



**Comments by the Advertising Association and Food Advertising Unit
on the advertising sections of the**

Health Select Committee Report on Obesity

The Health Select Committee inquiry into obesity has been a catalyst for activity and action and has also reached some important conclusions and made a number of worthwhile recommendations which the advertising industry welcomes, including the need for:

- ◆ an integrated and wide-ranging programme of solutions
- ◆ the problem to be tackled at a societal, as well as an individual level
- ◆ a coordinated Government approach
- ◆ a health education campaign to tackle obesity.

Long-term behavioural change towards healthier lifestyles is vital to the future well-being of consumers. A Government-endorsed, multi-media public education campaign about healthy lifestyles is one way of getting the messages across in a motivating way and we note that the Food and Health Action Plan Task Forces concluded that such a campaign would be useful. The advertising industry is currently exploring various creative options for such a campaign, following the challenge from the Secretary of State for Culture, Media and Sport to use our creativity in a positive way.

We do not agree with paragraph 184 of the Report, which suggests that a health education campaign would not be particularly effective because of the insignificance of Government health education budgets compared with advertising budgets of multinational food and drink companies. Public education campaigns do not have the same role, objectives or, most importantly, effects as brand advertising campaigns, so they should not be seen as competing with each other, and indeed brand advertising is not permitted to undermine public information campaigns. Ofcom's Advertising Standards Code (rule 8.3, note 2) states that:

"Commercial product advertising cannot reasonably be expected to perform the same role as education and public information in promoting a varied and balanced diet but should not undermine progress towards national dietary improvement by misleading or confusing consumers or by setting bad examples".

There is substantial evidence that public education campaigns can be highly successful, if appropriately and consistently funded over a number of years. We have

provided the Committee with a summary of independent research commissioned by the Food Advertising Unit (FAU) in 2002 and written by Charles Gallichan, previously Head of Advertising at the Health Education Authority, on "Public Policy Advertising Campaigns: What works and what doesn't?", which gives some useful guidelines in this regard (see Annex 3).

The industry welcomes the view of the Committee that it can be part of the solution (conclusion, page 5, vol 1). The food industry has been very active through the Food and Drink Federation and at company level, and substantial food changes are being implemented in terms of a salt reduction programme, the reduction of trans-fatty acids, and other such initiatives.

The advertising industry has also been actively promoting media literacy via Media Smart, which is designed to help children think critically about advertising in the context of their daily lives and aims to be present in 10,000 primary schools by the end of 2004. In addition, MediaSmart is currently producing new materials which analyse food advertising.

Another example of a constructive contribution by the industry to raising public awareness of the importance of exercise is ITV's "Britain on the Move" initiative which was launched in April this year in collaboration with Sport England, the Ramblers' Association, the Countryside Agency, the Prince's Trust, the University for Industry and Learn Direct, and the Government. The campaign has been launched with national and regional programmes and to date ITV has had over 150,000 calls with 90,000 requests for the free information packs and 520,000 hits on the specially built website.

The AA hopes that there will be a constructive partnership between industry and other stakeholders, led by the Government, in finding long-term, effective solutions to this complex societal and health problem. However, it is concerned that a widespread misunderstanding of the industry's activities, evident also in the Committee's report, may become a barrier to its involvement. This is also acknowledged in the report: "There is danger that this issue is characterised only within a polemical debate, stressing only the roles of a 'devious food industry'..." (paragraph 400).

The Advertising Association has written to the Committee to draw their attention to three inaccurate assumptions which have informed some of their recommendations with regard to advertising. These are explained in the attached Annex 1. In a letter dated 11 June, the Chairman of the Health Committee has responded acknowledging the inaccuracy of the Report's criticism of the ASA (recommendation 19). The AA has sent a further letter dated 16 June and has not yet received a reply.

In addition, we would like to make the following comments on the Committee's analysis and recommendations about advertising:

1. Effectiveness of advertising bans

The Report (paragraph 187) supports the view in the Hastings review for the FSA that "evidence suggests that promotional activity influences children's eating habits". Ms

Rosemary Hignett, who gave oral evidence on behalf of the Food Standards Agency on 15 January 2004, said that, "the evidence is not there to draw any conclusions on the magnitude of the effect" (Vol II of Report, answer to Q1276, page 418) of the influence of food advertising against other factors. However, in the Hastings review, there was a quantified direct effect that only amounted to 2%, and no substantial evidence of the extent of the indirect effect. This suggests that advertising plays only a minor role in food choice. The Hastings review also said that no link between advertising and diet or obesity could be identified.

The Health Committee's Report acknowledges that a television advertising ban would not be effective (paragraph 193), but nonetheless contradicts this by calling for the industry to take voluntary action to withdraw the advertising of "unhealthy food" during children's TV programme time (recommendation 16). The Committee claims such action is required because of the "clear evidence it has uncovered of the cynical exploitation of pester power" (paragraph 192 and recommendation 16), as demonstrated by a Wotsits TV advertising campaign. The AA has already written to the Committee to explain that the agency brief they criticised was not used in the television campaign, and that the assumptions made by the Committee are therefore incorrect – see point 1, annex. Ofcom, the statutory regulator responsible for broadcast advertising content, does not allow TV advertisements to encourage children to pester for the product advertised (rule 7.2.1, TV Advertising Standards Code).

The Report also makes no reference to evidence that demonstrates that actions on advertising as proposed in the recommendations would not be appropriate or effective. One example is the graph (table 6) on page 31 which clearly shows that ad spends are unrelated to consumption (see point 2 below). Another example is that of Sweden and Quebec where bans on advertising to children have been in place for over 20 years, but have had no discernible impact on the levels of obesity. In both countries, obesity continues to grow and prevalence is no lower than levels in neighbouring countries or regions.

2. Table 6 (page 31)

Paragraph 97 of the Report, which contains an analysis of Table 6 on page 31, argues that "only a fraction of the amount of money spent advertising chocolate, sweets, crisps and snacks was devoted to advertising fruit". This is true, but what the figures in Table 6 also demonstrate is that there is no direct relationship between overall advertising expenditure and market size, as, between 1998 and 2002:

- ◆ the market size of chocolate decreased, but ad spend went up;
- ◆ the market size of crisps and snacks increased, with a small increase in ad spend;
- ◆ the market size of sweets remained static, but there was a small increase in ad spend;
- ◆ the market size of sweet biscuits fell slightly, but the ad spend more than doubled;
- ◆ the market size of fresh fruit increased, but the ad spend declined to just over half the ad spend in 1998.

Table 6: Children’s after-school snack products, market size and advertising spend, 1998 – 2002.

	Market Size		Adspend	
	1998 £m	2002 £m	1998 £m	2002 £m
Chocolate bars and countlines	3,745	3,494	68.9	91.0
Crisps and snacks	2,078	2,385	30.5	31.4
Sweets**	1,770	1,768	38.6	39.5
Sweet Biscuits	1,484	1,462	7.2	16.3
Fresh Fruit	2,962	3,150	4.5	2.8

** includes sugar confectionery and chewing gum
Source: Nielsen Media Research / Mintel

The figures thus contradict the key arguments made in the Report (eg paragraphs 96, 97, 112-113, 184) that:

- ◆ advertising must grow markets (and therefore increase calorific intakes) and
- ◆ that the "advertised diet" compromises the consumption of fruit and vegetables
- ◆ or that fruit and vegetable advertising budgets are in competition with processed foods.

The variations in the table reinforce the case made by the food and advertising industries, and disputed by the Report (paragraph 112) that brand advertising spend is primarily concerned with the competitive inter-relationship between brands, rather than with overall category growth.

3. Example of advertising restrictions in other countries

In paragraph 188, there is a list citing advertising restrictions or bans in other countries, with the implicit suggestion (following the comment in the previous paragraph about the FSA's recommendation that action should be taken) that these are examples the UK should follow. The only reference to the UK is with regard to the action taken by the Co-op supermarket and Cadbury's, and this gives the misleading impression that the UK advertising market is not regulated.

This is not the case. Ofcom's broadcast advertising Codes and the CAP (Committee of Advertising Practice) Code for non-broadcast advertising are rigorous (see Annex 2 attached). Ofcom is currently reviewing the food advertising provisions of the TV Advertising Code, following a direction from the Secretary of State for Culture, Media and Sport. The advertising industry supports the need for regular reviews to ensure that the Advertising Codes of Practice are sufficiently rigorous, and is actively cooperating with the review process.

Furthermore, the references to bans or restrictions in other countries in paragraph 188 are not accompanied by an assessment of the effect on levels of obesity in those countries. For example:

- ◆ Sweden has higher levels of obesity than the Netherlands, yet advertising to children is banned in Sweden but not in the Netherlands.
- ◆ Though bullet points 7 and 8 in paragraph 188 refer to some advertising restrictions in Finland, and Finland is praised (paragraph 19-20) for its effective public health strategies, the Report fails to acknowledge that advertising restrictions were not part of the actions taken.
- ◆ Bullet point 7 of paragraph 188 states that in Denmark, Finland and the Netherlands, characters or presenters from children's programmes cannot appear in advertisements, but does not state that in the UK, during children's programmes, advertisements must not show personalities or characters (including puppets and cartoon characters) associated with any children's programme, presenting or positively endorsing products or services of particular interest to children (BACC Notes of Guidance 3.2.iii).

4. Causes of obesity

The Committee's report inaccurately reflects the position of the advertising industry on several occasions. Paragraph 70 states that the food industry points the blame for spiralling rates of obesity firmly on reductions in physical activity. However, the Advertising Association/FAU has always acknowledged that diet / calorific intake is an important factor in determining obesity, but that physical activity and energy expenditure are also of critical importance, in essence, obesity is a result of an imbalance between "calories in" and "calories out".

Furthermore, in paragraph 186, the Report implies that the industry does not agree with "some degree of control" on advertising. This is not the position reflected in the AA and FAU submissions which state that industry supports the need for effective and appropriate codes, and their regular review.

5. Advertising to children

In paragraph 104, the Report claims that "Academic research confirms that there is real cause for concern about advertising to children", and that "understanding of its persuasive intent only emerges at 7-8 years". Andrew Brown, the Director General of the Advertising Association, is quoted as admitting that "children did not know the full persuasive influence of advertising until they were about eight or nine".

However, this paragraph does not fully reflect the points made at the Committee hearing on 13 November 2003 that:

- ◆ between the ages of about 3 and 5, children start separating advertising out from programming (Q624);
- ◆ from 5, 6, 7, 8 and 9, they begin to learn more and more about the persuasive intent of advertising (Q624);
- ◆ by 8 or 9, children understand the full persuasive influence of advertising (Q625);

- ◆ airtime is not sold for very young children, but the target audience is children viewing in the presence of their mothers (Q620);
- ◆ all advertising is handled responsibly to a code of practice (Q623), and the advertising industry does not support the idea of unrestricted and irresponsible communication to children.

6. Conclusion

The advertising industry welcomes the general thrust of the Health Committee's Report which is that obesity is a serious issue which needs to be tackled in a holistic way.

We agree with the Committee that the problem requires a range of long-term solutions involving all the different stakeholders and addressing both "energy in" and "energy out" (paragraph 400), and needs to be Government-led.

As indicated in this paper, we do not agree with some of the analysis and facts about advertising presented in the Committee's Report, and in particular, there are some errors of fact which have led to some questionable recommendations.

Nevertheless, as demonstrated in this paper, the food and advertising industries want to be part of the solution, and welcome the Committee's acknowledgement that this is important (conclusion, page 5). We are actively exploring in a number of different ways how this can be achieved.

ANNEX 1

INACCURACIES IN HEALTH SELECT COMMITTEE REPORT

There are three inaccuracies about the regulation of advertising in both the Report (paragraph 111 and 192-195) and the accompanying press release, as follows:

1. The Committee claims to have uncovered "cynical exploitation of pester power", citing a Media Strategy Brief for Walker's Wotsits. The agency concerned, AMV, gave evidence to the Health Committee on 13 November 2003. At the request of the Committee, the agency provided a comprehensive range of briefs and finished advertisements. At the Committee hearing, AMV acknowledged the unfortunate use of the term "pester" in one document. But importantly, they also confirmed that the reference had no impact whatsoever on the final television advertisement, which did not contain any "pester power". The advertisement that appeared on air was pre-cleared by the Broadcast Advertising Clearance Centre (BACC), and the ITC subsequently confirmed that the advertisement was "pester free". Contrary to the implications of the Select Committee Report, there was no breach of the TV Advertising Code.
2. The Report criticises the Advertising Standards Authority for approving the campaign, despite the Code banning "pestering" (paragraph 111). However, as the ASA's responsibility is for press and other non-broadcast advertising, it never "approved" the Wotsits TV campaign, and it would not have been appropriate for it to do so as this would have been outside its remit.
3. The Report recommends that Ofcom be asked to review the ASA with a view to improving its effectiveness (paragraph 195). This is inappropriate as the self-regulation of non-broadcast advertising falls entirely outside Ofcom's jurisdiction.

ANNEX 2

The Regulatory Framework for Children's Advertising

The regulatory regime for food advertising to children in the UK is amongst the most stringent in Europe. It is made up of a mixture of statutory and self-regulatory codes.

The table below briefly outlines the regulatory framework governing children's advertising in the UK. All codes of advertising and marketing practice are reviewed regularly through a process of public consultation. This allows the regulations to adapt quickly to a changing environment.

	TELEVISION	RADIO	NON-BROADCAST
Code	Ofcom Advertising Standards Code	Ofcom Radio Advertising and Sponsorship Code	Committee of Advertising Practice's (CAP) The British Code of Advertising, Sales Promotion and Direct Marketing
Code Type	Statutory	Statutory	Self-Regulatory Backed by OFT, Compulsory
Subject to pre-vetting?	Yes, Broadcast Advertising Clearance Centre	Yes, Radio Advertising Clearance Centre	Cinema: Yes, by an independent copy panel, prior to exhibition All other non-broadcast media: No, but advertisers are strongly encouraged to consult CAP's Copy Advice Team.
Adjudication body	Office of Communications (Ofcom) (Took over regulatory responsibilities of ITC and RA on 29 Dec 2003)		Advertising Standards Authority
Regulatory processes and powers	Codes subject to regular review / public consultation		
	Codes informed by research into societal attitudes		
	Rulings and upheld complaints publicised		
	Adjudicatory bodies can apply sanctions		
Examples of general provisions for children	Advertising must not take advantage of children's inexperience or their natural credulity and sense of loyalty		
	Advertising must not contain material which could lead to physical, mental or moral harm to children		
	Advertising must not directly advise or ask children to buy or to ask their parents or others to make enquiries or purchases		
	Advertising must not imply that children will be inferior to others, disloyal or will have let someone down, if they or their family do not use a particular product or service		
Examples of specific provisions for advertising food to children	Advertising must not condone inappropriate health standards for children		
	Advertising must not encourage children to eat frequently throughout the day		
	Advertisements must not actively encourage children to eat or drink near bedtime		
	Advertising must not encourage children to replace main meals with confectionery or snack foods		

The food and advertising industries understand the need for these codes and their level of compliance is exemplary. The level of complaints to regulatory bodies for food advertising to children remains low.

In addition to the ITC (now Ofcom) Code, the pre-vetting body for television advertising, the BACC, has industry Notes of Guidance with detailed additional provisions as regards advertising and children, timing restrictions, and food and drink advertising.

ANNEX 3

Key findings of Charles Gallichan's report for the FAU on

"Public Education Campaigns - what works and what doesn't?"

The key findings of his analysis of successful and unsuccessful public policy advertising campaigns were that:

- ◆ The messengers have to be credible - Government or even NHS sources will be rejected. It must be seen to be a health-based issue and not a Government campaign to be effective.
- ◆ Research methodologies should be robust - campaigns need to be informed by both qualitative and quantitative research. On-going tracking studies are needed to develop strategy and content.
- ◆ Targets need to be realistic.
- ◆ Messages need to be kept simple and relevant.
- ◆ Messages must not be evangelical or political in tone but should seek to educate through empathy.
- ◆ Financial support for campaigns must be consistent, regular and assured.
- ◆ The quality of the partnerships and alliances between the various stakeholders is key. Public debate can end up being confusing, as different examples of dietary advice can appear to be mutually inconsistent or exclusive.
- ◆ Success lies not in clever announcements or stunts, but rather in solid advocacy work, with the media fully comprehending the issues.
- ◆ In order to keep people motivated, not least the funders, it is important to ensure that everybody involved is aware of how matters are progressing, facilitating any adjustment of content that may be necessary.
- ◆ The level of funding and the length and consistency of campaigns is also a factor in determining their success.