



**Health Select Committee Inquiry into the Public Health White Paper  
Memorandum submitted by the Food Advertising Unit  
1 February 2005**

The Food Advertising Unit (FAU), under the auspices of the UK Advertising Association (AA), is a centre for information, communication and research on food advertising. It represents manufacturers, advertising agencies and media involved in food advertising.

The FAU welcomes the great majority of the far-reaching proposals and recommendations in the Government's White Paper on Public Health. It considers that many of these will help to support healthier choices. This submission will however concentrate on proposals and recommendations relating to the provisions on advertising and promotions (Chapter 2, "Health in the consumer society").

The White Paper marks the beginning of a process of discussion, negotiation and action by a number of stakeholders to tackle a raft of public health issues, among which is obesity. The FAU and its member organisations will be providing further input to the Department of Health as the process develops and looks forward to playing its part.

Summary of memorandum:

- Partnerships with clear aims, objectives and mechanisms for discussion and action will be appropriate, effective in achieving public health goals and value for money.
- A sustained behavioural change campaign could be appropriate, effective and value for money and would greatly benefit from industry backing and participation.
- The necessary infrastructure exists to regulate advertising but mechanisms to promote and facilitate partnerships and cohesive actions are needed.
- Disproportionately restricting advertising will be neither appropriate, effective or value for money because:
  - Evidence does not show correlation or causality with obesity, or effectiveness in tackling it
  - Would restrict innovation and choice
  - Has cost implications not considered by the White Paper

**1. Will the proposals enable Government to achieve its public health goals?**

The FAU welcomes proposals to make healthy lifestyles easier to achieve, through the provision of clear information and education and through motivating people to want to lead healthy lives.

Partnership with industry - food manufacturing, advertising, media and broadcasting - and coordination of actions is a clear objective of the White Paper proposals. Industry has been advocating such an approach for some time and welcomes the opportunity to work with Government. The FAU considers that this approach will be effective but only if there are agreed aims and objectives as well as clarity of purpose. For example, there is some confusion in the White Paper on the extent to which actions on advertising are intended to tackle obesity or improve nutrition more specifically. Whilst obesity is about the calorie equation, nutrition is about nutrient intakes, therefore, solutions and actions will differ.

The White Paper has acknowledged the advertising industry's calls to be used as a force for good, and proposes a constructive approach to help 'market health' in order to create lasting behavioural change. The industry is sympathetic to a public education campaign and considers that its involvement and backing could add value to such a campaign. Such backing may allow for more effective communication of key messages for example, carrying agreed and coordinated messages on packs, on websites, in-stores or on interactive television. Partnerships must be based on collaboration on equal terms however: the advertising industry will offer its support provided the role of advertising is considered objectively and not overstated. Making healthy living more widely accessible through partnership would be able to achieve greater reach than a Government campaign on its own.

**2. Are the proposals appropriate, will they be effective and do they represent value for money?**

The White Paper bases its proposals in the context of an 'enabling and supportive' Government that does not "nanny", but creates the environment in which people can make informed and healthier choices. The FAU supports this approach but does not consider that this will be achieved by restricting communications.

The White Paper is accompanied by a partial RIA which overestimates the effectiveness / benefits of advertising restrictions and seriously underestimates the costs of those restrictions.

The partial RIA overestimates the benefits of restrictions on advertising through partial use of the evidence, inaccurate extrapolations and misunderstandings about the role of advertising. For example, although the size of the effect of advertising on obesity and diet is unknown, it is recognised as having a “modest direct effect on food preference, consumption and behaviour... but it is small compared to other influences” (Ofcom, 2004). As a result, the benefits to health of restrictions on advertising would be at best ‘modest’.

Disproportionately restricting advertising in the belief that it will help to tackle the growing levels of obesity will not be appropriate, effective or value for money. There is no evidence to show a correlation between food advertising and obesity, even less a causal relationship.

The partial RIA also underestimates negative impacts of proposals by not taking into account the effect on small firms, such as independent programme producers, or on the non-broadcast advertising sector, which would be affected by the White Paper proposals. It underestimates costs by misunderstanding how advertising price is determined and how it is affected by viewers / consumers. Among other issues, the partial RIA fails to take into account the possibility of alienating industry from taking part in discussions and solutions, the resulting costs to achieving success, and the costs to competition both in the broadcasting and food manufacturing sectors.

Two important principles, which the industry is supportive of, are repeated in the White Paper – information and choice. Both of these require that advertising and communications are not disproportionately restricted because:

- advertising communicates product benefits to consumers.
- advertisers would lose the incentive to meet different consumer tastes or needs if they are unable to communicate these value-added benefits to them. Consequently, such restrictions on communication would limit innovation and choice, and;
- advertising pays for, or subsidises, the media – a valuable source of information on diet, nutrition and healthy lifestyles for many consumers.

All the available academic evidence demonstrates that advertising promotes innovation and choice<sup>1</sup>. The premise of the White Paper and its accompanying partial RIA, however, implies that the Government believes the opposite would be true – restricting advertising would accelerate innovation.

Restricting advertising will have a negative impact on activities and investments which may help to promote behavioural change and which could, in the long-term, lead to savings for the NHS and other obesity-related costs. The FAU supports the need for solutions that will bring long-term benefits and cost effectiveness such as behavioural change campaigns and partnerships, rather than short-term knee-jerk reactions.

The FAU will be feeding into the Department of Health’s work into the RIA as the process evolves.

Advertising definitely has a positive role to play in creating positive health outcomes but changes to food advertising rules will not of themselves bring about a major shift in dietary behaviour. The industry supports evidence-based and proportionate reviews of the codes but cautions against bans or severe restrictions that are unlikely to help Government achieve its public health goals.

#### *Nutritional Profiling*

The industry recognises that different foods play different roles in an individual’s diet, but the evidence does not support the proposition that restrictions on advertising will decrease the consumption of certain foods.

While rates of obesity have been increasing over time, the consumption of targeted food categories (e.g. confectionery and soft drinks) has remained stable or has switched to diet / low calorie variants. It is also the case that calorific intakes, on average, have been decreasing although calorific intakes for parts of the population remain too high relative to falling levels of calorific expenditure.

Hence, the advertising industry does not believe that nutritional profiling is an appropriate or effective solution. Indeed, it is likely that attempting to treat individual nutrition at population-wide level will be counter-productive, as it does not take into account differing individual dietary needs.

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<sup>1</sup> For example, Keith Boyfield “The effects of advertising on Innovation, Quality and Consumer Choice”. Advertising Association Economics Committee.

### **3. Does the necessary infrastructure exist to ensure that proposals will be implemented and goals achieved?**

In terms of regulating advertising, the infrastructure already exists to enable a review of the codes and their use.

The industry is pleased to see that the White Paper acknowledges the important role that codes of conduct play in the advertising sector and statutory legislation should only be used as a last resort. Legislation cannot adapt to changing environments as rapidly as codes. This is particularly important in the case of advertising - the media environment can change significantly in a short period of time, due to technological advances for example, and codes can therefore provide more effective protection.

Additionally, current advertising regulations are effective in ensuring strict codes of conduct are complied with across broadcast and non-broadcast media. Despite the use of the word 'voluntary' in describing advertising regulations, the codes are in fact mandatory and penalties can be incurred for non-compliance:

- The codes governing non-broadcast advertising are self-regulatory, but all advertisers must adhere to them. Non-broadcast media are committed to refusing to publish any advertisement that the Advertising Standards Authority (ASA) has ruled against. Advertisers that defy the ASA's decisions may be referred to the Office of Fair Trading (OFT).
- In broadcast, the code administered by the new ASA co-regulatory system is supported in law and adherence is a condition of broadcast licences. Advertisements may only appear on television and radio if pre-cleared by the Broadcast Advertising Clearance Centre (BACC) and the Radio Advertising Clearance Centre (RACC) respectively. The ASA will adjudicate on complaints and can demand amendment or withdrawal of an advertisement. If necessary, the ASA can refer a broadcaster that continues to carry non-compliant advertising to Ofcom, which can issue fines to the broadcaster and withdraw their licence to broadcast.

However, the mechanisms for achieving effective partnerships and cohesive actions need to be defined. The idea of creating a body that will work at arms-length from Government on implementing the wide range of proposals to support healthier lifestyles is positive, but it must not duplicate the work of bodies already in existence.

#### **Conclusion**

The food advertising industry can help achieve the objectives of the Public Health White Paper. In order for this to happen, clear goals and objectives need to be set to ensure coordinated action. The Government should avoid ineffective policies that will simply serve to alienate such partnerships.

The White Paper's proposals on changes to food advertising are yet to be decided and detailed in a process that will be led by Ofcom. If, however, accurate estimates of the likely effectiveness of severe restrictions on advertising are placed against the costs or losses of implementation, it is clear that they would be neither appropriate nor cost effective.

Public education campaigns, which have different aims, objectives and outcomes to competitive brand advertising, have been shown to be effective, over time, in changing behaviours. The industry considers that investment in such a campaign, with support from a wide range of partners, would be both appropriate and effective.

Whilst the infrastructures are already in place for regulating advertising and reviewing the codes as well as enabling public education campaigns (e.g. through the Central Office of Information), there is a need to ensure that the means are in place for coordinating action and partnership.

The advertising industry is committed to playing its role and looks forward to clarifying the detail of the White Paper proposals; discussing the ways forward; and, implementing policies that will produce a successful outcome. This will be a 'fully engaged' scenario where: people are motivated to be healthy; there is a wide provision of products and services to help them achieve good health; and, they have clear and relevant information available upon which to make healthy dietary choices for themselves and their families.

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