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TACD Comments on the Interagency Working Group on Food Marketed to Children's Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts

Introduction

The Transatlantic Consumer Dialogue (TACD) is a forum of US and EU consumer organisations which develops and agrees on joint consumer policy recommendations to the US government and European Union to promote the consumer interest in EU and US policy making. We welcome this opportunity to submit comments on the Interagency Working Group on Food Marketed to Children's Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts.

The TACD has long called for action by the United States (US) and European Union (EU) Governments to ensure a more responsible approach to the way that foods are marketed to children, particularly given the rates of obesity and diet-related disease on both sides of the Atlantic. We have called for rules to ensure that food marketing does not undermine progress towards improving diets, for example, by encouraging excessive consumption of foods that are high in fat, sugar and/or salt.

Last year, the World Health Organisation (WHO) also adopted a set of recommendations on the marketing of foods and non-alcoholic beverages to children. These state that the overall policy objective should be to reduce both the exposure of children to, and power of, marketing of foods high in saturated fats, *trans*-fatty acids, free sugars, or salt and that it is the responsibility of governments to set clear definitions for the key components of the policy, in order to allow for a standard implementation process.

We therefore very much welcome this initiative by the US Interagency Working Group which is designed to encourage children, through advertising and marketing, to choose foods that make a meaningful contribution to a healthful diet and minimise consumption of foods with significant amounts of nutrients that could have a negative impact on health or weight.

General comments on the proposed approach

TACD recognises that there have been several industry initiatives relating to food marketing in the EU and US in recent years. However, we are concerned that although these Pledges cover some aspects of the way that foods are marketed to children, they are limited in several respects:

- > the age of children covered – they only cover younger children;
- > the channels that are covered – very few of the channels used to market food to children identified by the Federal Trade Commission are covered in the policies;
- > the foods that are covered - food companies have developed different approaches to limiting foods that can be marketed to children according to the nature of their portfolios;
- > the way that marketing to children is defined – various child-appealing techniques are still permitted, such as use of brand equity characters; and
- > the breadth of companies covered – as the initiatives are self regulatory, only a limited number of companies have signed up to the pledges.

We consider that a more comprehensive approach is needed to tackling food marketing to children that addresses these weaknesses, as part of broader strategies to tackle obesity and diet-related disease. We, therefore, have the following general comments on the approach proposed by the Interagency Group:

Age of children

TACD supports the Working Group's recognition that older as well as younger children should be protected, by proposing that the principles should apply to marketing of children up to 17. We do consider that the prevalence of obesity in both children and adolescents warrants the same approach to limits on food marketing for both age groups (question 1). The rationale for the restrictions should be public health protection. It is important not to confuse this with issues around children's understanding and response to specific marketing techniques. We do not, therefore, consider it appropriate to narrowly define the scope of marketing to which the nutrition principles should apply to for adolescents.

Definitions of marketing to children

It is important that the nutrition principles are supported by clear definitions of what is considered to be marketing of foods to children so that there is no ambiguity. Foods are marketed to children through a range of complex, integrated and increasingly sophisticated techniques, many of which may not be immediately obvious, and so it is important that a comprehensive approach is included in order to ensure that the principles achieve their overall objective.

When determining the specific definitions for whether a marketing technique is targeted to children, including adolescents, it is also important to ensure that the number of children as well as the proportion of children watching is taken into account in order to have a meaningful impact on their exposure. Children may make up a relatively small proportion of viewers of TV programmes or users of web-sites, despite the programme or site having the largest number of children watching compared to any others. Percentage audience share is therefore not a sufficient basis for restrictions in isolation and needs to be combined with other methods for ensuring that children are not targeted during very popular evening programmes for example, including use of scheduling restrictions and clear definitions for the techniques used to target children through different channels.

Brand marketing

It is important that the principles take account of brand advertising by ensuring that brands that are predominantly associated with less healthy foods do not circumvent the recommended principles.

Specific comments on the Principles

Implementation period up until 2016

We recognise that it is proposed that the principles are voluntary, but we are concerned that given the urgent need to take action to address the causes of obesity and diet-related disease, an implementation period up until 2016 is too long and instead suggest that this is reduced to two years.

Food categories

We agree that it is useful to focus on the food categories currently most heavily marketed to children (breakfast cereals, snack foods, candy, dairy products, baked goods, carbonated beverages, fruit juice and non-carbonated beverages, prepared foods and meals, frozen and chilled deserts and restaurant foods), but think that the principles should apply across the board.

Nutrition criteria

We support the overall approach of specifying which foods make a meaningful contribution to a healthful diet, combined with criteria for nutrients to limit. The nutrition principles should help drive reformulation so that a wider range of healthier products are made available. However, we do not think that feasibility of reformulation should be confused with whether or not it is appropriate to market certain food products to children, or be a reason to delay action in this area.