

Public Health Advocacy Institute of WA

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Mr Martin Brown
AANA Chair
The Australian Association of National Advertisers
Suite 301, 100 William Street
Sydney NSW 2011

Dear Mr Brown,

RE: AANA Review of Food & Beverages Advertising Discussion Paper

I have pleasure in providing a response to the AANA Discussion Paper "*Food & Beverages Advertising Code Review*".

This response is provided on behalf of the Public Health Advocacy Institute of WA.

Please do not hesitate to contact me if you have any queries.

Yours sincerely,



Associate Professor Christina Pollard
Director
Public Health Advocacy Institute of WA

The Public Health Advocacy Institute of WA call for a whole-of-government approach to ensure every child is protected from any exposure to the marketing and promotion of unhealthy food and drink on traditional and non-traditional media platforms, including online (Public Health Advocacy Institute of WA, 2019) and incorporating the more specific actions recommended by the Obesity Policy Coalition as outlined in detail in the *Overbranded, Underprotected: How industry self-regulation is failing to protect children from unhealthy food marketing* report:

1. Apply to all food companies and fast food chains.
 2. Apply to all forms of advertising, marketing and promotion and all forms of media.
 3. Restrict advertising that appeals to children in either its content or placement including time-based restrictions on free-to-air television.
 4. Effectively restrict marketing in other forms of media, in particular digital marketing.
 5. Clearly define 'unhealthy food' by reference to an appropriate nutrient profiling model.
 6. Apply to children up to 16 years old, as a minimum.
 7. Be administered and enforced by an independent agency.
 8. Impose meaningful disincentives and sanctions for breach to content creators, publishers and broadcasters. Compliance should be monitored so that it is not entirely dependent on complaints from the public to enforce the rules,
- (Hickey K, 2018)

We believe changes should be made to the Code so it is enforced independently and has more defined restrictions on junk food advertising to children. The current Code has a number of limitations including:

- The age of children being 14 years and younger
- The 'medium' does not include sport sponsorship, digital media, product placement and competitions
- Marketing must be 'directed primarily at children'
- The Code is voluntary
- The complaints are assessed by industry members
- Some companies have different age and media but only will be assessed against the limitations of the current Code

These recommendations would close loopholes, improve definitions and expand the Code to further protect children. We also believe it is important to have consistency in definitions and principles of any advertising Codes that impact children (e.g. Food and Beverage Code, the RCMI and QSRI).

A further recommendation is that regulation regarding food marketing to children must include criteria for 'healthiness' of foods suitable to advertise consistent with Australian Dietary Guidelines.

There is compelling evidence that junk food companies have a vested interest in profits from their products (Daube, 2010; Stuckler & Nestle, 2012) so we call for stronger regulation of the codes and how the food industry is regulated as a whole. PHAIWA is not supportive of the Food & Beverages Advertising Code being a self-regulatory system. Evidence has shown that self-regulatory systems are not protecting the interests of children (Hickey K, 2018; Ronit & Jensen, 2014; Vandevijvere, Soupen, & Swinburn, 2017). Self-regulatory systems do not have any independent oversight, shows they are protecting the interest of their members rather than

the community (Hickey K, 2018). In 2009 the National Preventative Health Taskforce released a report which recommended “*The Taskforce proposes that the marketing of EDNP foods and beverages on free-to-air and Pay TV before 9pm should be phased out within four years*” (National Preventative Health Taskforce, 2009), yet the current Codes consist of a number of loopholes involving the exposure of children, who are influenced by marketing messages (Watson, Lau, Wellard, Hughes, & Chapman, 2017), to unhealthy food and beverage advertising.

The AANA’s states it is “*acting in the interests of Australia’s advertisers*” (The Australian Association of National Advertisers, n.d.). The AANA Board appears to come solely from the marketing and media area, with several members (including the Chair) from industries with a long record of promoting ineffective self-regulation and opposing action that would protect children and young people. We believe this is a clear conflict of interest that impacts the ability to be independent when assessing complaints against the Code.

References

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