Exposing the Charade: The failure to protect children from unhealthy food advertising

The Obesity Policy Coalition believes that legislation is urgently needed in Australia to protect children from the detrimental effects of unhealthy food advertising.

Chapter 2: Three of the key failures

The food industry’s self-regulatory scheme has failed to reduce children’s exposure to unhealthy food advertising and its harmful effects in three key ways.

Failure one – the codes are seriously flawed

- Codes are extremely complex
- Codes do not apply to all food advertisers
- Codes only cover advertising content that is “directed primarily to children”
- RCMI and QSRI use narrow definitions of media “directed primary to children”
- Many forms of promotion and media are not covered
- Not all age groups of children are covered
- Criteria for nutrition and healthy dietary choices are unclear

Failure two – administration and enforcement of codes are inadequate

- The scheme relies entirely on complaints from the public
- ASB decisions on brand promotion are inconsistent with ACMA’s position
- ASB decisions on premium offers are inconsistent with ACMA’s position
- ASB decision inconsistent with ACCC’s determination in Coca-Cola campaign
- ASB fails to consider key claims
- ASB’s decision inconsistent with prevailing community standards

Failure three – codes have not reduced children’s exposure to unhealthy food advertising

- Inherent conflict of interest in self-regulation
- No meaningful sanctions for breaches
- No independent monitoring or evidence that self-regulations have reduced children’s exposure to unhealthy food advertising

Chapter 3: Time for effective action

Legislation needs to:

- apply comprehensively to unhealthy food product and brand advertising directed to children in all forms, media and locations;
apply to advertising of unhealthy food products, which should be identified using a single common criteria, such as Food Standards Australia New Zealand nutrient profiling scoring criteria;

apply to advertising of food brands (unless one or more healthy food products is the dominant feature of the advertising);

minimise children’s exposure to unhealthy food (product and brand) advertising to the greatest extent possible (and not just restrict unhealthy food advertising that specifically targets children);

apply to marketing to children under the age of 16;

prohibit unhealthy food (product and brand) advertising on free-to-air television on weekdays from 6-9am and 4-9pm, and weekends and school holidays from 6am-12pm and 4-9pm (times when significant numbers and/or significant proportion of children are likely to be watching, and during G classification periods);

be regularly monitored for compliance so that identification of breaches of the legislation is not entirely dependent on complaints from the public;

be administered and strictly and actively enforced by an agency that is independent of industry and that is given a range of enforcement powers, including the power to seek significant penalties for breaches; and

be regularly reviewed and evaluated to ensure that it is effective for reducing children’s exposure to unhealthy food advertising, and that it covers emerging media, technologies and advertising techniques.

Conclusion

This report demonstrates that the existing complex scheme of industry self-regulation of food advertising in Australia has comprehensively failed to protect children from the influence of unhealthy food advertising.