



Food Advertising on Television

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- The Government is continuing the policy of restricting advertising of unhealthy food during children's TV.
 - The Public Health White Paper in November 2004 said that the Labour Government wanted progress on the advertising of unhealthy food for children. After a review and consultation, Ofcom decided to ban the promotion of unhealthy food (as defined by the Food Standards Agency) for programmes aimed at children under 16. Further restrictions on promotion of such food – including a ban on the use of celebrity characters – were also introduced.
 - Ofcom's final review of the advertising ban, in July 2010, estimated that children had watched 37% less advertising for junk food than before the 2007 ban.
 - Research published in 2012 suggests that the amount of junk food advertising watched by children is higher than before the ban.

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1 The Government position

The Labour Government encouraged Ofcom to ban the advertising of unhealthy food during children's programmes on TV. A PQ in November 2011 shows that the current Government is continuing the policy:

Andrew George: To ask the Secretary of State for Health what plans he has to reduce the exposure of children to marketing of unhealthy food and drink.

Anne Milton: The United Kingdom already has an extensive system of controls on marketing of foods that are high in salt, fat or sugar to children. A recent review by Ofcom indicates that children's exposure to television advertising for these foods has fallen by 37% since the introduction of controls and that advertising of unhealthy foods has been eliminated during children's airtime.

The Department will continue to keep this area under review, including through discussion in the Food Network of the Public Health Responsibility Deal in the coming year.¹

2 Environmental Audit Committee Report, 2012

In May 2012, the Environmental Audit Committee published a report on [Sustainable Food](#). It contained the following recommendation on food advertising:

56. Sustain argued that young people's appreciation of what is healthy and good to eat is being undermined by online advertising. In 2011 the Advertising Standard Authority's remit was extended to include online advertising, including company websites and social networking platforms. Sustain said that unlike television regulations, the non-broadcast code did not distinguish between healthy and unhealthy food. It existed to

¹ HC Deb 23 November 2011 cc469-70W

ensure that advertising was 'legal, decent, honest and truthful', rather than to protect and promote health. Research by the Children's Food Campaign and the British Heart Foundation found that over 75% of websites that showed products high in fat, salt or sugar had links to social networking sites that were designed to "appeal to children through the use of language intended for, spoken by or directed to children". **We welcome the findings of the Food Growing in Schools Taskforce. Good food education and skills, such as cooking and gardening, should be part of the curriculum in all schools. The current review of the national curriculum provides an opportunity for the Government to promote that. The Government should consider stricter advertising limits, to extend the protection for children from junk food marketing on children's television to all media viewed by children, including the internet.**

3 The 2004 Public Health White Paper

The Department of Health White Paper, [Choosing Health: making healthy choices easier](#), November 2004 (Cm 6374) discussed food promotion to children:

51. On the basis of their research, Ofcom's overall conclusion is that there is a need for some specific and targeted tightening of the rules on television advertising, in the context of other changes.

However, Ofcom also concluded that a total ban on television advertising of food and drinks to children would be neither proportionate nor, in isolation, effective.

In addition, the report made a number of observations in relation to children's viewing patterns and found that:

- an average child watches around 17 hours of television each week (including non-commercial broadcasting);
- younger children see more advertising for core category products (ie foods, soft drinks, chain restaurants) in children's airtime than older children (eg 4–9 year olds see just over half of the core category adverts that they are exposed to during children's airtime); and
- children spend 71% of their viewing time outside children's airtime, with more children and young people watching television at peak times (between 6pm–9pm) than at any other part of the day.

In the Choosing Health? consultation, although some respondents called for an outright ban, some discussed restrictions during peak times for children's viewing.

(...)

55. The Government is keen to see real progress in this area. On television, we will work with the broadcasting and advertising sectors on ways to help drive down levels of childhood obesity. In particular we will look to Ofcom to consult on proposals on tightening the rules on broadcast advertising, sponsorship and promotion of food and drink and securing their effective implementation by broadcasters in order to ensure that children are properly protected from encouragement to eat too many high fat, salt and sugar foods – both during children's programmes and at other times when large numbers of children are watching. It should also include options for broadcasters and advertisers to participate in healthy living promotions.

The Labour Government explained in March 2006 whether it would use legislation to implement the White Paper recommendations:

The Minister of State, Department of Health (Lord Warner): My Lords, the Government remain committed to reviewing in 2007 the success of measures undertaken in relation to the balance of food and drink advertising and promotion to children. If those measures have failed to produce change in the nature and balance of food promotion, we intend to take action through existing powers in new legislation to implement a clearly defined framework for regulating the promotion of food to children.²

4 Ofcom announces advertising restrictions, 22 February 2007

Ofcom announced restrictions on TV advertising in children's programmes, explained in this summary:

Conclusions

1.12 After a detailed examination of all consultation responses and the available evidence, Ofcom has decided for the reasons set out in this document that Modified Package 1 should be adopted. Accordingly, the following package of measures to restrict the scheduling of television advertising of food and drink products to children will be applied:

- scheduling restrictions will be confined to food and drink products that are assessed as HFSS [high in fat, salt and sugar] as defined by the FSA's nutrient profiling scheme;
- advertisements for HFSS products must not be shown in or around programmes specifically made for children (which includes pre-school children). For the avoidance of doubt this measure will remove all HFSS advertising from dedicated children's channels;
- advertisements for HFSS products must not be shown in or around programmes of particular appeal to children under 16; and
- these restrictions will apply equally to programme sponsorship by HFSS food and drink products.

1.13 Ofcom has also decided that, alongside these scheduling restrictions, revised content rules will apply to all food and drink advertising to children irrespective of when it is scheduled. The full content rules are set out in Annex 4 of this Statement. Key elements of the content rules include a prohibition on the use of licensed characters, celebrities, promotional offers and health claims in advertisements for HFSS products targeted at pre-school or primary school children.

(...)

1.18 The scheduling restrictions and revised content rules will apply to all channels transmitted by UK broadcasters whether aimed at UK audiences or outside the UK.³

5 The link between advertising and obesity

In December 2009, as part of the Children's Plan, Professor David Buckingham and a panel of experts published an assessment of the general effect of commercial advertising in children. It contained the following passage on obesity, cautiously playing down the role of TV advertising:

² HL Deb 8 March 2006 c750

³ Ofcom, *Television Advertising of Food and Drink Products to Children Executive Summary*, 2007 http://www.ofcom.org.uk/consult/condocs/foodads_new/statement/

29. Obesity: limits of the evidence. Obesity was the most hotly contested of the areas addressed in this assessment. Most of the research evidence in this area relates to television advertising rather than marketing more broadly; most of it is from the United States, where television advertising and other types of promotion have historically been at much higher levels than in the UK; and much of the evidence cited in the debate is several decades old. Even here, we found a surprisingly small amount of reliable evidence relating specifically to television advertising (as opposed to television viewing in general) and to obesity (as opposed to children's brand awareness or preference or other aspects of food choice and diet). Much of this evidence comes from laboratory experiments, whose ability to predict real-life behaviour is limited; and from surveys, which have established correlations (or associations) but rarely provide convincing evidence about the causal role of advertising.

30. Obesity: the role of marketing. Expert opinion is divided on this issue. Most experts agree that advertising does have some impact, but the evidence is that the impact is very small. One frequently quoted figure is that exposure to television advertising accounts for some 2% of the variation in children's food choice. However, food choice is only one factor in obesity; and other factors – such as the availability and price of food, the influence of parents, patterns of physical activity, and the lack of access to outdoor play areas – play a much greater role. Focusing attention on television advertising may lead to a neglect of these other, more important factors.⁴

6 National Institute for Clinical Excellence want the ban extended

In June 2010 NICE published a report, [Prevention of cardiovascular disease at population level](#), including the following recommendation:

Recommendation 4 Marketing and promotions aimed at children and young people

Eating and drinking patterns get established at an early age so measures to protect children from the dangers of a poor diet should be given serious consideration.

Current advertising restrictions have reduced the number of advertisements for foods high in fat, salt or sugar during television programmes made for children and young people. However, advertisements, promotions, product placements and sponsorship shown between programmes for older audiences also have a powerful influence on children and young people. Marketing bans have been successfully introduced in several other countries; evidence shows that a 9pm watershed for such TV advertisements would reduce children and young people's exposure to this type of advertising by 82%.

Policy goal

Ensure children and young people under 16 are protected from all forms of marketing, advertising and promotions (including product placements) which encourage an unhealthy diet. To achieve this, the evidence suggests that the following are among the measures that should be considered.

What action should be taken?

- Develop a comprehensive, agreed set of principles for food and beverage marketing aimed at children and young people. This could be similar to the 'Sydney principles'. They should be based on a child's right to a healthy diet.

⁴ David Buckingham, [The Impact of the Commercial World on Children's Wellbeing](#), 2009

- Extend TV advertising scheduling restrictions on food and drink high in fat, salt or sugar (as determined by the Food Standards Agency's nutrient profile) up to 9pm.
- Develop equivalent standards, supported by legislation, to restrict the marketing, advertising and promotion of food and drink high in fat, salt or sugar via all non-broadcast media. This includes manufacturers' websites, use of the Internet generally, mobile phones and other new technologies.
- Ensure restrictions for non-broadcast media on advertising, marketing and promotion of food and drink high in fat, salt or sugar are underpinned by the Food Standards Agency nutrient profiling system.

7 Ofcom final review of the advertising ban, July 2010

[HFSS advertising restrictions: Final Review](#) estimated that children had seen far less HFSS advertising than before the ban:

1.12 On that basis, we estimate that overall, compared with 2005, in 2009:

- a) children saw around 37% less HFSS advertising (i.e. a reduction of 4.4bn impacts);
- b) younger children (4-9 year olds) saw 52% less (3.1bn impacts); older children (10-15 year olds) saw 22% less (1.4bn impacts);
- c) overall, children saw 40% less HFSS advertising on the commercial PSB channels (2.4bn impacts) and 33% less advertising on commercial non-PSB channels (2.0bn impacts). These reductions were driven by the decline in impacts during children's airtime. In adult airtime, children saw 28% (1.4bn impacts) less HFSS advertising on the commercial PSB channels, but saw 46% (1.3bn impacts) more advertising on commercial non-PSB channels. As a result children saw 1% (0.1bn impacts) less HFSS advertising overall in adult airtime;
- d) exposure to HFSS advertising was eliminated during children's airtime (including both children's channels and children's slots on other channels); and
- e) despite an increase in the volume of HFSS advertising aired throughout the day, children's exposure to HFSS advertising fell in all day parts before 9pm and by 25% between the peak hours of 18:00-21:00. These reductions were driven by the decline in impacts during children's airtime.

1.13 It should also be noted that not all of the HFSS advertising seen by children is for products that may appeal to them. Separate analysis carried out by Ofcom suggests that overall just over 56% of all food and drink advertising seen by children was either for non HFSS products or for HFSS products unlikely to appeal to them e.g. spreads, cooking oil and drinks mixers etc.

1.14 Broadcasters complied with the restrictions on scheduling HFSS advertising during children's airtime. Ofcom is aware of two instances where an HFSS advert was mistakenly aired during children's airtime. By the same token, we found little evidence that advertisers were evading the spirit of the restrictions, by airing advertising and sponsorship during children's airtime in the names of brands commonly associated with HFSS products. The rules on scheduling HFSS advertising apply equally to sponsorship bumpers. We have found only two broadcasters in breach of the rules in relation to sponsorship between 2005 and 2009 (one on a UK service and a second broadcaster on two of its channels licensed by Ofcom but targeted at Spain). This resulted in the removal of the sponsorship credits and, for one broadcaster, the implementation of additional staff training.

8 Research in 2012 reports more junk food advertising watched

On 16 February 2012, researchers from Newcastle University reported that more junk food advertising was being watched than before the ban:

Children 'watch same level' of junk food ads despite TV rules - The rules on the advertising of unhealthy food were introduced amid concerns about child obesity

Children are still exposed to the same level of junk food advertising despite tighter regulations, research suggests. The UK regulations ban the advertising of foods high in fat, salt or sugar during children's programming.

Newcastle University academics said 6.1% of adverts seen by children were about junk food before the ban - the figure was 7% after the ban. They said young people do not just watch children's programmes, to which the rules apply.

The researchers measured the amount unhealthy food advertising six months before the restrictions were introduced in 2007, and again six months after they were fully implemented in 2009. They linked this data to how many people saw the adverts, and found there was a rise in the promotion of less healthy items such as crisps, sugared breakfast cereals and drinks containing large amounts of sugar.

The overall proportion of unhealthy items in food adverts increased from 38.6% to 60.4% over this period, and from 5.7% to 8.7% among all adverts.

There was a slight decrease in the amount of food advertising as a part of all advertising, from 14.8% to 14.5%.

The team noted that although most of the adverts stuck to the rules, children were still being exposed to junk food ads during other programming not particularly aimed at them. Their exposure to junk food adverts went from 6.1% to 7%, which is not a big enough change to be considered a "statistical increase".

(...)

The restrictions were phased in by the watchdog Ofcom from 2007 amid concerns about the level of child obesity. They apply to children's programmes, children's channels and programmes that are expected to attract a lot of young viewers.

Ofcom said its own studies indicated the contrary, that there had been a decrease in how much young people viewed adverts for unhealthy food. An Ofcom spokeswoman said: "We note the research from the University of Newcastle. Our final review of the rules, which included a full year of data from 2009, showed a significant reduction (37%) in children's exposure to adverts for products that were high in fat, salt and sugar since 2005."

A Department of Health spokeswoman said: "Being overweight and not eating well is bad for our health. Controlling the advertising of food to children is important, but it is only part of the picture.

"We are taking action, including through Change4Life and the Responsibility Deal. We want to make sure that children get the best start possible in life and to make it easier for families to make good choices about food. Ofcom introduced significantly tougher restrictions on advertising foods high in fat, salt and sugar to children in 2007."⁵

⁵ "Children 'watch same level' of junk food ads despite TV rules", *BBC News*, 16 February 2012

9 Food advertising on the internet, 2012

Of course, for many people – especially young people – what they see on the internet is more important than television viewing. The following PQ relates to the possible extension of the policy to the internet:

Ms Abbott: To ask the Secretary of State for Culture, Olympics, Media and Sport if he will bring forward proposals to prevent children from being exposed to online marketing of high fat, sugar and salt food and drinks.

Mr Vaizey: The rules covering online advertising are the responsibility of the Advertising Standards Authority (ASA) who are independent of Government. The ASA's codes specifically recognise the social imperative of ensuring that advertising is responsible and that children and young people are suitably protected from harmful or inappropriate advertising. The ASA's non-broadcast Advertising Code, which covers online promotion (including promotional activity by companies on their own websites, on social networking sites and the use of advergames and user generated content), already contains strict rules on all food and drink advertising aimed at children.⁶

⁶ HC Deb 21 May 2012 c381W