risk factors should be preferred strategy in all our countries," he said.

Globally, love of food and fear of fat have spawned new jobs and new crusades. Now, the trend has kicked off in India as well. Along with offshoring, obesity is creating new market opportunities that nimble companies and institutions are happy to tap.

The food industry is on the roll. So is obesity surgery. An increasing number of patients from the Western world are travelling to India because of its allure of cheaper options for weight-loss surgery.

In the public discourse about food and fat, of particular concern is the rising obesity among children, specially in urban India. In an editorial in June this year, *Indian Paediatrics*, the journal of the Indian Academy of Paediatrics (IAP), flagged childhood obesity, once considered a problem of the developed Western world, as an emerging challenge in the country.

"Studies among primary school children in different parts of the country have demonstrated increasing prevalence of overweight and obesity, with great

disparity between rural and urban parts of country. The prevalence of overweight was 37.5 per cent in urban New Delhi and 8 per cent in rural Haryana. The prevalence of overweight and obesity is higher in upper socio-economic class (17.2 per cent overweight and 4.8 per cent obese), as compared to lower socio-economic class (4 per cent and 1 per cent respectively).

‘Studies among school children show that 37.5 per cent kids are overweight in urban Delhi, compared with 8 per cent in rural Haryana. Overweight and obesity is higher in upper class — 17.2 per cent overweight and 4.8 per cent obese, compared to lower socio-economic class — 4 and 1 per cent respectively’

Although the prevalence of obesity may not be as high in India as it is in the West, the body composition and metabolism of Indians (Asians), with a three-to-five per cent higher body fat and central location of body fat for the same BMI (Body Mass Index) makes them more prone to its ill effects," wrote R.K. Agarwal, president IAP.

In the fat wars of today, food advertisements are in the front line. The "Junk Food Trap", a new report by Consumers International (CI), argues

that the world's leading food and drink companies are taking advantage of poor national regulations to promote unhealthy foods in the Asia-Pacific region. The report was compiled on the basis of a study of foods targeted at children below the age of 16, marketed by six multinational companies in eight countries (Malaysia, China, Fiji, India, Indonesia, Nepal, Thailand

and 9 pm, marketing of unhealthy food using new media (websites, social networking sites and text messaging), promotion of unhealthy food in schools, inclusion of free gifts, toys or collectible items which appeal to children to promote unhealthy foods and use of celebrities, cartoon characters, competitions or free gifts to market unhealthy food. The concern resonates

and the Philippines). The report, released in September this year, was preceded by the launch of "Recommendations for an International Code on Marketing of Foods and Non-Alcoholic Beverages to Children" to tackle irresponsible promotions of unhealthy foods. This code targets the marketing of energy-dense, nutrient-poor foods that are high in fat, sugar and salt to children up to 16 years of age. Its demands include a ban on radio and TV advertisements promoting unhealthy food between 6

among health experts within and outside India. Neville Rigby, of the International Association for the Study of Obesity and International Obesity Task Force, says the bodies he represents will be urging governments, including India's, to continue to take a firm stand to support WHO (World Health Organisation), and adopt recommendations on marketing (of food and beverages) that will protect children, who are specially vulnerable to sophisticated marketing techniques and to the high risks to health

from inappropriate "ju food" diets.

Childhood obesity disturbing because it is precursor to possil diseases in adulthood. F example, rising childho obesity in countries li India and China will r translate into increas vascular complications j yet. But what it will do increase the incidence Syndrome X, a conditi that is linked to increased risk of diabet and heart disease at earlier age, such as in t 30s. We could then s vascular disease in India and Chinese in their l 40s; we already see it Indians in their 5t whereas it is unheard of the West before the l 60s, points out Dr Ashi Johari, a Mumbai vascu surgeon.

The need for more str gent government regulati to cover marketing of unl althy and fattening food children is obvious. E equally urgent is paren knowledge and awaren that needs to be targeted achieve any tangible res as far as junk food goes.

Schools are making difference, but increasi numbers of "neo-rich" da and mums in India ma sure that all the discipl taught in schools overcome at the drop of hai!

■ **PATRALEKHA CHATTERJEE** is a New Delhi based writer on pub health issues. She can contacted, patralekha.chatterjee@gmail.com

Ofcom is currently reviewing its TV restrictions on junk food advertising

BRITISH MEDICAL ASSOCIATION - *"Ofcom's ban on junk food advertising during programmes targeted at under-16s **does not go far enough**. Ofcom clearly believes that TV advertising has an effect on children's eating habits, yet it does not have the courage to recommend a more comprehensive ban.*

BRITISH HEART FOUNDATION - *"Ofcom have **absolutely failed to deliver**. Ofcom has acted in the interests of the advertising and junk food industry, not our nation's children.*

DIABETES UK - *"It is extremely irresponsible to ignore overwhelming public opinion and have **so little regard for the future health of our children**. If these are the standards Ofcom apply, then they are not fit to make a decision on when and what junk is peddled to children via the TV.*

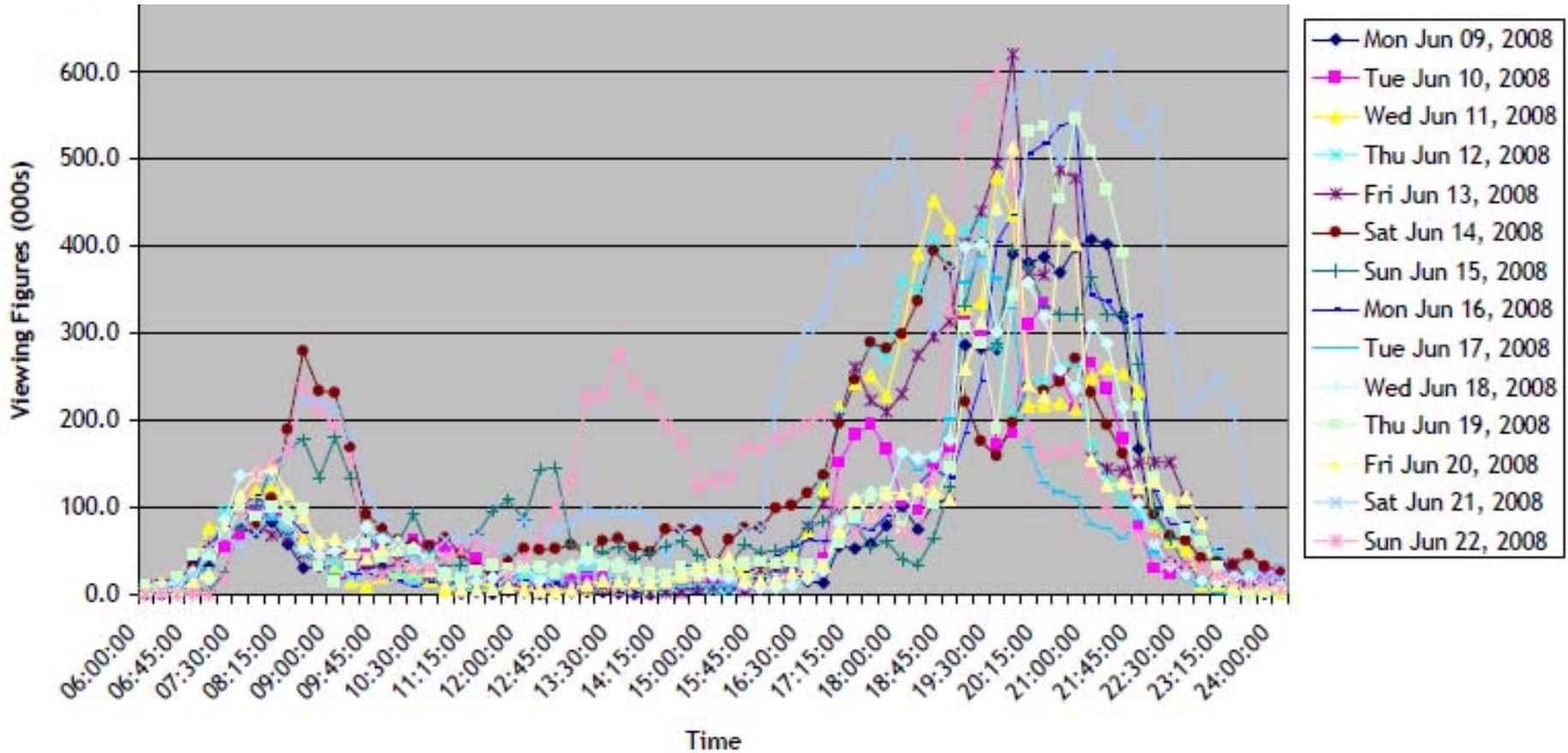
CHILDREN'S COMMISSIONER PROFESSOR SIR AL AYNSLEY-GREEN - *"**Children have been sold out yet again to the interests of profit**. This represents a failure to demonstrate leadership on this important health issue and is a missed opportunity to place children's rights and interests at the heart of public policy."*

The corporate response?

Food And Drink Federation UK:

“We have strong concerns that the proposed regulations are over the top.”

ITV1 viewing figures – children age 4-15



Evading the rules

- None of the top five programmes watched by children were covered by restrictions
- All contained adverts ranging from Coca-Cola to Coco Pops
- 80 per cent of people say they do not think that TV advertisements for **unhealthy foods** should be allowed when the largest numbers of children are watching

Define unhealth foods - the devil in the detail of nutrient profiling

- The UK Food Standards Agency nutrient profiling recommendations restrict products that can be advertised to under 16s. [A recent review found that profiling was 'robust' but considered industry pressure to lift the 'cap' on protein – allowing reformulated crisps and cereals to slip under the radar. The final result of FSA the review is due in 2009.]
- EFSA has delivered an opinion on foods bearing health claims and is developing recommendations for nutrient profiling.
- WHO is to develop nutrient profiling recommendations that could provide the basis for marketing recommendations worldwide – but can these be the same for everyone?

<http://www.foodstandards.gov.uk/consultations/ukwideconsults/2008/nutrientprofiling>

Can corporate social responsibility deliver?

The food industry – victim of their own success?

*“It is puzzling – with the benefit of hindsight – why a large part of the food industry took its eye off the ‘nutritional’ ball during the 1990’s. Unfortunately, while **we were focused on issues of taste, convenience and value, consumers were getting fat, unfit and progressively unhealthier** ... It is important to acknowledge that the issues we face as a European food industry are partly an outcome of our own success.”*

Speech by Patrick Cescau, Group CEO, Unilever at CIAA Congress, October 2006.

CSR – retail industry sets the standards

“...food retailers, as contractors of private label, defining the specifications of final products, are playing an increasingly important role in shaping the diet of consumers. **By positioning themselves, using their own brand, as providers of low cost foods to consumers they set the standard for minimum product quality** and to that extent have an important responsibility vis a vis consumers.”

Report to industry leaders: – so far food manufacturers/ retail sector have been:

- **late** in addressing obesity within their CSR portfolios
- **reluctant** to wholeheartedly take on board the WHO global strategy on diet, physical activity and health
- **resistant** to supporting WHO recommendations on fat, sugar and salt intakes
- **insufficiently focused** on the ‘energy in’ component of diet – preferring to shift the onus to individuals and ‘energy out’
- **self interested** in promoting sports and physical activity to add brand value rather than revise their product portfolios and refrain from targeting young children

Appeal to CSR /voluntary approach

Phasing out soda in schools: "Wouldn't a responsible next step be to extend this effort beyond the schoolhouse door and curtail at least some marketing of full-calorie soft drinks to school age youth – including teens - whether on television, via the Internet, in stores or elsewhere?"

"At the FTC/DHHS Forum on childhood obesity several of us urged participating companies to extent their commitments to all of their child directed marketing efforts..... **A year has passed and....little additional progress has been made to improve either the company pledges or the CBBB Initiatives core principles.**"

Jon Leibowitz, FTC Commissioner

European policy already decided

- forget public health - let's make money!

"As long as I am commissioner for media there will be no supplementary ad bans. Media needs the money from the advertising industry."

Vivian Reding, EU Commissioner for Information Society and Media, speaking on Self-regulation through the "TV without Frontiers" agreement on EU standards at the Venice Festival of Media, April 2008

Harkin – Engel Protocol

- 2001 – Big chocolate brands avoid legislation with a sweet promise.
- 2005 – Companies fail to deliver on pledge that 50% of cocoa plantations in two countries would be child slave free so are given new deadline.
- 2008 – July deadline passes while chocolate industry lobbyists fight Farm Bill clause which would require certification to guarantee slave-free sources.



The UN Convention on the Rights of the Child

“Children are entitled to the highest attainable standard of health.”

*“States shall ensure that health care is provided to all children,
placing **emphasis on preventive measures**, health education and
reduction of infant mortality.”*

“States shall protect children from economic exploitation”

Box The Sydney Principles***Guiding principles for achieving a substantial level of protection for children against the commercial promotion of foods and beverages***

Actions to reduce commercial promotions to children should:

- 1. Support the rights of children.** Regulations need to align with and support the United Nations Convention on the Rights of the Child and the Rome Declaration on World Food Security, which endorse the rights of children to adequate, safe and nutritious food.
- 2. Afford substantial protection to children.** Children are particularly vulnerable to commercial exploitation, and regulations need to be sufficiently powerful to provide them with a high level of protection. Child protection is the responsibility of every section of society – parents, governments, civil society and the private sector.
- 3. Be statutory in nature.** Only legally enforceable regulations have sufficient authority to ensure a high level of protection for children from targeted marketing and the negative impact that this has on their diets. Industry self-regulation is not designed to achieve this goal.
- 4. Take a wide definition of commercial promotions.** Regulations need to encompass all types of commercial targeting of children (e.g. television advertising, print, sponsorships, competitions, loyalty schemes, product placements, relationship marketing, Internet) and be sufficiently flexible to include new marketing methods as they develop.
- 5. Guarantee commercial-free childhood settings.** Regulations need to ensure that childhood settings such as schools, child care and early childhood education facilities are free from commercial promotions that specifically target children.
- 6. Include cross-border media.** International agreements need to regulate cross-border media such as Internet, satellite and cable television, and free-to-air television broadcast from neighbouring countries.
- 7. Be evaluated, monitored and enforced.** The regulations need to be evaluated to ensure the expected effects are achieved, independently monitored to ensure compliance, and fully enforced.

Recommendations for a global code

IASO/Consumers International code provides a basis for protecting children from marketing media. Its 10 articles cover:

Aims, Scope, Definition...

Art. 4 Energy dense, nutrient poor foods

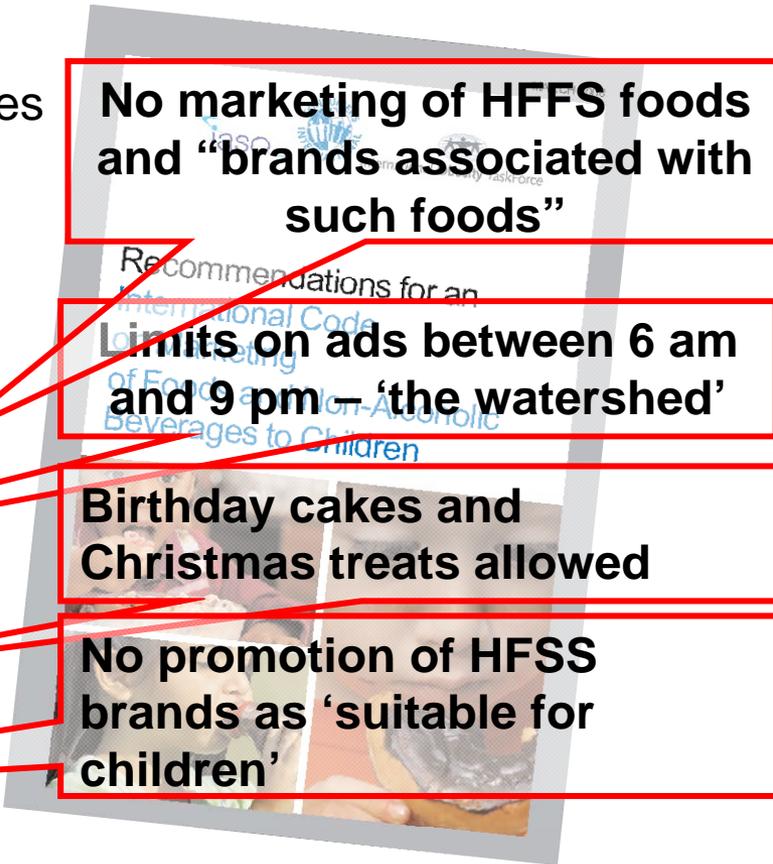
Art. 5 Broadcast marketing

Art. 6 Non-broadcast marketing

Art. 7 Indirect advertising

Interpretation, implementation, monitoring and enforcement.

<http://iotf.org/documents/ConsumersInternationalMarketingCode.pdf>



No marketing of HFFS foods and “brands associated with such foods”

Limits on ads between 6 am and 9 pm – ‘the watershed’

Birthday cakes and Christmas treats allowed

No promotion of HFSS brands as ‘suitable for children’

Issue: Setting global standards for marketing food and beverages to children and adolescents.

Recommendation: Ratify the UN Convention on the Rights of the Child, acknowledging the emphasis on preventive measures in children's healthcare, and support a UN (WHO) code upholding the right to protection from the commercial exploitation of children's susceptibility through marketing and promotion of products that may undermine efforts to address obesity.

Rationale: The Convention on the Rights of the Child has been ratified by all nations with the exceptions of the USA and Somalia. Adoption of the legally binding Convention would remove an obstacle to progress in agreeing an international code on marketing to children, to enhance children's protection from inducements which undermine their health and wellbeing, and to cite this enhanced protection against claims of protected 'commercial free speech'. An international code is necessary to defend children from inducements originating outside a national jurisdiction, to allow countries to resist economic pressures used to influence them, and to require companies operating globally to comply with common standards for the protection of children which should be applied universally, irrespective of the code's status within a national legal context.

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International Obesity TaskForce

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and related Chronic Diseases

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