

TV FOOD ADVERTISING RESTRICTIONS

Time to finish the job

September 2008

BRIEFING

As Ofcom, the communications regulator, reviews the Government's restrictions on TV advertising to children, new research from Which? shows their effect is limited. Food companies are exploiting a weakness in the rules which allows them to promote products high in fat, sugar and salt during the programmes that children watch in the largest numbers.

Our latest analysis of TV viewing data (from 9 to 22 June 2008) found that none of the top five most popular programmes watched by children on commercial channels were covered by the restrictions¹. All of these programmes contained adverts for a range of less healthy products including Coca-Cola, which contains over 13 spoons of sugar per 500 ml bottle, and Kellogg's Coco Pops, which is over a third sugar. This is despite 80 per cent of people telling Which? that they do not think that TV advertisements for unhealthy foods should be allowed during the times the greatest number of children are watching².

Members of the food industry and the Government have described the current restrictions as "among the strictest in the world", but our latest research shows they cannot afford to be complacent. If restrictions on the promotion of unhealthy foods to children are to play an effective role in helping combat the alarming rise in childhood obesity and diet-related disease, the Government must ensure they apply to programmes that children watch in the greatest numbers. The food industry must also recognise the need to take a more responsible approach by strengthening their own code on broadcast advertising and by ending promotions for less healthy foods targeted at children.

¹ Which? research looked at viewing figures for ITV1, Channel 4, Channel 5 and Sky One.

² 2027 adults aged 16+, representative of the UK population, were interviewed between 8 and 12 February 2008.

which
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for all consumers

WHY ARE ROBUST FOOD ADVERTISING RESTRICTIONS NEEDED?

Over 30 per cent of boys and 28 per cent of girls are already obese or overweight³, and Government forecasts suggest this will rise dramatically. It is predicted that by 2050 70 per cent of girls and 55 per cent of boys will be overweight or obese and that the annual cost to the economy will reach £45 billion⁴. The incidence of diet-related diseases including cancers, heart disease, stroke and diabetes will also continue to rise dramatically.

A range of actions is required to make it easier for consumers to make healthier food choices. With evidence⁵ clearly showing that advertising influences children's food promotion preferences and choices, a more responsible approach to broadcast and non-broadcast marketing is needed to shift the balance from unhealthy to healthier promotions.

WHAT'S WRONG WITH THE CURRENT RESTRICTIONS?

In July 2007 Ofcom introduced scheduling restrictions limiting the advertising of 'less healthy'⁶ foods during programmes of particular appeal to children under ten. These were extended to children under 16 in January 2008 for the main TV channels. Specific commercial children's channels will have to implement the new rules by 1st January 2009.

Which? strongly supported the principles underpinning the new restrictions:

- > That they should protect children under 16;
- > That they should only restrict the advertising of 'less healthy' foods, as determined by the Food Standards Agency's (FSA) nutrient profiling model, providing an incentive for manufacturers to produce and promote healthier foods.

However, our research clearly demonstrates that the way that the restrictions apply in practice is flawed because programmes 'of particular appeal to under 16s' are determined not by the actual number of children watching, but by the proportion. If the proportion

³ *Healthy Survey for England 2006 Latest Trends*, National Centre for Social Research, January 2008.

⁴ http://www.foresight.gov.uk/Obesity/Obesity_final/Index.html

⁵ For example: Review of the research on the effects of food promotion to children, Professor Gerard Hastings et al, 2003; Television Advertising of Food and drink Products to Children: Options for new restrictions, Ofcom, 2006.

⁶ Foods high in fat, sugar and salt (HFSS).

of children under 16 watching a programme is 20 per cent higher than the general viewing population (defined by a viewing index of 120 or more), the restrictions apply. On the other hand, even if a large number of children are watching a show, the restrictions will not apply if there is also a large adult audience.

We found that *The Simpsons* and *SpongeBob SquarePants* were covered by the restrictions because a high proportion of their audiences were children. However, *Beat The Star*, *Animals Do The Funniest Things* and *Emmerdale* were not covered, even though they had many more children watching them. In recent focus groups with children undertaken by Which?⁷ children mentioned programmes like *Hollyoaks*, *Britain's Got Talent*, *Coronation Street* and *Emmerdale* when asked about their favourite programmes, but none of these shows are covered by the Ofcom restrictions because children do not constitute a sufficiently high proportion of the audience. The graph on page eight shows the times that most children were watching ITV1 during the two week period we looked at.

The scheduling restrictions were complemented by new industry rules on the content of advertisements⁸, administered by the Committee of Advertising Practice (CAP) group. But as our research shows, these are also failing to prevent the advertising of foods high in fat, sugar and salt to children during the most popular programmes. The language used in the broadcast CAP code is vague and open to interpretation, the specific proposals only cover children of pre-school and primary age, and the code does not use the Food Standard Agency's nutrient profiling model to distinguish between healthy and unhealthy foods. The code also allows advertisers to continue in their use of branded characters (for example, Frosties' Tony the Tiger) to promote unhealthy foods to children of all ages.

⁷ Qualitative research was carried out in June 2008 among 32 children aged 5-15 and 36 parents of 5-15 year olds in Leeds, Bristol and London

⁸ Broadcast Committee on Advertising Practice Code (BCAP)

UNHEALTHY PROMOTIONS CONTINUE

Which? consumer research has repeatedly shown strong public support for tighter TV advertising restrictions to children⁹. However, our research has highlighted yet again that Ofcom's restrictions do not cover the majority of these programmes, and that many food companies are still failing to take a more responsible approach in the way they market their products to children.

The programme watched by the highest number of children during our monitoring period, *Beat the Star*, had over half a million child viewers and still contained advertisements for less healthy foods including Coca-Cola, Dairy Lea Dunkers Nachos and Sprite. Examples of some of the other less healthy foods advertised during the programmes with most children watching are shown in the table on pages 6 and 7.

THE GOVERNMENT'S REVIEW

The Government has asked Ofcom to review how the TV advertising restrictions are working and has said it will make a decision on whether they need to be strengthened once this review is completed. The Food Standards Agency is also reviewing its nutrient profiling model to see how it is performing in practice. Which? believes it is already clear that the Ofcom restrictions are not working and that tougher restrictions are needed. We have expressed our concern that the current terms of reference for the review are too narrow and do not allow for an evaluation of whether the restrictions are suitably robust and effective. At present they are limited to an assessment of their success in achieving a limited reduction in children's exposure to adverts for less healthy products.

Which? is also concerned about the lack of progress made by the food industry, advertisers and the Government to curb other forms of less healthy food advertisements and promotions targeted at children. Previous Which? research¹⁰ has found many examples of marketing campaigns for less healthy products. These use a range of techniques in tandem, including television advertising, packaging and internet

⁹ Feb 08 survey of 2,027 adults 16+: 84% of adults think that the Government needs to do more to control the way unhealthy foods are marketed to children; Sep 06 survey of 2,190 adults 18+: 80% of adults think TV adverts for unhealthy foods should not be allowed when children are most likely to be watching TV

¹⁰ *Food Fables - the second sitting. The truth behind how food companies target children*, Which?, July 2006

promotions, with examples including the recent Nestlé 'Blue is back' promotion for Smarties. Tighter restrictions on TV advertising must go hand in hand with tougher restrictions on these non-broadcast promotions.

POSITIVE SIGNS BUT SIGNIFICANT IMPROVEMENTS STILL NEEDED

We have recently seen some positive moves from some food companies. In our recent *Food Fables* report¹¹ we were pleased to note that Weetabix and KFC had really cleaned up their acts while Nickelodeon have subsequently announced that they will only allow use of their licensed characters on food packaging and in restaurant promotions on products that are defined as healthy according to FSA criteria. However, the majority of food companies continue to use a range of tactics to promote less healthy products to children, instead of using their creativity to help their customers make healthier choices.

We are not against treats and we are not against marketing, but we are against irresponsible company practices and hollow company commitments. We want to see all food companies using their ingenuity and expertise to develop and market healthier options, supported and prompted by a Government that acts on its commitment to tackle obesity and diet-related disease.

WHICH? IS CALLING FOR:

- > The Government to show greater leadership by ensuring that the current restrictions on TV advertising are extended to cover the programmes watched by children in the greatest numbers.
- > The Government to develop and introduce restrictions covering the wide range of non-broadcast methods, such as product packaging, sponsorship and the internet, that are also used to target unhealthy food to children.
- > The Committee for Advertising Practice to strengthen their code on broadcast advertising so that it captures all types of child-appealing promotions for less healthy foods as defined by the Food Standards Agency's Nutrient Profiling model.

¹¹ *Food Fables - the second sitting. The truth behind how food companies target children, Which?, July 2006.*

Examples of foods high in fat, sugar and salt advertised during the top programmes watched by under 16s (9-22 June 2008) ¹²:

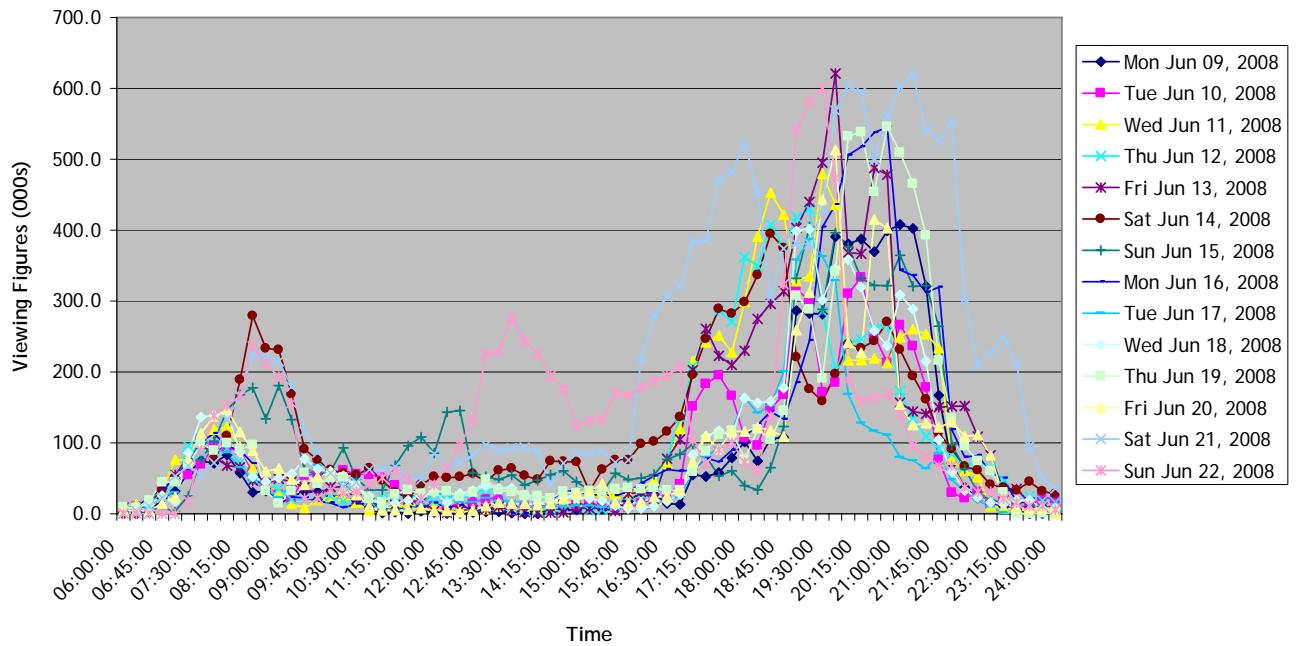
Programme and ranking	Number of under 16s watching (000s)	Viewing Index ¹³	Examples of foods high in fat, sugar and salt advertised
1. Beat The Star	532.3	66.95	Coca-Cola, Kellogg's Rice Krispies, Kraft's Dairylea Dunkers Nachos, Maryland Chocolate Chip Cookies, Nabisco Oreo Cookies, Sprite
2. Film: Hulk (2003)	409.7	112.78	Coca-Cola, Cadbury's Creme Egg Twisted, Kellogg's Coco Pops, Nabisco Oreo Cookies
3. Animals Do The Funniest Things	370.6	74.87	Cadbury's Creme Egg Twisted, Kraft's Dairylea Dunkers Nachos, Maryland Chocolate Chip Cookies, Starburst
4. Emmerdale	369.8	37.74	Coca-Cola, Kellogg's Coco Pops, Nestlé Cheerios, Maryland Chocolate Chip Cookies, Nabisco Oreo Cookies
5. My Child Won't Eat	331.9	49.85	Coca-Cola, Nestlé's Oat Cheerios
6. The Simpsons	328.0	155.63	
7. Euro 2008 Live	321.3	44.66	Coca-Cola, Fanta, Starburst
8. Coronation Street	265.9	45.22	Coca-Cola, Kellogg's Coco Pops, Kraft's Dairylea Dunkers Nachos, Maryland Chocolate Chip Cookies, Nabisco Oreo Cookies

¹² Based on BARB and Nielsen data. Foods high in fat, sugar and salt as defined by the Food Standards Agency's nutrient profiling model underpinning the Government's TV advertising restrictions and analysed by researchers from the British Heart Foundation Health promotion Group at Oxford University.

¹³ Covered by controls if 120 or more

9. Superhuman: Britain's Biggest Babies	258.5	49.52	McVities Go Ahead Yoghurt Breaks (plain)
10. Tonight With Trevor McDonald	255.8	37.29	Kellogg's Coco Pops
11. 10 Years Younger	250.9	64.40	Coca-Cola
12. The Bill	249.2	36.73	Dr Oetker Paula Dessert, Kellogg's Coco Pops Kellogg's Rice Krispies, Maryland Chocolate Chip Cookies
13. Film: Mr And Mrs Smith (2005)	247.2	66.72	Dr Oetker Paula Dessert, Maryland Chocolate Chip Cookies
14. SpongeBob SquarePants	225.2	331.15	
15. Shaggy And Scooby Doo Get A Clue	217.9	321.02	
16. Film: Bewitched	203.4	71.67	
17. The Royal	182.2	21.81	Kellogg's Coco Pops, Kellogg's Special K, Sprite
18. Power Rangers Operation Overdrive	182.0	289.77	
19. Film: From Russia With Love	180.0	54.17	Dr Oetker Paula Dessert, Kellogg's Rice Krispies, Nabisco Oreo Cookies, Sprite
20. F1: Grand Prix	177.1	34.54	Cadbury Creme Egg Twisted, Coca-Cola, Sprite

ITV1 viewing figures for the period Monday 9th June to Sunday 22nd June 2008
for 4 to 15 year olds



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More information on the Which? Kids' Food Campaign for Responsible marketing can be found at www.which.co.uk/kidsfood.