

Marketing Food to Children: the Global Regulatory Environment

Marketing Food to Children



WORLD HEALTH ORGANIZATION

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Marketing Food to Children: the Global Regulatory Environment

by Dr Corinna Hawkes



WORLD HEALTH ORGANIZATION

Summary

Responding to concerns over the threat of an epidemic of diet-related non communicable diseases (NCDs), such as heart diseases, certain types of cancer, diabetes and obesity, the World Health Organization (WHO) has prepared a draft global strategy on diet, physical activity and health, that will be considered by Member States in May 2004. As part of the strategy development process, WHO has been examining a range of interventions that have the potential to play a role in tackling the globally rising rates of NCDs. In this respect, the regulation of the marketing of food, especially to children, has emerged as one area necessitating further attention. In an attempt to broach this issue in more depth, WHO commissioned the present review of the regulatory environment that surrounds the marketing of food (including non-alcoholic beverages) to children.

Although formal definitions of "marketing" are very broad, for the purposes of this review the term was used to refer only to those processes that are very visible to the consumer, namely: advertising and promotion. Six marketing techniques widely used by companies to promote food to children were singled out: television advertising, in-school marketing, sponsorship, product placement, Internet marketing and sales promotions.

Information about regulations governing each of these six marketing practices was obtained by conducting a thorough search of a wide range of information resources, including web sites of government ministries and industry organizations, legal databases, published books and papers, and governmental and nongovernmental reports. The data so obtained was then cross-checked against alternative sources, a process which involved personal contact with marketing experts worldwide. In all, the search process yielded verified information about marketing regulations in a set of 73 countries from all world regions, although some are less well represented than others owing to difficulties in accessing the relevant information.

Although the present review is primarily concerned with regulations governing the marketing of food to children, it was recognized that a wide range of regulations have the potential to affect the techniques used to market food to children, including those that apply to all age groups and all products. In fact, non child-specific consumer protection laws have been used as the basis for litigation against several large food companies.

Of the six techniques, television advertising is perhaps the most popular means of promoting food and beverage products worldwide and consequently has been the subject of more debate, in terms of its effects on children, than any other marketing practice. It is also the most widely regulated; 85% of the 73 countries surveyed had some form of regulation on television advertising to children and almost half (44%) had specific restrictions on the timing and content of television advertisements directed at children. Two countries and one province have banned television advertising to children. The effect of such bans on children's diets is, however, difficult to evaluate; existing bans tend to be undermined by cross-border advertising (i.e. advertising that originates from another country) and other marketing techniques, factors which complicate evaluation. Twenty-two countries have some form of regulatory or self-regulatory clause on food advertising, but the degree of implementation of these clauses and their effect on children's diets has likewise not been evaluated.

Countries differ in their approach to the regulation of television advertising. Some rely solely on statutory regulations (i.e. those enshrined in laws or statutes, or rules designed to fill in the details of the broad concepts mandated by legislation), others preferring self-regulation (i.e. regulations put in place by a self-regulatory system whereby industry actively participates in, and is responsible for, its own regulation). In many cases, both forms of regulation coexist. The principle underlying many regulations is that advertising should not be deceitful or misleading. Most national regulations recognize children as a special group in need of special consideration and stipulate that advertising should not be harmful or exploitative of their credulity.

The marketing of food products to children in the school environment, be it in the form of direct advertising (e.g. signage), indirect advertising (e.g. sponsorship of educational materials) or product sales, is second only to television advertising in terms of the amount of controversy that it has attracted in recent years. Indeed, attempts to regulate sales of high-fat snacks and carbonated soft drinks in schools in the United States of America has become something of a cause célèbre amongst anti-obesity advocates and lawmakers. Although the practice is growing almost everywhere, many countries do not have specific regulations on in-school marketing; 33% of the countries surveyed were identified as having any form of regulation of this type and only a handful of countries place any restrictions on the sales of selected food products in schools. There are, however, signs that attitudes are changing, with national governments and the food industry taking a more proactive stance in developing new approaches to the regulation of product sales in schools.

Regulation of non-traditional forms of marketing, including Internet marketing, sponsorship, product placement and sales promotions can be described as patchy with regard to children. Although regulations on sponsorship and sales promotions are fairly common, very few countries have regulations on these forms of marketing that are specific to children and/or food. Partly because of the embedded nature of product placement, regulations on this form of marketing are especially open to the vagaries of interpretation. Children have been identified as an ideal target group for Internet-based advertisers, but as marketing on the Internet is relatively new, its regulation is still at the developmental stage in most countries. The main difficulty here lies in the fact that although many existing regulations in theory also apply to online advertising, in practice it is not always feasible to transfer the existing rules to Internet marketing owing to the complex and interactive nature of the technologies involved. Sponsorship and sales promotions are widely used techniques used to market food to children, but seldom do regulations account for their potential effects on children's eating patterns.

The review concludes that many countries have in place a range of regulations applicable to the marketing of food to children. But there are also gaps and variations in the existing global regulatory environment. Importantly, existing regulations do not consider food as a special category from the viewpoint of public health; regulations aim to guide the content and form of promotions, not to minimize their ability to encourage consumption of certain foods. Still, the regulatory environment is evolving; new regulations are continually being proposed and developed, industry is making new efforts, and consumer and public health groups are making new demands. These ongoing efforts tend, however, to focus on television advertising and in-school product marketing in the developed world, and less so on non-traditional forms of marketing and the growing use of promotional activities in developing countries. Mechanisms for implementation and enforcement of regulations, which may involve a complaints system, penalties for non-compliance and/or most stringent of all, systems for pre-approval of advertisements, vary considerably between countries. Although implementation and enforcement issues were beyond the scope of this review, case studies and anecdotal evidence cited indicate wide variations in the degree of enforcement of regulations.

Some consensus is emerging that the issue of food marketing to children needs to be addressed by all stakeholders. More objective research on the effects of marketing regulations on dietary patterns is warranted. Progress could be achieved by ensuring that health is at the centre of further policy development concerning the marketing of food to children.

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Abbreviations

AANA	Australian Association of National Advertisers
AAT	Advertising Association of Thailand
APCON	Advertising Practitioners' Council of Nigeria
ASA	Advertising Standards Authority (New Zealand, South Africa, United Kingdom)
ASAM	Advertising Standards Authority of Malaysia
ASC	Advertising Standards Canada
BVP	Bureau de Vérification de la Publicité
CAP	Consumers Association of Penang
CARU	Children's Advertising Review Unit
CBC	Canadian Broadcasting Corporation
CDC	Centers for Disease Control and Prevention (United States of America)
CFAC	Coalition on Food Advertising to Children
CIAA	Confederation of the Food and Drink Industries of the EU
CONAR	Conselho Nacional de Auto Regulamentação Publicitária
COPPA	Children's Online Privacy Protection Act
CSC	Center for the Study of Commercialism
CSPI	Center for Science in the Public Interest
CTVA	Commercial Television Australia
EASA	European Advertising Standards Alliance
EC	European Commission
ECJ	European Court of Justice
EGTA	European Group of Television Advertising
ERMA	Entertainment Resources and Marketing Association
EU	European Union
FEDMA	Federation of European Direct Marketing
FAO	Food and Agriculture Organization of the United Nations
FCC	Federal Communications Commission
FCTC	Framework Convention on Tobacco Control
FDA	Food and Drug Administration (United States of America, Thailand)
FMNV	Foods of minimum nutritional value
FSA	Food Standards Agency
FTC	Federal Trade Commission
GCC	Gulf Cooperation Council
GMA	Grocery Manufacturers of America
IACFO	International Association of Consumer Food Organisations
IAP	Istituto dell'Autodisciplina Pubblicitaria
ICC	International Chamber of Commerce
IOTF	International Obesity Task Force
NCDs	Non communicable diseases
NGO	Nongovernmental organization
NSDA	National Soft Drinks Association
NZTBC	New Zealand Television Broadcasters' Council
OECD	Organisation for Economic Cooperation and Development
RTÉ	Radio Telefís Éireann
SCAP	Singapore Code of Advertising Practice
SRO	Self-regulatory organization
TIE	Toy Industries of Europe
TVWF	Television Without Frontiers (Directive)
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNGCP	United Nations Guidelines on Consumer Protection
USDA	United States Department of Agriculture
WFA	World Federation of Advertisers

Introduction

Marketing is a process widely used by companies throughout the world to encourage consumption of their products.¹ In recent years, and during the last 12 months in particular, the marketing of food^a products has been the focus of much lively international debate, especially with regard to children. Foods most heavily targeted at children, including energy-dense fast foods, carbonated soft drinks, sugary breakfast cereals, salty snacks and baked goods, tend to be high in fats, sugars and salt and nutrient-poor. Given the globally rising rates of obesity and diet-related non communicable diseases, some experts have suggested that the marketing of such foods contributes to an “obesogenic” environment that makes healthy food choices more difficult, especially for children.²

There is currently some disagreement about how marketing influences children’s diets and health. In 2002, a Joint World Health Organization/Food and Agriculture Organization of the United Nations (WHO/FAO) Expert Consultation concluded that the heavy marketing of fast food and energy-dense, micronutrient-poor foods and beverages is a “probable” causal factor in weight gain and obesity.³ The following year, a systematic review commissioned by the United Kingdom’s Food Standards Agency (FSA), and probably the most comprehensive study of its type conducted to date, found that advertising does affect food choices and does influence dietary habits.⁴ Taking a different perspective, a recently published industry-sponsored report stated that there is “no evidence to show a direct causal relationship between food advertising and obesity levels.”⁵ The only clear consensus to have emerged from this debate so far is that the role of marketing on children’s diet and health warrants closer scrutiny and more detailed research.

Through 2003 and 2004 WHO has been developing a global strategy on diet, physical activity and health, in consultation with its Member States and a range of stakeholders in the public and private sectors. In late 2003, WHO released its draft global strategy;⁶ following a process of appropriate modification resulting from comments from Member States, the strategy will be presented to the 57th World Health Assembly in May 2004. In developing the global strategy on diet, physical activity and Health, WHO has sought to better understand the interventions that may be effective in tackling the rising rates of diet-related disease throughout the world; food marketing has been one area of focus in this respect. During the strategy development process, an important knowledge gap emerged, namely: what are the existing mechanisms by which countries regulate the marketing of food to children? This report, which examines the regulatory environment surrounding the marketing of food to children in over 70 countries, represents an attempt to broach the topic in more depth. It is based on an extensive review of existing laws and self-regulatory codes, paying particular attention to six marketing techniques commonly employed by food companies: television advertising, in-school marketing, sponsorship, product placement, Internet marketing and sales promotions.

The report is organized as follows. Part One outlines the methodological framework used to review the regulations. Part Two describes the regulations in detail, utilizing a series of tables to highlight the main features of national regulations and boxes to reflect common themes, problem areas and country-specific experiences. Part Three summarizes the key issues arising from the review, identifies important gaps in the knowledge base, and poses questions to guide future research and policy.

^aThroughout this report, the term “food” is used to denote foods and non-alcoholic drinks (i.e. carbonated and non-carbonated soft drinks)

Part 1. Objectives and methodology

1.1 Objectives

The regulatory environment that surrounds the marketing of food to children is both complex and dynamic. Consequently, the principal objective of this review is to provide an overview of existing regulations; earlier versions of the same laws and codes are not considered. To this end the report categorizes, compiles and tabulates international, regional and national regulations, and makes comparisons between different regulatory systems. A secondary objective is to highlight some of the issues and problems that have arisen following the implementation and enforcement of these regulations; it is beyond the scope of this review to deal with such matters comprehensively, but a number of important issues are highlighted throughout the report as items of boxed text. Examples of local regulations and individual company codes of practice are also given, but are not reviewed systematically.

1.2 Methodology: defining terms and formulating the search process

A wide variety of publications, databases and online information resources, including web sites of government ministries and industry organizations, legal databases, published books and academic papers, and governmental and nongovernmental reports, were identified as potential sources of information about the regulations that govern the marketing of food to children. In order to conduct a systematic and comprehensive search of such information sources, however, it was first necessary to define terms. Having established the terms of reference, the second step was to develop procedures for carrying out the search process.

1.2.1 Defining the terms

Definition of regulations

For the purposes of this review, the term “regulation” was broadly defined as any law, statute, guideline or code of practice issued by any level of government or self-regulatory organization (SRO). Regulations can be divided into three categories:

- statutory regulations;
- non-statutory government guidelines;
- self-regulations.

Statutory regulations are defined here as either texts enshrined in laws or statutes, or rules designed to fill in the details of the broad concepts mandated by legislation. The development, promulgation and enforcement of statutory regulations are the responsibility of government or a mandated body. In the marketing arena, statutory regulations are found in, or based on, a multitude of laws, usually laws on marketing, media, broadcasting, communications, advertising, consumer protection, competition, trade or food. All regulate the form, content and/or extent of marketing practices, either as guidelines or restrictions. The former provide general guidance on the form and content of marketing techniques; the latter actively limit the form, content and extent of marketing techniques. Non-statutory government guidelines have the same purpose as statutory regulations, but are not enshrined in, or mandated by, law.

Self-regulations are put into place by a self-regulatory system whereby industry actively participates in, and is responsible for, its own regulation. Led, funded and administered by the industries concerned, self-regulation normally consists of two basic elements. The first, a code of practice — a set of ethically-based guidelines — governing the content of marketing campaigns, and the second, a process for the establishment, review and application of the code of practice. This process can be

structured in many different ways, but typically involves an SRO set up by the advertising and media industries, and in many cases also involving the companies that use advertising to promote their products or services. Self-regulation may be mandated by government framework legislation, but can also exist completely independently of government regulation. This review covers codes of practice developed and implemented by SROs rather than voluntary codes developed by individual companies (e.g. broadcasting, food), although several examples of the latter are given, where appropriate.

Although the present review is primarily concerned with regulations governing the marketing of food to children, it was recognized that a wide range of regulations have the potential to affect the techniques used to market food to children. These can be grouped as follows:

- regulations on marketing applicable to all age groups and products;
- regulations specific to children;
- regulations specific to food marketing.

Definition of marketing and marketing techniques

There are many definitions of the term “marketing”. One widely cited definition is: “the process of planning and executing the conception, pricing, promotion, and distribution of ideas, goods, and services to create exchanges that satisfy individual and organizational objectives.”⁷ Marketing is thus a broad process that includes market research, distribution, pricing, packaging, product development, advertising, promotions and public relations.

For the purposes of this review, however, the term “marketing” is used to refer solely to those processes that are very visible to the consumer, namely: advertising and promotion. More specifically, the following marketing techniques were selected for study: television advertising (section 2.1), in-school marketing (section 2.2), sponsorship (especially of television programmes) (section 2.3), product placement (section 2.4), Internet marketing (section 2.5) and sales promotions (section 2.6). Research has shown that these techniques are widely employed by companies to promote food to children on a global scale.⁸

In the marketing literature, in the text of regulations, and in this report, the above promotional techniques are described by a range of terms that are defined as follows:

- *Traditional/non-traditional.* Traditional advertising refers to advertising that appears in the “traditional” media (i.e. television, cinema, radio, print-press, outdoor billboards) and directly encourages consumers to buy the product being advertised (e.g. television commercials, print advertising and street billboards). The term “non-traditional” is used to describe any form of marketing that is not “traditional” (e.g. sponsorship, product placement, Internet marketing) and/or that which appears in “non-traditional” media, such as via e-mail, direct mail and at the point of purchase.
- *Above-the-line/below-the-line.* Above-the-line advertising appears in the traditional media (see above), while below-the-line advertising appears in any of the non-traditional media, and includes sponsorship, sales promotions and in-school events.
- *Direct/indirect.* Direct advertising is advertising that directly presents the product to the target audience, such as television advertising, direct mail or Internet banner advertisements. The term “indirect marketing” refers to the promotion of a product by associating it with another product or activity, for example, by linking the product with sports or music via sponsorship, or by using celebrity endorsement or product placement.
- *New.* New forms of marketing are those that are emerging with growth of new technologies, such as interactive marketing on the Internet, and virtual and split screen advertising (the latter two techniques are not considered here).

Definition of a child

Critical to any regulation concerning marketing to children is the definition of a “child”. Although often assumed to be an issue of age, many regulations do not actually define upper age limits. In addition, there is some debate about the applicability of age as a determinant.⁹

In regulations, children are variously described as “minors;” “juveniles;” “young people” or “children”. When ages are specified, the definition varies between countries. In European Union (EU) Member States, for example, a minor is defined as a person under 18 years of age, with the exception of Austria, where the upper age limit is 19 years.¹⁰ The United Nations Convention on the Rights of the Child defines children as persons aged 18 years and under.

When specified in national broadcast legislation, the definition of a “child” typically ranges from under 12 years of age to under 16 years (see Table 1). Thus even if a regulation on marketing to children is similar within a group of countries, it may apply to different age groups. Furthermore, regulations on different forms of marketing (e.g. advertising and sales promotions) in the same country may apply to different age groups.

Table 1

Examples of the “age of a child” as defined in national broadcast legislation

Country or area	Age (less than, years)
Australia	14
Canada	12
Quebec	13
China, Hong Kong Special Administrative Region	15
Fiji	15
Finland	12
Germany	14
Netherlands	12
Norway	12
Republic of Korea	13
Sweden	12
United Kingdom	16

Source: Hawkes C. A directory of national regulations and self-regulations on television advertising to children. Unpublished document, 9 December 2003.

Definition of marketing that is targeted at children

Part of the process of enforcing marketing regulations is deciding whether or not a marketing campaign is actually directed at children. Making this assessment is not always a straightforward matter; a television advertisement, for example, could be directed at parents rather than at children, or could be targeted at teenagers but viewed by the under-12s.

Most regulations do not specify criteria for defining “child-directed marketing”. Exceptions include those that operate in Canadian Quebec and Norway^{11,12} but even in these countries the criteria for defining “child-directed marketing” apply to television advertising only. The guidelines set out below,

which are adaptations of the criteria developed by Quebec^{13,14} and Norway together with elements of an Irish consultation document for a children's advertising code¹⁶, are used throughout this report to define child-directed marketing:

- The type of product or service being marketed. (Is it intended exclusively for children? Or is it very interesting to them?)
- The manner in which the marketing is presented. (Does it use colours, voices, images, music or sounds of the type that captivate children? Does it involve activities, such as collecting or drawing, which are likely to be popular with children? Does it involve characters with whom children are likely to identify?)
- The place and time of the marketing campaign. (Is the marketing conducted in a place frequented mainly by children? Is it in a publication popular with children? Is it broadcast at a time when children are likely to be watching?)

1.2.2 The search process

At the outset of the review, it was hoped that it would be possible to identify regulations in approximately 100 of the world's countries, including the largest countries in terms of population size. A separate stepwise search was conducted for information about existing regulations governing each of the six above-mentioned marketing techniques, with the initial search focusing on television advertising. Those countries for which advertising regulations had been identified were then the subject of searches for details of regulations on the other marketing techniques (i.e. in-school marketing, sponsorship, product placement, Internet marketing and sales promotions).

Regulations on television advertising were identified by conducting a search for existing compendiums of advertising regulations, available either as books, reports or on the Internet. This comprised an English-language search of databases and the Internet for:

1. Published books and reports.
2. Internet-based compilations.
3. Compilations by lawyer groups.

Once existing compilations had been identified, searching was continued in:

4. Academic articles in electronic databases (e.g. Ingenta).
5. Journal, magazine and newspaper articles and legal texts (Lexis-Nexis).
6. Web sites of government departments.
7. Web sites of SROs and other advertising and marketing groups.

Search terms (i.e. keywords) were drawn from the definitions described in the preceding subsection, and applied systematically; at this point in the search process, the names of specific countries were not included.

The initial search revealed information about the regulation of television advertising in 55 countries, and also some international codes of practice. In order to increase the number of countries to the target 100 countries, searching continued using new search terms. Where the search had not produced results in certain areas of the world, countries in those under-represented regions were now named in the search process, and searching was carried out in French and Spanish. This extensive search process resulted in the identification of information about the regulation of television advertising in 85 countries.

The regulatory information so obtained was then verified to ensure that it was both correct and up-to-

date by cross-checking with alternative sources and via personal contact with advertising experts, officials and lawyers. The verification process confirmed the accuracy of the information on television advertising regulations in a set of 73 countries. Despite the wider range of the search conducted in the second phase of the process, some parts of the world are still regrettably under-represented in this final total, notably Africa and the Middle East, along with the island states of the Caribbean and Pacific. That information about regulations on television advertising could not be found in many countries does not necessarily indicate an absence of regulation in those countries, merely that the search process failed to identify regulations. Any remaining omissions and inaccuracies are entirely the fault of the author.

The search for information on regulations relating to the other five marketing techniques was subsequently limited to the 73 countries for which television advertising regulations had been identified, and involved a similar stepwise search process. Again, the author takes full responsibility for any inaccuracies or omissions.

Part 2. The global regulatory regime surrounding food marketing to children

The marketing of food to children is covered both generally and specifically by several types of regulation:

- statutory and self-regulations applicable to all people and products;
- statutory and self-regulatory guidelines specific to children;
- statutory restrictions specific to children;
- statutory and self-regulatory guidelines specific to food advertising.

Although this review focuses on child-specific regulations, it is important to keep in mind that regulations applicable to all people and products can also be applied to children. This point is amply illustrated by a recent (and unprecedented) dispute in Finland (see Box 1) and also by the ongoing litigation against several food companies, under the terms of consumer protection acts, in both Brazil and the United States of America (see Box 2).

Box 1

Applying consumer protection laws to food marketing to children: a case from Finland

In Finland, marketing to children is regulated by the Consumer Protection Act, the Act on Television and Radio Operations, and the Consumer Ombudsman Guidelines on Marketing to Children. Since the Consumer Ombudsman Guidelines are not legally-binding (section 2.1.2), the Consumer Protection Act was used by Finland's Market Court to make the case against a McDonald's commercial in 2002. Chapter 2, Article 1 of the Consumer Protection Act states that:

1. No conduct that is inappropriate or otherwise unfair from the point of view of consumers shall be allowed in marketing.
2. Marketing that does not convey information necessary in respect of the health or economic security of consumers shall always be deemed unfair.¹⁷

The Market Court believed that the McDonald's commercial violated the act by presenting Happy Meal toys as the "main message in spots, at the expense of the main product" (i.e. the Happy Meal).¹⁸ In making the core of the commercial a toy and the main objective attracting children, McDonald's, the court ruled, was deliberately taking consumer attention away from the advertised product (the meal) and the commercial was thus deemed an "inappropriate" form of advertising (L. Lindström, personal communication, 2003). The Market Court ordered that the commercial therefore be withdrawn.

Box 2

The role of marketing laws in litigation against food companies

In the past two years, laws that regulate marketing practices have been used as the basis of legal action against fast food and soft drinks companies. In a lawsuit in the United States, *Pelman v. McDonald's Corporation* (2002), two New York teenagers alleged that McDonald's employed misleading and deceptive practices in marketing their products, and in so doing caused them to become obese. The basis of the claim was the New York State Consumer Protection Act, which renders it illegal to practise misleading and deceptive marketing (children are not specified). The plaintiffs contended that the advertising, with its slogans "McChicken Everyday," "Big N' Tasty Everyday" and "McDonald's can be part of a balanced diet and lifestyle," misled the teenagers into believing they could eat the products every day without suffering ill-health. In January 2003, the court ruled against the plaintiffs on the grounds that McDonald's had not made specific claims, but allowed the plaintiffs to resubmit their claim.¹⁹ In applying the New York Consumer Protection Act to different types of marketing techniques, the resubmission accused McDonald's of:

*Representing and/or attempting to allegedly mislead the users and consumers from 1987 and continuing thereafter to the present, in widespread advertising campaigns, promotions, brochures, press releases, "consumer oriented" statements and on McDonald's Internet website.*²⁰

The case was dismissed completely in September 2003, the judge stating that there was no evidence that McDonald's had engaged in deceptive advertising.^{21,22}

A consumer protection law has also been used as the basis of a lawsuit filed in Brazil in July 2003. Citing published links between sugar-sweetened soft drinks and obesity, lawyers claimed Coca-Cola and Ambev-Pepsi were culpable in the rising rates of obesity in the country (where the two companies between them control 66% of the soft drinks market). Four articles of the Consumer Defense Code (1990) formed the basis of litigation.²³ The Consumer's Defense Public Attorney for São Paulo filed the suit to "compel them [the companies] to stop advertising and marketing to children and to warn consumers about the risk of excessive sugar consumption" (J. Lopes Guimarães Jr, personal communication, 2003). Despite the legal basis being the same in both cases, in December 2003 one judge ruled against Ambev-Pepsi (saying that the company should restrict advertising and sales promotions of soft drinks targeted at children), while another ruled in favour of Coca-Cola (stating a specific law would be needed for litigation to be successful). To date both decisions are being appealed (J. Lopes Guimarães Jr, personal communication, 2003).

2.1 Regulation of television advertising

Television is a popular advertising medium for food and beverage products all over the world.²⁴ In several countries recent audits of television advertising have reported a high volume of food advertisements targeted at children.^{25, 26, 27, 28} Frequently advertised products include breakfast cereals, soft drinks, snacks and fast foods. Consequently, television advertising has been the cause of more concern and debate, in terms of its effects on children, than any other marketing technique. This focus is reflected by a recent surge in the amount of both statutory and self-regulatory activity intended to address the issue (see Box 3).

Box 3

Increasing regulatory activity surrounding the regulation of television food advertising to children

Over the past few years, proposals to restrict television advertising to children have been made in a number of countries, including Australia, Brazil, France, Germany, India, Ireland, Italy, Malaysia, New Zealand, Poland and the United Kingdom. Several proposals have identified food specifically. In Brazil, for example, a bill tabled in February 2003 aims to restrict food advertising on the grounds of child health.²⁹ In France, an amendment to the Public Health Law to ban commercials for high-fat and high-sugar foods during children's television has been proposed to parliament.³⁰ In the United Kingdom, a bill to prohibit certain food advertisements targeted at children was re-introduced in November 2003,^{31, 32} and in the following month the Irish parliament discussed (but did not pass) a Private Members Bill that would have banned "junk food" advertisements.³³ Also in late 2003, the Australian Coalition on Food Advertising to Children (CFAC) reiterated their call for a ban on all television food advertising targeted at the under-12s.³⁴ At the regional level, the European Union (EU)-wide Television Without Frontiers (TVWF) Directive is being revised, and advocates are calling for the inclusion of restrictions on child-directed food advertising.³⁵ Internationally, the International Obesity Task Force (IOTF) has proposed that advertising of "inappropriate foods and drinks" to children be prohibited.³⁶

Efforts to develop more child-specific government regulations have been particularly evident during the past year. The Italian parliament, for example, is discussing measures to prohibit the use of children in advertising as part of a new Radio and TV Act.³⁷ This is subsequent to the joint development by government and industry in November 2002 of a Self-regulation Code on TV and Minors.^{38, 39} Ireland is currently developing a Children's Advertising Code, due for implementation in 2004; it is likely to include sections on inexperience and credulity, product prohibitions and new advertising techniques.⁴⁰ Finland is currently revising its Guidelines on Children and Marketing. Across the EU, the proposed EC Directive Concerning Unfair Business to Consumer Commercial Practices (adopted June 2003) would outlaw "advertising to children in a way which implies that their acceptance by their peers is dependent on their parents buying them a particular product" on the basis it is "aggressive."^{41, 42} Internationally, the nongovernmental organization (NGO), Consumers International, passed a resolution in October 2003 calling for regulatory bodies to introduce legislation to provide special rules for television advertising (and other marketing techniques) directed at children, or which is likely to be seen by children.⁴³

Self-regulatory authorities are also responding to the increasing concern about the effects of advertising to children. The French Bureau de Vérification de la Publicité (BVP) incorporated an unusually extensive section on food into their code on advertising to children in October 2003 (see Table 5).⁴⁴ (A survey by the BVP showed that 20% of the 10 000 television commercials broadcast each year showed children sedentary and eating excessively.)⁴⁵ Commercial Television Australia (CTVA) is currently conducting a review of their Code of Practice and plans to incorporate a segment on food.⁴⁶ At the global level, the International Chamber of Commerce (ICC) recently reaffirmed its principle that children deserve special consideration from advertisers by releasing a *Compendium of ICC rules on children and young people and marketing* in May 2003.⁴⁷

Multinational food corporations and their associations are also considering new guidelines. During 2003, at least four of the world's largest food and drinks companies developed internal guidelines or principles on marketing, including that directed at children. Nestlé's new guidelines on consumer communications state that food products advertised to children must be age-appropriate.⁴⁸ In an anti-obesity initiative (to be implemented in 2004), Kraft Foods declared that their advertisements will not promote "over-consumption."⁴⁹ In July 2003, Coca-Cola "reaffirmed" their policy prohibiting marketing to children under the age of 12 years.⁵⁰

Box 3 (continued)

Increasing regulatory activity surrounding the regulation of television food advertising to children

In November 2003, the H.J. Heinz Company introduced worldwide guidelines on marketing and advertising, stating that communications should not be targeted solely at pre-school age children.⁵¹ The Grocery Manufacturers of America (GMA) and the Confederation of the Food and Drink Industries of the EU (CIAA) are also actively seeking increased awareness and utilization of guidelines on food advertising.

The regulation of advertising to children has not only been subject of controversy over the past few years. In the United States, advertising restrictions were the subject of extensive debate as far back as the 1970s. Although the government did implement restrictions on the time allocated to children's advertising in 1990 (see section 2.1.2), at that time it decided against more comprehensive child-specific legislation on the basis there was no practical way to implement it.⁵² Interestingly, non-child specific regulations on marketing have been used as the basis of recent litigation against food companies (see Box 2). Federal and state bills have subsequently been proposed in an attempt to outlaw obesity lawsuits against food and beverage companies; to date one bill has been passed.^{53, 54, 55}

2.1.1 Type and purpose of regulations on television advertising

Television advertising is the most widely regulated of the range of techniques used to market food to children; statutory regulations and industry-led self-regulations exist at the international, regional and national scale.

Statutory regulation

Statutory regulations on television advertising are usually found in national laws governing advertising, broadcasting, the media or consumer protection; in some cases, legislation defines a framework for self-regulation. The objective of statutory regulation is usually twofold: to ensure that advertisers abide by certain guidelines; and/or to restrict the timing and content of advertisements. The principle underlying the regulations is that advertising should not be deceitful or misleading. Regulations often recognize children as a category in need of special consideration. Clauses on children typically found in national legislation state that advertisements must not:

- exploit the credulity of children;
- be harmful to their physical, mental or moral health;
- make them feel inferior to other children who possess the product;
- induce children to unduly pressurize their parents/guardian into purchasing a product.

Methods of restricting the timing and content of television advertisements targeted at children found in statutory regulations of those countries surveyed are listed in Table 2.

Table 2

Methods of regulating the timing and content of television advertisements targeted at children

Type of restriction	Form of restriction
Timing	<p>Prohibiting the interruption of children’s television programmes with advertising.</p> <p>Limiting the amount of time during children’s programming that can be dedicated to advertising.</p> <p>Prohibiting advertising within a certain duration before and after children’s television programmes.</p> <p>Prohibiting all advertising to children on television.</p>
Content	<p>Prohibiting advertising to children that contains a direct offer.</p> <p>Prohibiting the use of children in advertisements.</p> <p>Prohibiting the use of figures, cartoons and personalities that appear in children’s programmes in advertisements for children.</p> <p>Prohibiting the advertisements of certain product categories to children.</p>

Self-regulation

Self-regulation is based on the same guiding principle as statutory regulation, namely that advertising should not be deceptive or misleading. Self-regulation tends to take the form of ethical guidelines; codes of practice only impose timing or content restrictions in isolated cases.

Globally, the development of self-regulatory codes has been influenced by the International Chamber of Commerce (ICC), an organization that acts as “the voice of international business” and forges “internationally agreed rules and standards that companies adopt voluntarily.”⁵⁶ The ICC has developed a series of codes of practice that set out ethical standards for different types of marketing, each of which includes a clause on children. Many countries have applied or adapted the ICC codes to form the basis of their own national systems of advertising self-regulation. Television advertising is covered by the ICC International Code of Advertising Practice (1997), which is currently under revision. According to this code, advertising should not be deceptive nor mislead, and should be clearly recognizable as advertising, i.e.:

- Article 1: All advertising should be legal, decent, honest and truthful.
- Article 5: Advertisements should not contain any statement or visual presentation which directly or by implication, omission, ambiguity or exaggerated claim is likely to mislead the consumer.
- Article 12: Advertisements should be clearly distinguishable as such, whatever their form and whatever the medium used.⁵⁷

The part of the code specific to children, presented in full in Box 4, has as its objective the protection of children from advertising that is exploitative of their credulity, is misleading, harmful or damaging to health, makes children feel inferior compared to their peers, or makes a direct appeal to children.

The existence of both statutory regulation and industry-led self-regulation has led to considerable debate as to which is the best mechanism for regulating advertising to children. Some of the perceived benefits and problems associated with the two regulatory approaches that are at the heart of this debate are summarized in Box 5.

Box 4

Extracts from the ICC International Code of Advertising Practice (1997)^a

Children and young people

Article 14

The following provisions apply to advertisements addressed to children and young people who are minors under the applicable national law.

Inexperience and credulity

- a. Advertisements should not exploit the inexperience or credulity of children and young people.
- b. Advertisements should not understate the degree of skill or age level generally required to use or enjoy the product.
 - i. Special care should be taken to ensure that advertisements do not mislead children and young people as to the true size, value, nature, durability and performance of the advertised product.
 - ii. If extra items are needed to use it (e.g. batteries) or to produce the result shown or described (e.g. paint) this should be made clear.
 - iii. A product which is part of a series should be clearly indicated as should the method of acquiring the series.
 - iv. Where results of product use are shown or described, the advertisement should represent what is reasonably attainable by the average child or young person in the age range for which the product is intended.
- c. Price indication should not be such as to lead children and young people to an unreal perception of the true value of the product, for instance by using the word "only". No advertisements should imply that the advertised product is immediately within reach of every family budget.

Avoidance of harm

Advertisements should not contain any statement or visual presentation that could have the effect of harming children and young people mentally, morally or physically or of bringing them into unsafe situations or activities seriously threatening their health or security, or of encouraging them to consort with strangers or to enter strange or hazardous places.

Social value

- a. Advertisements should not suggest that possession or use of a product alone will give the child or young person physical, social or psychological advantages over other children or young people of the same age, or that non-possession of the product would have the opposite effect.
- b. Advertisements should not undermine the authority, responsibility, judgment or tastes of parents, taking into account the current social values. Advertisements should not include any direct appeal to children and young people to persuade their parents or other adults to buy advertised products for them.

^aThe ICC International Code of Advertising Practice is currently undergoing revision.

Box 5

Statutory regulation versus self-regulation: contrasting viewpoints

There is a clear divide between the type of regulation favoured by many health and consumer groups and that favoured by self-regulatory organizations (SROs) and the food industry. The International Association of Consumer Food Organisations (IACFO) argues that allowing industry to regulate children's advertising is inherently problematic: industry guidelines are too television-centric, they do not deal with the compound effects of advertising, and they have insufficient sanctions.⁵⁸ The United States-based advocacy group, Center for Science in the Public Interest (CSPI) describes self-regulation as a case of "foxes guarding the hen-house."⁵⁹

Many consumer groups allege that weak enforcement allows the proliferation of misleading advertisements, with food advertisements being a common culprit.⁶⁰ The Consumers Association of Penang (CAP), for example, claims that many advertisements in Malaysia are misleading and in outright violation of existing advertising laws, especially those for medicines, health products and food.⁶¹ (The Malaysian Advertising Code of Ethics states that "advertisements must not take advantage of the natural credulity and sense of loyalty of children" and that "all advertisements on food and drinks must show the necessity of a balanced diet."⁶²) CAP maintains that advertisements for "junk food" and soft drinks "create a need" in children and alter their dietary habits. Furthermore, they contravene the law by encouraging children to believe that the food product is good for them, and/or will help them perform better.⁶³ According to CAP, the problem with the regulatory system is the lack of legal enforcement (CAP, personal communication, 2003). Similar arguments have been made in India, where consumer groups say that food advertisements are frequently deceptive and confusing to consumers, despite the existence of several laws and self-regulations applicable to advertising (B. Misra, personal communication, 2003). As in Malaysia, the problem is perceived as being largely a matter of enforcement, or more specifically, a lack of legal enforcement. In order to address this issue, amendments have recently been made to the Indian Consumer Protection Act (2002); changes include the introduction of stricter penalties for misleading advertisements, namely "to issue corrective advertisement to neutralise the effect of misleading advertisement."⁶⁴

In contrast to more stringent legal mechanisms, SROs and the food industry believe that making self-regulation more effective is a better approach. The Grocery Manufacturers of America (GMA) say that enhancing self-regulation of advertising is an appropriate way to encourage healthy behaviours.⁶⁵ Organizations such as the International Chamber of Commerce (ICC)⁶⁶, the World Federation of Advertisers (WFA)⁶⁷, the European Group of Television Advertising (EGTA)⁶⁸ and the European Advertising Standards Alliance (EASA)⁶⁹ argue that marketing to children is already strictly regulated by both government and SROs, and more statutory controls are unnecessary. The reasoning is that relative to legislation, self-regulation is faster, more cost-effective and flexible. It also reverses the principle of the burden of proof; ensures sanctions are proportionate and effective; facilitates the establishment of proactive and preventative stances; and — a crucial issue when it comes to enforcement — promotes compliance rather than encourages evasion. In response to the "foxes guarding the hen-house" argument, SROs state that "within the advertising industry, self-regulation, supported by appropriate sanctions and legal backing, is highly effective."⁷⁰

The role of consumers in enforcing the regulations is another area of controversy between SROs and consumer groups. Most SROs have no consumer representation on their boards; countries such as Singapore and France are notable exceptions. This is considered to be an unsatisfactory state of affairs by many consumer groups; SROs counter this argument by pointing out that self-regulation must be led and controlled by business in order to be truly effective.⁷¹

2.1.2 Overview of national regulations on television advertising

Of the 73 countries reviewed, 85% (62 countries) have regulations on television advertising that specifically refer to children (the remaining having no reference to children, or no regulations at all). 63% (46 countries) have statutory guidelines and 70% (51 countries) have self-regulations, with a further two countries possessing framework legislation to enable self-regulation (Table 3). In around half the countries reviewed (37), statutory and self-regulations coexist. Just under half, i.e. 32 countries (44%), have specific restrictions on television advertising to children (all as statutory regulations with two exceptions).

The statutory regulations and self-regulations that are specific to children usually form part of laws or codes of practice that also prohibit misleading and deceptive advertising to all age groups. They are also subject to the same mechanisms for implementation and enforcement, most notably, mechanisms based on complaints systems and penalties. The role of complaints in monitoring advertisements is discussed in Box 6 and penalties for non-compliance with regulations are outlined briefly in Box 7. These particular systems for monitoring and enforcement usually apply to broadcast and non-broadcast advertising alike.

Of the major world regions, regulation is cumulatively most widespread in Europe. All 33 European countries reviewed have some form of regulation on television advertising. Twenty-seven have self-regulatory codes, most of which enshrine the principles set out in the ICC International Code of Advertising Practice (see section 2.1.1); a number of countries, such as Ireland, the Netherlands and the United Kingdom, have, however, developed more extensive guidelines. In the 27 countries, self-regulation coexists with statutory regulation. The role and extent of statutory regulation versus self-regulation varies widely between these countries, with self-regulation being more developed where there is less detailed legislation.^{72,73} The remaining six countries have stand-alone legislation that sets statutory guidelines and/or restrictions on advertising to children.

Table 3
Statutory regulations and self-regulations relating to television advertising to children

Country or area	Statutory guidelines on advertising to children	Self-regulatory guidelines on advertising to children	Specific restrictions on advertising to children ^a	Ban on child-targeted advertising
Albania	X		X	
Argentina		X		
Australia	X	X	X	
Austria	X	X	X	
Bangladesh				
Belgium	X	X	X	
Bolivia				
Bosnia and Herzegovina	X			
Brazil	X	X		
Brunei Darussalam				
Bulgaria	X		X	
Cambodia				
Canada	X	X	X	

Table 3 (continued)
Statutory regulations and self-regulations relating to television advertising to children

Country or area	Statutory guidelines on advertising to children	Self-regulatory guidelines on advertising to children	Specific restrictions on advertising to children ^a	Ban on child-targeted advertising
Quebec			X	X
Chile		X		
China	X			
China, Hong Kong SAR	X			
Colombia		X		
Costa Rica				
Czech Republic	X	X	X	
Denmark	X	X	X	
Estonia	X		X	
Fiji		X		
Finland	X	X	X	
France	X	X	X	
Germany	X	X	X	
Greece	X	X	X	
Guatemala		X		
Hungary	X	X		
Iceland	X	X	X	
India	X	X		
Indonesia	X			
Ireland	X	X	X	
Israel	X	X		
Italy	X	X	X ^b	
Japan		X		
Kenya		X		
Kuwait				
Lao People's Democratic Republic				
Latvia	X	X		
Liechtenstein	X			
Luxembourg	X	X	X	
Malaysia	X	X	X	
Mexico		X		
Mozambique				
Netherlands		X ^c	X	
New Zealand		X ^c	X ^d	
Nigeria	X			
Norway	X	X	X	X
Pakistan	X			

Table 3 (continued)

Statutory regulations and self-regulations relating to television advertising to children

Country or area	Statutory guidelines on advertising to children	Self-regulatory guidelines on advertising to children	Specific restrictions on advertising to children ^a	Ban on child-targeted advertising
Paraguay	X	X		
Peru		X		
Philippines		X		
Poland	X	X		
Portugal	X	X	X	
Republic of Korea	X	X	X	
Romania	X		X	
Russian Federation	X	X	X	
Saudi Arabia				
Singapore		X		
Slovakia	X	X		
Slovenia	X	X	X	
South Africa		X		
Spain	X	X	X	
Sweden	X	X	X	X
Switzerland	X	X		
Thailand				
Turkey	X	X	X	
United Kingdom	X	X	X	
United Republic of Tanzania		X		
Uruguay	X	X		
United States of America		X	X ^e	
Venezuela	X	X		
Viet Nam				

SAR = Special Administrative Region.

Blank space = no regulations identified.

a Not including restrictions on the advertising of alcohol, tobacco and medical products.

b Within both statutory and self-regulations.

c Self-regulation is enabled by framework legislation.

d Within self-regulations.

e Legislative restrictions but no statutory ethical guidelines.

Source: Hawkes C. A directory of national regulations and self-regulations on television advertising to children. Unpublished document, 9 December 2003.

Box 6

The role of complaints in monitoring regulations on advertising food to children

Important in monitoring regulations in many countries is a complaints mechanism. Complaints place the burden of proof on the marketer, and thus act as a deterrent to violating regulations or generating offence.

The number and source of complaints about advertising varies markedly worldwide. In some countries, only a handful of complaints are lodged each year, elsewhere thousands. Consumers may be the main source of complaints in some places; in others industry or nongovernmental organizations (NGOs) are more vocal. The Advertising Standards Authority of Malaysia (ASAM), for example, receives on average 40 complaints per year, the majority coming from consumer or industry groups.⁷⁴ In Italy, the Istituto dell'Autodisciplina Pubblicitaria (IAP) handles about 1000 cases a year.⁷⁵ In contrast, in 2002 alone, the United Kingdom Advertising Standards Authority (ASA) received 13 959 complaints relating to 10 212 non-broadcast advertisements, 90% of which were from consumers.^{76,77}

Complaints about advertising are generally concerned with issues of deception, decency, safety and violence. Advertising to children and/or of food products is the subject of varying degrees of complaint. In South Africa, for example, misleading claims were the cause of 25% of all complaints made in 2002, whereas complaints about advertising targeted at children and young people accounted for 10% of the total.⁷⁸ In the United Kingdom, food advertisements in 2002 were the subject of more complaints to the ASA than any other category of advertisement, but were almost exclusively concerned with deceptive claims about the benefits of consumption.⁷⁹ Across Europe, the 24 countries belonging to the European Advertising Standards Alliance (EASA) received 470 complaints about advertising to children across all media in 2002, representing 2.4% of all complaints.⁸⁰ A review conducted for this report of advertising complaints in selected countries, including Belgium, China, Hong Kong Special Administrative Region, Ireland, South Africa and the United Kingdom, reported no complaints about advertisements based on the fat, sugar or salt content of the foods being advertised.

While most authorities have mechanisms for receiving consumer complaints, others have established internal monitoring systems. In the United States, for example, the Children's Advertising Review Unit (CARU) relies almost exclusively on internal monitoring and reviews between 6 and 12 hours of programming each day, along with radio, web sites and print advertisements (E. Lascoux, personal communication, 2003). Some authorities practise both forms of monitoring. Along with a system for handling consumer complaints, the United Kingdom ASA spot checks around 6000 non-broadcast advertisements per week.⁸¹

The significance of the volume and nature of consumer complaints is subject to differing interpretations. Low numbers of complaints about advertising to children is welcomed by industry as implying a high level of consumer satisfaction.⁸² On the other hand, it may indicate low awareness of, or trust in, the child component of legal and self-regulatory codes. That advertisements for "junk foods" are rarely cause for complaint from a health perspective could be a reflection of a lack of concern among consumers worldwide, or it could be a reflection of a complaints mechanism that is focused on the acute effects of deceptive and offensive advertisements rather than on the chronic effects of large numbers of advertisements for similar products. Alternatively, consumers may believe that advertisements have little impact on food choices and, therefore, rather than complain about advertising, they would rather seek advice from medical or nutritional professionals.

Box 7

Penalties for non-compliance with advertising regulations

There is a wide range of penalties that can be imposed for non-compliance with advertising regulations. Under self-regulation, self-regulatory organizations (SROs) have at their disposal one or more of the following mechanisms:

- Ordering that an advertisement be modified or withdrawn.
- Creating adverse publicity for the advertiser by issuing a press release — the “name and shame” principle.” If the advertiser fails to comply, issuing an “Ad Alert” to warn media companies about the advertiser.
- Revoking the membership of the SRO.
- Encouraging media companies to refuse future advertising space and/or time and to withdraw trading privileges.
- Disqualification for entry to advertising awards.
- The underlying threat that non-compliance will lead to referral to government authorities for further investigation and possible legal action.
- The underlying threat that undermining the self-regulatory system will encourage consumers and government to impose legislation.

Some SROs have the power to impose strict penalties; others do not. In Argentina, for example, the Camara Argentina de Anunciantes is limited to notifying the advertiser about the existence of infractions, but with no formal consequences.⁸³ On the other hand, in Brazil, Colombia and Paraguay, SROs can order the suspension or modification of an advertisement if it is deemed to be in violation.⁸⁴ In Brazil, even an investigation is apparently deemed to be sufficient for an advertiser to withdraw the commercial in question.⁸⁵

Under systems of self-regulation, the threat of government adjudication as the action of “last resort” is considered by several analysts to be a key factor in effective enforcement of advertising regulations.^{86,87} Statutory regulations explicitly have this legal backing. Penalties for non-compliance typically take the form of a fine. In Sweden, for example, where advertising to children under the age of 12 years is banned, the Consumer Ombudsman responds to consumer complaints and, if necessary, refers breaches to the courts. If a television channel violates the ban, the advertisers, the advertising agencies, the producers of advertising films and the company responsible for the broadcast may be sentenced under the terms of the Marketing Act. If the feature in question appears again, a fine is imposed.

For the most part legislation in Europe (including non-EU members) is guided by the EU Television Without Frontiers (TVWF) Directive (89/552/EEC) (misleading advertising is regulated by Directive 84/450/EEC). Developed in 1989 (revised in 1997 and currently undergoing further revision), the TVWF Directive upholds the basic freedom and legal right to advertise to children, provided a set of minimum criteria are observed (Article 16):

Television advertising shall not cause moral or physical detriment to minors, and shall therefore comply with the following criteria for their protection:

- it shall not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity;
- it shall not directly encourage minors to persuade their parents or others to purchase the goods or services being advertised;
- it shall not exploit the special trust minors place in parents, teachers or other persons;
- it shall not unreasonably show minors in dangerous situations.⁸⁹

Regulations that restrict the timing and content of television advertising to children are also widespread. In accordance with Article 11 of the TVWF Directive, 25 European countries do not allow children's television programmes of less than 30 minutes duration to be interrupted by advertising. Eleven countries have gone beyond the TVWF Directive in imposing specific restrictions on advertising to children; these range from restrictions on the use of characters from children's programmes to a complete ban on television advertising to children (see Table 4).

In the Nordic countries, the Consumer Ombudsmen play an important role in regulating advertising to children (along with other forms of marketing). Finland, for example, has developed specific guidelines on children and marketing (1997, updated 2001, currently undergoing revision).⁹⁰ These guidelines are not binding, but express the Consumer Ombudsman's attitude to certain marketing methods; a company acting against the principles explained in the guidelines runs the risk of an injunction (L. Lindström, personal communication, 2003) (Box 1). In Sweden and Norway, bans on television advertising to children have been in force since the early 1990s. The effects of outright bans on television advertising to children are assessed in Box 8.

Within Europe, Italy is atypical in that it has developed a self-regulatory code with specific restrictions. The code concerning television advertising to children was developed by an advisory commission at the request of the government, but it is intended to be applied by broadcasting companies on a voluntary basis (M.L. Cassandro, personal communication, 2003). The code bans advertising perceived as damaging to the psychological and moral well-being of children, and also bans advertising that is "clearly not recognizable as such" between the hours of 4 pm and 7 pm.^{91,92} Broadcasters who agree to abide by the code can be referred to the national regulatory authority and fined between €5000 and €250 000 in cases of violation.

Table 4
Timing and content restrictions on television advertising to children in selected European countries

Specific advertising restriction	Country or area
Advertising to children under the age of 12 years is banned.	Norway, Sweden
Advertising before and after children's programmes is prohibited ^a .	Austria, Belgium (Flemish part only), Luxembourg, Norway
Advertising of toys to children between 7 am and 11 pm is prohibited; advertising of war toys is prohibited at all times.	Greece
Advertisements during cartoons are prohibited; advertisements using cartoon characters before and after the programmes in which they appear are also prohibited.	Italy
Advertisements that attempt to persuade a child to buy a product through a direct offer are prohibited.	Finland, Germany
Advertisements in which sales pitches are delivered by familiar cartoon characters or children are prohibited.	Finland
Figures and puppets that appear in children's programmes are prohibited from appearing in advertisements.	Denmark
Children's television personalities are prohibited from appearing in any advertisements before 9 pm; merchandise based on children's television programmes must not be advertised within 2 hours preceding or succeeding the programme concerned.	United Kingdom

^a Immediately before and after in the case of Austria and Luxembourg, and within a 5-minute period in Belgium and a 10-minute period in Norway.

Source: Hawkes C. *A directory of national regulations and self-regulations on television advertising to children*. Unpublished document, 9 December 2003.

Box 8

Banning television advertising to children: national experiences

Advertising to children is prohibited in Sweden (since 1991), Norway (since 1992) and Quebec, Canada (since 1980). In all three cases, the ban is enforced by a government agency. Although to date no systematic evaluation of the impacts of these bans on children has been undertaken, anecdotal evidence serves to illustrate the nature of the issues faced by countries which have implemented bans on television advertising to children.

In Sweden, the ban has reduced exposure to child-directed advertising. Yet advertisers have argued that the Swedish experience indicates that prohibiting advertising to children is an ineffective means of discouraging unhealthy diets; obesity in Sweden has risen rapidly since the introduction of the ban in 1991.⁹³ The ban, however, has not entirely eliminated exposure to advertising by Swedish children (nor to other marketing techniques), since advertisements targeted at children broadcast on satellite channels are not covered by the ban.^{94,95} This “cross-border advertising” is permitted according to a European Court of Justice (ECJ) ruling. In 1993, the Consumer Ombudsman accused the publishing group, De Agostini, of advertising directly to children. The advertisement, which was for a magazine, had been broadcast on a satellite channel from the United Kingdom and also via a terrestrial channel. De Agostini argued that the ban discriminated against foreign companies and was an unreasonable trade barrier.^{96,97} The case was referred to the ECJ, which in 1997 ruled that Sweden could apply its ban to advertising broadcasts originating in Sweden, but not to advertising originating in another member state. Although cross-border advertising continues, a more recent case also upheld Sweden’s right to ban advertising to children on terrestrial channels. The Toy Industries of Europe (TIE), an industry body, submitted a complaint in 1997 claiming that the Swedish ban restricted the free movement of advertising services within the European Union (EU).⁹⁸ The European Commission (EC) dropped the complaint against Sweden in July 2003, an action described by the advertising industry as “disproportionate” and “astonishing”^{99,100}

The ban on advertising to children in Quebec was upheld by a Supreme Court ruling in 1989. Challenged on the basis it contravened the right to free speech, the Canadian court found that the ban did not in fact unduly limit free expression.¹⁰¹ In place for over two decades, the ban has had the following consequences:

- No food advertising targeted directly at children is broadcast during children’s viewing times (N. Delage, personal communication, 2003) (the first company fined for contravening the rules was in fact advertising sweet biscuits during children’s programming).¹⁰² Nevertheless, children are still exposed to cross-border advertising from the United States.
- Children are exposed to fewer commercials for sugary cereals, which has been linked to a reduction in the consumption of such cereals. The association is based on the findings of a single study on the influence of the advertising ban on children’s food choice.¹⁰³ Published in 1990, the study compared cereal consumption in English- and French-speaking children residing in the city of Montreal, Quebec. The English-speakers, who were able to view “cross-border” English-language advertisements broadcast from the United States and were thus exposed to a greater volume of advertising, had more children’s cereals in their homes than the French-speaking children.
- Advertisers have changed the content of their commercials, in particular, by making them less obviously appealing to children. According to the Canadian self-regulatory organization (SRO), Advertising Standards Canada (ASC), advertisements are now more likely to be targeted at parents, with the intention they buy the advertised products for their children.¹⁰⁴ As one lawyer advised advertisers in Quebec: “Direct the content of your ads to both parents and children, and avoid making it too appealing to children. In the case of a cereal brand, for example, this might mean concentrating on issues such as nutritional value and health impact.”¹⁰⁵
- According to ASC, advertising money has been diverted out of Quebec, thereby reducing the amount of original French-language Quebec children’s programming (N. Delage, personal communication, 2003).¹⁰⁶ That the quality of children’s programmes has declined is, however, disputed.¹⁰⁷

Box 8 (continued)

Banning television advertising to children: national experiences

There is often a fine line between advertisements targeted at children and those intended for parents or a whole family, particularly in the case of food products. One of the main challenges faced by those seeking to enforce child-specific bans is judging whether an advertisement is targeted at children and thus covered by the ban. A case from Norway illustrates this problem particularly well. In 1993, the Consumer Ombudsman ruled that a Kellogg's advertisement for "Smacks" breakfast cereals was targeted at children, and thus contravened the advertising ban. (The commercial showed two children eating "Smacks" in a garden, who later fly off with a frog on the back of a large white bird to a castle, where they receive gifts.) Kellogg's claimed that the advertisement was aimed at the whole family (and therefore not subject to the ban) on the grounds that children are unlikely to buy breakfast products themselves. The Marketing Council evaluated the impact of the advertisement on the basis of product, content and timing of the broadcast, and concluded that the advertisement was indeed aimed at children. An injunction was served forbidding the advertisement to be broadcast on television aimed at Norwegian viewers.^{108, 109}

Evidence suggests that any restriction on television advertising encourages marketers to seek to expand non-traditional forms of marketing. The case of tobacco advertising provides a clear precedent: following the introduction of restrictions on tobacco advertising around the world, companies have increasingly adopted alternative techniques to promote their products.^{110, 111} In 1999, the threat of an EU-wide ban on children's advertising, prompted marketers to predict an "explosion" of sales promotions, Internet marketing and press advertising.¹¹² Similarly, in Thailand, the advertising industry responded to proposals to ban advertisements for "energy drinks" with predictions of a proliferation of below-the-line techniques, such as in-store sales promotions and event sponsorships¹¹³ (see section 2.1.3; Box 12). Existing bans do extend to some non-traditional forms of advertising, but not all. In Quebec, for example, some non-traditional forms of advertising — such as Internet-based advertising and SMS text messaging on mobile phones — are technically covered by existing regulations on advertising to children, but in-store sales promotions are not.^{114, 115, 116}

At the moment, there is little published evidence on the effect of advertising bans on the diets of children. Likewise, there is a lack of information on how cross-border advertising and alternative marketing techniques erode the potential effects of such bans. Although one study does indicate that reduced exposure to advertising reduces product consumption, the lack of more — and more up-to-date — research into the effects of advertising bans on dietary patterns remains a significant knowledge gap.

Within the Americas, regulations on advertising to children in Canada are subject to a relatively high degree of oversight. Both government regulation and self-regulation exist, but they are not entirely separate from one another. The Broadcast Code for Advertising to Children is statutory, and imposes restrictions on the use of puppets, on the use of subliminal techniques, and on advertising that directly urges a child to buy a product. However, it is the industry body, Advertising Standards Canada (ASC), that pre-screens advertisements targeted at children to ensure adherence to the statutory code. The national network, the Canadian Broadcasting Corporation (CBC) also has a series of standards, prohibiting advertising of any kind in programmes designated as directed to children under 12 years of age (advertising directed at children is acceptable on a limited basis in adjacent programmes).¹¹⁹ In Quebec, however, the Consumer Protection Act (1980, section 248 and 249) bans all television advertising directed at children under the age of 13 years (see Box 8).¹²⁰

In the United States, self-regulation is the chief form of oversight. The Self-regulatory Guidelines for Children's Advertising, administered by the industry-led Children's Advertising Review Unit (CARU), are more detailed than the ICC International Code of Advertising Practice.¹²¹ Although there are no statutory ethical guidelines specific to children, the Children's Television Act (1990) restricts advertising

during programmes targeted at children under the age of 12 years to 10.5 minutes per hour on weekends, and 12 minutes per hour during the week (see Box 3).¹²²

Regulation of television advertising in the remainder of the countries of the Americas range from a mix of statutory regulations and self-regulations to no regulation at all. Self-regulation dominates. Of the 10 Latin American countries identified as having regulations on advertising to children, all 10 have self-regulations. SROs, often known by the acronym CONAR (Conselho Nacional de Auto Regulação Publicitária), are well established in most of these countries and have developed guidelines that largely follow the principles of the ICC International Code of Advertising Practice. For example, the Brazilian CONAR was founded in the 1980s and self-regulation subsequently became the dominant form of advertising regulation. However, after the enactment of the Consumer Defense Code in 1990, there was a shift to greater control by legislators and the judiciary system.¹²³ In four member countries of the Mercosur — Argentina, Brazil, Paraguay and Uruguay — the Associations of Advertising Agencies have signed a Unified Code of Ethics of the Mercosur which includes a chapter on advertising to children (Montevideo, November 4, 1994). The relevant part of the text is reproduced as Box 9. Brazil, Paraguay, Uruguay and Venezuela all have some form of statutory guideline on television advertising to children. Two countries, Bolivia and Costa Rica, are unusual in that neither has advertising regulations that are specific to children.

Box 9

Extract from the Unified Code of Ethics of the Mercosur (1994)

3.2 Advertising targeted at children and adolescents

- To take good care that the contents of the messages preceding, included in or following the programmes directed at an audience of children or adolescents in the audio-visual media or which are included in publications targeted at the young, comply with the general and specific rules of this Code of Ethics.
- To avoid that the messages directed at children and adolescents induce them to carry out acts, which may cause them physical, mental or moral harm. These messages should not take advantage of children's natural naivety or adolescents' lack of experience, or which tend to distort their sense of loyalty.
- Messages directed at children and adolescents may not show them in inappropriate places or living in dangerous situations.
- No message directed at children may promote products the use of which is inappropriate for children.
- Advertising spots directed at children may not insinuate that if a child does not buy the product, they will be regarded with less respect or somehow ridiculed.
- Messages, which advertise toys, must fulfil certain basic requirements to prevent the disenchantment of the children in regard to their price, performance or size.
- Whenever an advertisement shows what a child can achieve as a result of being clever with their hands, it must be easy for most children to obtain the same results.
- The publicity spots may not show children when intrinsically dangerous products are involved (e.g. medicines, drugs, disinfectants, insecticides). It must also be avoided to show children handling appliances (e.g. stoves, heaters) or lighting fires (e.g. using matches). Children cannot be shown driving automobiles, tractors or other vehicles for adult use. Children may not be used as actors in activities, which imply risks and danger or which are contrary to the rules of law.
- Messages directed at minors may not be based on the creation of desires or suggest that their parents or relatives do not meet their obligations if they fail to fulfil their wishes.

In both Australia and New Zealand legislation and self-regulation coexist, but with a different emphasis between the two regulatory forms. In Australia, statutory regulation dominates. The Children's Television Standards of the Australian Broadcasting Authority prohibit advertising during

programmes aimed at pre-school age children, restrict the amount of advertising during programming for primary school-age children, and limit the repetition of advertisements and those featuring children's television personalities.¹²⁴ Self-regulation takes the form of the Commercial Television Industry Code of Practice of Commercial Television Australia (CTVA), which echoes the rules set out in the Children's Television Standards.¹²⁵ In addition, the Australian Association of National Advertisers (AANA) has recently developed and implemented a Code for Advertising to Children (October 2003).¹²⁶

In New Zealand, in contrast, advertising is almost entirely self-regulated; legislation is limited to enabling self-regulation. An industry body, the Advertising Standards Authority (ASA) has responsibility for administering codes of conduct, including the one that applies to children.¹²⁷ Another industry body, the New Zealand Television Broadcasters' Council (NZTBC), supplements the ASA code with a number of policies and voluntary rules concerning advertising and children's programming.¹²⁸ The NZTBC self-regulations are atypical in that they recommend time restrictions on television advertising to children. No advertising during programmes for pre-school aged children is permitted, and advertising during programming for children of school age is restricted to a maximum of 10 minutes per hour.

Of the 16 Asian countries reviewed here, 10 were identified with some form of regulation on television advertising to children. Seven have statutory regulations (China; China, Hong Kong Special Administrative Region (Hong Kong SAR); India; Indonesia; Malaysia; Pakistan; Republic of Korea) and six (India, Japan, Malaysia, the Philippines, Republic of Korea, Singapore) have self-regulatory codes that apply to children (note that three of the five countries with self-regulations also have statutory regulations). Within this group of countries, as elsewhere, the balance between government regulation and self-regulation differs. In the Philippines, for example, self-regulation is the main form of regulation — the government delegates all authority to the industry-led AdBoard. In Singapore, the Singapore Code of Advertising Practice (SCAP) sets the standards for self-regulation, and includes a fairly comprehensive section on children.¹²⁹ In China and in Hong Kong SAR, however, the main form of regulation is statutory. In the Republic of Korea and Malaysia, there are specific content restrictions on television advertisements. In the former, the main character of a children's television show cannot be used to advertise a product before, during or after the show.¹³⁰ In the latter, children appearing in advertisements must be shown pursuing a variety of defined activities, and must be well mannered.¹³¹ Several Asian countries have developed a system of pre-clearance or pre-approval of advertisements; this mechanism for regulating the content of television advertising is also applied in other parts of the world and is described in more detail in Box 10.

Box 10

Monitoring advertisements with pre-clearance mechanisms

The most stringent form of monitoring is a system of pre-approval of individual advertisements. In Pakistan, for example, a government-appointed board pre-clears all television and radio commercials directed at children, although there are no legal time or content restrictions (M. Hasmi, personal communication, 2003). In Malaysia, advertisers are required to submit a script and storyboard to the Ministry of Information, which reviews the advertisement and returns it with comments and suggestions for changes, if necessary. If the client agrees to the changes, the advertisement is subsequently approved.¹³² Taking a slightly different approach, Thailand has in place a system of pre-screening for television advertisements, but has no specific regulatory guidelines that apply to children.¹³³

Most self-regulatory organizations (SROs) view mandatory pre-market approval as unnecessarily burdensome. Nevertheless, many SROs do provide a "pre-copy" service to advertisers to check that new campaigns comply with codes and national legislation. However, this is generally not encouraged as a de facto process. In rare cases, SROs play a role in pre-clearance. For instance, the SRO, Advertising Standards Canada (ASC) has an Advertising Clearance Division that is responsible for pre-screening advertisements in five categories (children, food, drugs, cosmetics and alcohol) to ensure they adhere to the relevant codes.¹³⁴ In France, too, television advertising is subject to pre-clearance by the SRO, the Bureau de Vérification de la Publicité (BVP).¹³⁵

Elsewhere, the regulation of advertising to children appears to be limited. Nigeria was the only country in Africa to be identified as having any form of statutory regulation on advertising to children; the Advertising Practitioners' Council of Nigeria (APCON) is a body mandated by government to regulate advertising, and administers a code of practice, which includes a clause on children.¹³⁶ South Africa has a well established self-regulatory system which is administered by the Advertising Standards Authority of South Africa.¹³⁷ Two further countries in Africa have self-regulatory codes. The Marketing Society of Kenya recently revised its Code of Advertising Practice and Direct Marketing to include a clause on children;^{138, 139} Tanzania's Code of Ethical Practice of the Media Council also contains a clause on children. Mozambique is currently developing a self-regulatory code on advertising, which will include a clause on children (A. Alves de Fonseca, personal communication, 2003). Among the Gulf States no countries with statutory regulations on advertising to children were identified. Some pre-clear advertising, but no specific guidelines that relate to children could be found.

2.1.3 Regulations on television advertising specific to food and health

None of the existing national regulations reviewed here explicitly ban or restrict food advertising to children. Nevertheless, 22 of the 73 countries surveyed have either a specific clause on food advertising contained within their existing regulations on advertising, or a separate code covering food advertising that is distinct from regulations pertaining to nutrition and health claims (Table 5). Regulations of this nature are statutory in 11 countries and self-regulatory in a further 10 countries; one country has both forms of regulation. In 13 countries, the clause on food is contained in a specific section on advertising to children, or refers specifically to children.

Generally speaking, the purpose of incorporating a food clause is to:

- Prevent advertisements that promote unhealthy diets (15 countries), especially when these advertisements are targeted at children (10 of the 15 countries). The wording of the guidelines varies between countries, for instance:
 - advertisements should not give the impression that sweets, soft drinks etc. can replace a regular meal;
 - advertisements should in general encourage healthy diets, and discourage unhealthy ones;
 - advertisements should not encourage excessive consumption.
- Prohibit misleading advertisement of food as regards its nutritional value and other properties (eight countries). (This does not include regulations on nutrition and health claims.)
- Promote good dental hygiene to children (three countries). In two countries, a toothbrush must be shown as a pictogram in print-advertisements for confectionery (to associate the products with tooth cleaning).

In most countries, it is not clear how these guidelines are applied, interpreted and enforced, although the United States experience provides several examples of how enforcement of self-regulations can influence the content of some food advertisements targeted at children (Box 11).

Some regulations on television advertising contain specific clauses relating to health. As already noted, the protection of health is a principle of the ICC International Code of Advertising Practice, and is thus reflected in a number of national regulatory systems based on the ICC code. National laws may also include a health clause. Article 12 of the EU TVWF Directive states that "television advertising and teleshopping shall not encourage behaviour prejudicial to health or to safety."¹⁷⁰ In China, advertisements must not impair the physical and mental health of minors.¹⁷¹ Advertising encouraging consumers to behave in such a way that is harmful to their health is prohibited in Brazil under the terms of Article 37 of the Consumer Defense Code of 1990.¹⁷² Similar restrictions apply in Paraguay; Article 37 of Defense of the Consumer and the User, Law No.1334 of 1998 prohibits advertising that encourages consumers to behave in a form detrimental for health.¹⁷³ In Thailand, health concerns have provided the driving force behind recent attempts to restrict the advertising of certain beverages, including "energy drinks" (Box 12).

Table 5
Statutory regulations and self-regulations specific to food advertising

Country or area	Regulation
	Statutory regulation
Australia	When advertising to children “An advertisement for a food product may not contain any misleading or incorrect information about the nutritional value of that product.” <i>CTS 19, clause 6 of the Children's Television Standards of the Australian Broadcasting Act (1992),</i> ^{141,142} “It is prohibited to advertise food in a manner which is false or misleading.” <i>The State and Territory Food Acts (various years)</i> ¹⁴³
Belgium ^a	In the Flemish region, advertisements for confectionery must carry a toothbrush logo. In the French-speaking region, a pictogram is not required but advertisers must insert a health message. ¹⁴⁴
China, Hong Kong SAR	“No advertisements should encourage patterns of behaviour which are prejudicial to health.” [as they relate to nutrition and diet] <i>Section 21, on nutritional and dietary effects, of the Generic Code of Practice on Television Advertising Standards (latest revision 2003)</i> ¹⁴⁵
Denmark	“Advertisements for chocolate, sweets, soft drinks, snacks and other similar products may not indicate that the product may replace regular meals.” <i>Special rules on the protection of children and young people under the age of 18 years. Executive Order No. 489 concerning Radio and Television Advertising and Programme Sponsorship (June 11, 1997)</i> ¹⁴⁶
Finland	“When advertising chocolate, candy, soft drinks, snacks, etc. do not give the impression that they replace regular food.” <i>Consumer Ombudsman's Guidelines on Children and Marketing (1997, rev. 2001)</i> ¹⁴⁷
Malaysia	“All advertisements on food and drinks must show the necessity of a balanced diet.” <i>Section 19 on food and drink of the Malaysian Advertising Code of Ethics (1990)</i> ¹⁴⁸
Nigeria	Advertisements for food are vetted by the National Agency for Foods and Drugs Administration and Control, according to the following guidelines: “Foods (including non-alcoholic beverages) Nutrition: Any claim as to the nutritious value of any product must be scientifically verifiable. Social Status: No advertisement should present any product in this category as responsible for enhancing or reducing or in any way influencing the social status of the consumer.” <i>Section 4.9 of the Nigerian Code of Advertising Practice (1992)</i> ¹⁴⁹

Table 5 (continued)

Statutory regulations and self-regulations specific to food advertising

Country or area	Regulation
	Statutory regulation (continued)
Philippines	<p>“ No person shall advertise any food, drug, cosmetic, device or hazardous substance in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit, or safety.”</p> <p><i>Article 12 of the Consumer Act of 1991 (Act No. 7394)</i>¹⁵⁰</p>
Republic of Korea	<p>“Commercial advertisements must not use:</p> <ul style="list-style-type: none"> — Messages promoting unhealthy eating habits among children. — The use of superlatives such as ‘best’ and ‘most’ when referring to food products.” <p><i>Clause 7 of Article 24 and Clause 3 of Article 26 of the Regulations Concerning Deliberation on Advertising Broadcast of August 28, 2000</i>¹⁵¹</p> <p>“With respect to the denomination, manufacturing method and quality of food, additives, apparatus, containers and packages, no false label or exaggerated advertisement shall be made, and for the package, no extravagant one shall be made, and with respect to the labels of food and additives, no label or advertisement which might lead to confusing them with medicine shall be made. This provision shall also apply to the nutritive value and ingredients of food and additives.”</p> <p><i>Article 11 of the Food Sanitation Act</i>¹⁵²</p> <p>"Labels and advertisements which bewilder or might bewilder consumers with expressions, such as ‘highest’, ‘best’, ‘special’, etc., or ambiguous expression, such as ‘peculiar manufacturing method’ etc. In this case, such words like ‘best’, ‘most’, ‘special’ etc. in foreign language shall be the same."</p> <p><i>Article 9 of the Enforcement Regulations of the Food Sanitation Act</i>¹⁵³</p>
Romania	<p>“Advertising for foodstuff shall observe the following requirements:</p> <p>(b) it shall not encourage or justify excessive consumption of food;</p> <p>(c) comparison between different foodstuffs shall not discourage or suggest renouncement of essential foods, especially fresh vegetables and fruits.”</p> <p><i>Article 9, b) and c) of the Decision no. 22 of January 28, 2003 Concerning Certain Rules of Advertising and Teleshopping</i>¹⁵⁴</p>
Thailand ^a	<p>All food advertising requires approval from the Public Relation and Advertising Control section of the Food and Drug Administration (FDA) of the Ministry of Public Health, according to the following guidelines:</p> <p>“False or deceptive advertising of food product qualities or benefits is prohibited.”^{155, 156}</p>
United Kingdom	<p>“Advertising must not give a misleading impression of the nutritional or health benefits of the product as a whole (8.3.1).</p> <p>Advertisements must not encourage or condone excessive consumption of any food. (Note. The interpretation of this rule should be by reference to current generally accepted nutritional advice. It would clearly not be</p>

Table 5 (continued)

Statutory regulations and self-regulations specific to food advertising

Country or area	Regulation
	Statutory regulation (continued)
United Kingdom (continued)	<p>inconsistent with shots of someone enjoying a chocolate bar; it would, however, preclude someone being shown eating whole boxes of chocolates in one sitting) (8.3.2).</p> <p>Advertisements must not disparage good dietary practice. Comparisons between products must not discourage the selection of options such as fresh fruit and vegetables which accepted dietary opinion recommends should form a greater part of the average diet (8.3.3).</p> <p>Advertisements must not encourage or condone damaging oral health care practices. (Note. For instance, advertisements must not encourage frequent consumption throughout the day, particularly of potentially cariogenic products such as those containing sugar. This rule has children's dental health particularly in mind) (8.3.4)."</p> <p><i>Section 8 of the Ofcom (formerly Independent Television Commission) Advertising Standards Code</i>¹⁵⁷</p>
	Self-regulation/voluntary guidelines
Australia	<p>"An advertisement for a food product may not contain any misleading or incorrect information about the nutritional value of that product."</p> <p><i>CTS 19.6 of the Commercial Television Industry Code of Practice (1999)</i>¹⁵⁸</p> <p>Advertisements to children for food and/or beverages:</p> <p>(a) should not encourage or promote an inactive lifestyle combined with unhealthy eating or drinking habits; and</p> <p>(b) must not contain any misleading or incorrect information about the nutritional value of that Product."</p> <p><i>Article 2.10 of the Australian Association of National Advertisers Code for Advertising to Children (2003)</i>¹⁵⁹</p>
Brazil	<p>The advertisement of food products shall "expressly indicate, if possible, the nutritional and caloric value of the product being advertised."</p> <p><i>Exhibit H on Food Products, clause 4, Brazilian Advertising Self-regulation Code (1978)</i>¹⁶⁰</p>
Colombia	<p>The advertisements of products not comprising part of the basic diet, such as appetizers, desserts, sweets, chewing gum, and drinks made with artificial ingredients, must not suggest that these products can be substituted for the basic diet. (<i>Translation from Spanish</i>).</p> <p><i>Article 46 of the section on children, Colombian Code of Advertising Self-regulation (1998)</i>¹⁶¹</p>
Guatemala	<p>Food producers and advertisers must:</p> <ul style="list-style-type: none"> - Refrain from including declarations in the advertisement that could deceive consumers in terms of the composition, characteristics, and the consequences of the foods that are being advertised. - Exaggerated statements are prohibited.

Table 5 (continued)

Statutory regulations and self-regulations specific to food advertising

Country or area	Regulation
	Self-regulation/voluntary guidelines (continued)
Guatemala (continued)	<p>- No advertisement must state a nutritional content if this claim cannot be substantiated by tests, performed by persons or entities ad hoc.</p> <p>- No advertisement of foods and food products can contain statements that could be dangerous to health. <i>(Translation from Spanish). Section III on Food, Article 1, of the Code of Ethical Advertising (1999)</i>¹⁶²</p>
Ireland	<p>“Advertisements should not encourage an unhealthy lifestyle or unhealthy eating or drinking habits; advertisements representing meal time should clearly and adequately depict the role of the product within the framework of a balanced diet; snack foods should be clearly represented as such, and not as substitutes for meals.”</p> <p><i>Section 5.4 on Advertising and Children of the Code of Advertising Standards for Ireland (2001)</i>¹⁶³</p>
France	<p>8. Eating behaviour</p> <p>When evoking or portraying eating behaviour, advertisements should not encourage behavioural patterns that go against the eating principles commonly embraced by a healthy lifestyle.</p> <p>Binge eating</p> <p>Advertisements should not encourage children to consume any product in excess. This means, for example, portraying a child consuming a product without restraint or in unreasonable quantities.</p> <p>This does not, however, include the expression of satisfaction or pleasure derived from consuming the product.</p> <p>Snacking</p> <p>Advertisements should not encourage children to eat ceaselessly throughout the day.</p> <p>For example, while advertisements that depict children eating during or after some form of physical activity are justifiable, portraying inactive children snacking is unacceptable.</p> <p>Snacking should not be portrayed as a substitute for proper meals.</p> <p>Reference to parents</p> <p>Advertisements should not degrade or trivialise parental authority or advice regarding the consumption of such products, nor should they suggest that parents fail to assume their responsibility.</p> <p>Nutritional equivalents and comparisons</p> <p>In cases where commercials include nutritional equivalence between food products, such information should be relevant from a nutritional perspective. For instance, the information should deal with the nutrients which the compared products have in common and which are present in significant quantities.</p> <p>The presentation of nutritional equivalence should not encourage consumers to substitute one category for another, particularly by suggesting that the benefits of two compared products are more or less the same.</p>

Table 5 (continued)

Statutory regulations and self-regulations specific to food advertising

Country or area	Regulation
	Self-regulation/voluntary guidelines (continued)
France (continued)	<p>Exaggerated portrayals Advertisements should not suggest that by merely consuming a product, optimal performance or complete success in an artistic activity, at school in sport- will be achieved. <i>(Translations from French).</i> <i>Chapter 8 of Recommandation Enfant, Bureau de Vérification de la Publicité (2003)</i>¹⁶⁴</p>
Netherlands	<p>“Advertising for confectionery shall, without prejudice to the general section of the Advertising Code, be subject to the following Special Advertising Code:</p> <ol style="list-style-type: none"> 1. Advertising shall not encourage excessive consumption, nor shall such consumption be held up as an example or be excused. 2. Advertising shall not suggest that confectionery can replace a meal. 3. Advertising shall in no way contain negative statements about people or who wish to limit their consumption of confectionery. 4. Advertising shall not establish a link between the consumption of confectionery and health, with the exception of advertising for products which come under the jurisdiction of the Inspection Board for the Commendation of Health Products (KAG) and permitted by the KAG. Reference to a relatively low sugar content shall not be used to create the impression that the chance of tooth decay is small. 5. Situations in which confectionery is consumed by a person immediately after brushing his teeth and before going to bed shall not be shown, nor shall consumption at such times be encouraged. 6. Television advertising for confectionery shall show a stylised image of a toothbrush approved by the Advertising Code Committee, namely either a slide or a positive film – at the discretion of the advertiser: <ol style="list-style-type: none"> a. during the entire film, in which case the image is at least one tenth the height of the picture; b. for three seconds of the film, in which case the image will be at least one eighth the height of the picture; c. filling the entire picture for one and a half second of the agreed broad casting time, whether or not the advertising message is shortened by a corresponding period. 7. Advertising in printed matter intended for, or which may be assumed will be read primarily by children under the age of 14 years or in articles specially intended for children under the age of 14 years shall show the toothbrush emblem described in article 6 which emblem shall measure 1 cm x 1.5 cm for A4 and A5 formats and proportionally larger or smaller for other formats.” <p><i>Advertising code for confectionery of the Dutch Advertising Code (2000)</i>¹⁶⁵</p>

Table 5 (continued)
 Statutory regulations and self-regulations specific to food advertising

Country or area	Regulation
	Self-regulation/voluntary guidelines (continued)
New Zealand	<p>New Zealand “Advertisements directed at children should observe a high standard of social responsibility:</p> <p>(a) Advertisements for treat foods directed at children should not actively encourage children to eat or drink them near bedtime, to eat or drink them frequently throughout the day or to replace main meals with them.</p> <p>(b) Advertisements for nutritional foods essential for a healthy balanced diet are encouraged to advocate the benefits of such foods, particularly when directed at children. A large and liberal but commonsense interpretation is allowed. However, benefits should not be exaggerated and should not imply that a single food should replace a balanced and varied diet.</p> <p>(c) Advertisements should not encourage excessive consumption of any particular food.”</p> <p><i>Principle 3 of the Advertising Standards Authority’s Code for Advertising of Food (2001)</i>¹⁶⁶</p>
Japan	<p>“Advertising of food which is suspected to be a health hazard, as well as such advertising that contains exaggerations or false statements shall not be handled.”</p> <p><i>Clause 103 of the National Association of Commercial Broadcasters’ Broadcasting Standards (1970, rev. 1999)</i>¹⁶⁷</p>
Singapore	<p>“Advertisements should not actively encourage children to eat excessively throughout the day or to replace main meals with confectionery or snacks foods.”</p> <p><i>Article 3.9 of Section C of the Singapore Code of Advertising Practice (latest rev. 2003)</i>¹⁶⁸</p>
United States	<p>“Representation of food products should be made so as to encourage sound use of the product with a view toward healthy development of the child and development of good nutritional practices. Advertisements representing mealtime should clearly and adequately depict the role of the product within the framework of a balanced diet. Snack foods should be clearly represented as such, and not as substitutes for meals.”</p> <p><i>Article 8 of the Product Presentation and Claim of the Children’s Advertising Review Unit’s Self-regulatory Guidelines for Children’s Advertising (1975, latest rev. 2003)</i>¹⁶⁹</p>

SAR = Special Administrative Region.

^a Information obtained from a secondary source; specific text of the regulation was not identified.

Box 11

The effect of the “food clause” on child-directed food advertisements in the United States

Developed in cooperation with board members and advisors — including representatives from Kraft, Kellogg’s and McDonald’s — the Children’s Advertising Review Unit (CARU) guideline on the depiction of food in advertisements (see Table 5) is applied to broadcast and print advertising targeted at children under the age of 12 years. According to CARU’s Director, the effect of the clause is to discourage food advertisers from developing advertisements that encourage excessive consumption (E. Lascoutx, personal communication, 2003). During the past few years, several advertisements have contravened the guidelines with the following consequences:

- In April 2003, Quaker, a unit of PepsiCo Beverages & Foods, issued an advertisement for a sugary cereal snack product. The advert showed children sitting in a room, bored, during what is obviously intended to be a birthday party celebration. The only foods available are vegetables, clearly cast in an unfavourable light. When the sugary cereal snack zooms into the room, however, the children perk up and start having fun. According to CARU, the advertisement contravened the food clause by depicting healthy vegetables as boring but the sugary snack cereal as exciting and fun. Quaker withdrew the advertisement at the request of CARU.
- Several advertisements for juice drinks, aired in 2002 and 2003, implied that the drinks were made primarily from fruit, whereas, in fact, they were sugary drinks. CARU asked the companies concerned to correct the misleading information and erroneous claims about the sugar content of the drinks.
- In early 2003, CARU complained to Heinz about an advertisement for Bagel Bites, a snack intended for children. The advertisement, aimed at children, featured details of a sales promotion whereby participants, in return for collecting empty Bagel Bites packets, would be offered a chance of winning a prize. The advertising campaign utilized such phrases as, “Eat snacks and get cool stuff” and “The more you scarf [a slang term meaning to eat voraciously], the better your chances” CARU claimed that this was clearly intended to encourage children to eat as many Bagel Bites as possible, and maintained that it was against their food guideline in condoning excessive consumption. As Heinz did not immediately comply, the case went to investigation, but they eventually agreed to remove the phrase, “The more you scarf, the better your chances.”
- In 2002, Hershey ran an advertisement showing children eating candy on auto-pilot while watching successive television programmes. CARU complained to Hershey on the basis it depicted overconsumption, and the advertisement was withdrawn.
- A few years ago, McDonald’s ran an advertisement with the tagline, “Bigger food for a bigger you”; its purpose was to attract older children to its larger meals. CARU complained, saying it encouraged children to believe eating a lot of food was good for them. McDonald’s subsequently withdrew the advertisement on its own initiative (E. Lascoutx, personal communication, 2003).

In the United States, the CARU guidelines have the effect of reducing the amount of advertisements that contain words and images directly encouraging excessive food consumption amongst children. The guidelines do not, however, deal with issues around the volume of food advertising targeted at children. (E. Lascoutx, personal communication, 2003). As for advertising bans (see Box 8), a serious knowledge gap remains in understanding how the guidelines affect children’s diets.

Box 12

New regulations restricting energy drink advertising in Thailand

Food and drink advertising in Thailand is the responsibility of the Food and Drug Administration (FDA). In 2002, the FDA ruled that advertisements for energy drinks be subject to certain restrictions on the grounds that they were “misleading.”¹⁷⁴ Officials said the advertisements appeared to be encouraging children to consume too many energy drinks, with potential ill-health effects. After consulting with industry, the FDA decided to mandate a health warning on all energy drink advertisements. The depiction of sports stars and labourers in advertisements for energy drinks was also prohibited, but the threat to ban the use of celebrities in advertisements was not implemented.¹⁷⁵

The following year, in July 2003, the Thai government decided to ban advertisements for energy (and alcoholic) drinks shown on television between 5 am and 10 pm, on billboards within 500m of schools and from cinemas.^{176, 177} The aim of such restrictions was to curb the number of road traffic accidents. The 5 am to 10 pm component of the ban on television advertising was repealed for energy, but not alcoholic, drinks a week later on the grounds that it was “confusing.”¹⁷⁸ The ban on billboard advertising near schools, which was upheld, is currently being challenged by the Advertising Association of Thailand (AAT), an SRO, on the basis that it is “unreasonable.”¹⁷⁹

2.2 Regulation of in-school marketing

As a technique for marketing food to children, in-school marketing is probably second to television advertising in terms of the amount of debate and controversy it has attracted in recent years. According to a European Commission (EC) study on in-school marketing practices, “Schools are seen by some as the ideal place for spreading advertising messages targeted at children, since that is where they are gathered together and the place itself tends to guarantee the interest and quality of the messages that circulate there.”¹⁸⁰

The practice is growing on a global scale. In the United States, marketing in public elementary and secondary schools increased markedly during the 1990s, spurred by increasing pressures on school budgets and the growing attractiveness of the youth market.¹⁸¹ In-school marketing has also been increasing in Europe, and is widely used throughout the developing world.¹⁸² Food companies are a very visible part of this particular marketing effort.¹⁸³ Techniques used include direct advertising (e.g. signage), indirect advertising (e.g. sponsorship of school materials) and product sales.

2.2.1 Type and purpose of regulations on in-school marketing

Reflecting growing concerns about the effect of commercial activities on education and food quality, some countries have developed regulations on in-school marketing. Such regulations usually take the form of statutory restrictions, non-statutory government guidelines or voluntary guidelines developed by educational organizations or industry. Their aim is to restrict marketing in schools and/or ensure it conforms to ethical principles.

Although many existing international and national self-regulatory codes on advertising, sponsorship and sales promotions are also applicable to the content of marketing campaigns carried out in schools, they rarely provide special provisions for schools. In fact, in the past, the European Advertising Standards Alliance (EASA) recommended that in-school marketing should be regulated by schools themselves, as SROs have no responsibility for dictating the location of advertisements.¹⁸⁴

2.2.2 Overview of national regulations on in-school marketing

The majority of countries surveyed have no specific regulations on in-school marketing. In those countries where regulations on in-school marketing were found to exist (in 24 of the 73 countries reviewed, not including voluntary guidelines), the main areas of regulation are advertising, sponsorship and product sales (see Tables 6–8).

In-school advertising and sponsorship are regulated in 15 of the 24 countries identified as having some form of regulation on in-school marketing. Within this group, 10 countries have statutory restrictions contained in laws on education, advertising or commerce; a further three have government-issued non-statutory guidelines; and two have articles on marketing in schools contained within self-regulatory codes (Table 6). The regulations take a variety of forms, including:

- an outright ban on commercial activities in schools;
- restrictions on specific forms of advertising, such as advertising in school television programmes, sales promotions and textbook branding;
- general guidelines on advertising and/or sponsorship.

Most of the countries with regulations are in Europe, where sponsorship is treated more leniently than direct advertising. Hungary is the only European country identified as having self-regulatory guidelines (which allow advertising only with the permission of the principal). Partly because of differences in the interpretation of the term “commercial activities”, the impact of these restrictions across Europe has been mixed; specific examples are given in Box 13.

Table 6

Regulation of direct and indirect marketing in schools

Country or area	Regulatory and self-regulatory restrictions on direct and indirect in-school marketing ^a
	Statutory restrictions on direct and indirect in-school marketing
Belgium (French community) ^b	A ban on all commercial advertising for products or services in schools. Sponsorship should be applied to the least possible extent to educational materials, and other material used in connection with education. ¹⁸⁹
Canada (Quebec)	Commercial solicitation in schools is prohibited. <i>La Loi sur l'Instruction Publique [Law on State Education] (amended 1998)</i> ¹⁹⁰
Finland ^c	Advertisements and other marketing material may not be distributed in schools and day-care centres unless the consent of the parents has been obtained in advance, for example, at parent-teacher meetings. This in turn risks bestowing a semi-official label on the material in question. Teaching material must not contain advertisements. Advertising may only be used for educational purposes. <i>Consumer Ombudsman's Guidelines on Children and Marketing (1997, updated 2001)</i> ¹⁹¹
France ^b	In-school marketing is forbidden, but can be accepted if the head teacher believes it has an educational objective. ¹⁹²

Table 6 (continued)

Regulation of direct and indirect marketing in schools

Country or area	Regulatory and self-regulatory restrictions on direct and indirect in-school marketing ^a
	Statutory restrictions on direct and indirect in-school marketing (continued)
Germany ^b	Rules on advertising and sponsorship vary by Bundesland. In some, such as Bavaria, advertising for commercial purposes is prohibited, while others permit advertising and/or sponsorship in schools as long as the school has given permission. ^{193, 194, 195}
Greece ^b	In-school marketing is forbidden, but can be accepted if it has an educational objective. ¹⁹⁶
Japan	If a private broadcaster conducts the broadcasting of educational programmes intended for schools, the broadcast programmes must not include an advertisement deemed to be obstructive to school education. <i>Article 52-2 of the Broadcast Law, Law No.132 of May 2, 1950 (amended 1998)</i> ¹⁹⁷
Luxembourg ^b	In-school marketing is forbidden, but can be accepted if the head teacher believes it has an educational objective. ¹⁹⁸
Portugal ^b	In-school marketing is forbidden. ¹⁹⁹
United States	<p>Most state regulations, where they exist, authorize commercial activities but in some cases impose restrictions on in-school marketing. Examples of restrictions are given below:</p> <ul style="list-style-type: none"> • In California, instructional material (such as text books) containing commercial advertisements are prohibited unless they comply with state-mandated procedures (1999). • In New York, commercial activities are prohibited on school grounds (including the broadcast of Channel One), but sponsorship is permitted (1990). • In Rhode Island, the sale of commercial goods or services to students, and sending commercial material home with students, are prohibited. Teachers must not engage in any commercial activity (2001). • In Virginia, advertising on school buses is prohibited. • In Nashville, TN, Channel One is banned from public schools (as of April 2003). • In Seattle, WA, Channel One is banned from public schools (as of May 2004). <p><i>Various state and city regulations</i>^{200, 201, 202}</p>
Viet Nam	Sales promotions are not allowed in schools. <i>Article 185 of the Commercial Law of 1997</i> ²⁰³
	Government guidelines on direct and indirect in-school marketing
Denmark	Advertisers and marketers should follow certain principles when dealing with sponsorships involving schools, day-care institutions, etc.; these include:

Table 6 (continued)

Regulation of direct and indirect marketing in schools

Country or area	Regulatory and self-regulatory restrictions on direct and indirect in-school marketing ^a
	Government guidelines on direct and indirect in-school marketing (continued)
Denmark continued	<ul style="list-style-type: none"> • The name and logo of the sponsoring business should be used sparingly on tuition material, toys and other sponsored material, and these materials should not contain advertisements. • Parents should give their consent to small children participating in activities and tuition offered by advertisers and marketers. • Tuition material, tuition or other activities should not directly or indirectly appeal to the children/young people to buy or use the products of the sponsors or other products or services. This includes appeals to parents to buy or use the product in question. • Statements included in tuition material, tuition or other activities that may be understood as if goods and services offered by certain companies are better or worse should be avoided and as a minimum be documented. • The authority of the teachers and school/institution should not convey the impression to the children/young people and parents that the children/young people will be less privileged or exposed to contempt or ridicule if they do not buy or use the product or services sold by the sponsors or others. • Children/young people and teachers should be free to assess sponsors and their products critically. <p>Marketing in schools and day-care institutions (e.g. hanging up posters, display of brochures, handing out samples) should only take place if the school board or management of the institution has given its permission. Marketing in the form of samples and the like should not be sent directly to children/young people.</p> <p><i>Consumer Ombudsman Guidelines on Children, Young People and Marketing Practices (August 1998)</i>^{204, 205}</p>
Ireland	<p>Marketing promotions are undesirable practices and should be eliminated. Schools should formulate policies in relation to commercial promotions.</p> <p><i>Ministry for Education Circulars 38/91, issued to the Management Authorities and Principals of National Schools in Ireland (1991)</i>²⁰⁶</p>
Netherlands	<p>Schools can accept sponsorship on school boards, teaching materials etc. and for events, but sponsorship must be handled in a serious and responsible manner. Advertising must not appear in study materials, must not encourage children to behave unhealthily or to ask their parents to buy the sponsored product, or reward children for their achievements with the products of the sponsor.</p> <p><i>Voluntary Agreement (Covenant on Sponsorship) with Department of Education Act 9 of the School Parent-Teacher Association (1992)</i>²⁰⁷</p>

Table 6 (continued)

Regulation of direct and indirect marketing in schools

Country or area	Regulatory and self-regulatory restrictions on direct and indirect in-school marketing ^a
	Self-regulation of in-school marketing
Hungary	Advertising in a public educational institution may be carried out only with the permission of the institute's principal. The obligation to obtain such permission applies to the character of the product and service advertised, to the substance of advertisement, to the method of advertising and to the place of publication as well. <i>Article 12.8 of the Hungarian Code of Advertising Ethics (1997)</i> ²⁰⁸
Japan	Advertising in programmes oriented to schools should not act as an impediment to education. <i>Article 92 of the National Association of Commercial Broadcasters' Broadcasting Standards (1970, latest amendment 1999)</i> ²⁰⁹

a Excludes regulations on the marketing of tobacco and alcohol in schools, and the regulation of food product sales.

b Information obtained from a secondary source; specific text of regulation was not identified.

c These are not legally-binding, but are used to guide the interpretation of statutory regulations.

Outside Europe, Canadian Quebec has the most restrictive regime on in-school marketing, banning all commercial solicitation (see Table 6 and Box 13). In the United States, decisions about commercial activities in schools are often delegated to school superintendents and principals, though a number of states have statutory regulations on in-school marketing (Table 6). Several state-wide bills that aim to reduce marketing in schools, such as the Maryland Commercialism in Schools Act of 2002, have failed to pass.¹⁸⁵ Recent activity has focused on Channel One, the in-school news channel that broadcasts advertising. Two cities have banned the broadcasts (Table 6), though a Texas Board of Education resolution to ban the channel was rejected.^{186, 187} In April 2003, parents started a legal battle to ban Channel One from Oregon schools, claiming it is unconstitutional.¹⁸⁸ Elsewhere, for example in Japan, the law (and self-regulation) dictates that advertising within programmes broadcast in schools must have an educational purpose. Viet Nam explicitly prohibits all sales promotions in schools.

Statutory regulations and non-statutory government guidelines aimed at restricting the sales of selected food products in schools were identified in a handful of countries (Table 7). Brunei Darussalam, Malaysia, Singapore and five member countries of the Gulf Cooperation Council (GCC) together with a number of US states and three Brazilian municipalities, have implemented regulations which restrict sales of soft drinks, confectionery and other foods of low nutritional value in schools. For example, the city of Rio de Janeiro in Brazil passed a law in 2002 banning the sale, distribution and consumption of confectionery and similar foods anywhere within school boundaries (see Box 14). In parts of the United States, the introduction of regulations of this type has attracted considerable attention; indeed, attempts to regulate the sales of products such as high-fat snacks and carbonated soft drinks have become something of a cause célèbre amongst anti-obesity advocates and lawmakers (see Box 15).

Experience to date has shown that efforts to restrict food product sales in schools can be compromised by the ready availability of the same or similar products very close to the school grounds. For instance, the guidelines issued by the Ministry of Health in Brunei Darussalam (Table 7) have not affected the rapidly increasing number of "junk food" vendors located outside schools.²¹⁷ As anecdotal evidence from Malaysia has indicated,²¹⁸ restrictions that only apply to the sales of food products from school canteens are similarly undermined if pupils can purchase restricted foods from school shops, vending machines or on school buses (see also Box 15).^{219, 220}

Box 13

Regulating in-school marketing: national experiences

In the absence of specific regulations, the extent of in-school marketing often depends on decisions made by individual school authorities. This case-by-case approach is sometimes also adopted even when there are regulations on in-school marketing.

In 1998, the European Commission (EC) commissioned a study to examine the extent and regulation of in-school marketing in European Union (EU) countries.²¹⁰ According to the study findings, marketing efforts tended to be education-driven rather than commercially-oriented, often involving the sponsorship of educational materials. The report also concluded that existing bans and restrictions do not necessarily prevent all forms of in-school marketing, in part because the term “commercial practices” does not necessarily preclude marketing with educational intent.²¹¹ It was this lack of clarity that led the authors of the report to recommend that commercial sponsorship in schools should not be restricted; rather, schools should be allowed to benefit financially from sponsored materials on condition they conform to guidelines on quality standards consistent with educational goals. The Consumer’s Committee, a consultative committee of the EC, disputed this conclusion and argued for tighter controls on advertising in schools, including the prohibition of advertising in schoolbooks and the sponsorship of school facilities.²¹²

The Canadian Province of Quebec has very clear regulations on commercial activities in schools.²¹³ “La Loi sur l’Instruction Publique” [Law on State Education] was amended in 1998 to include provision for prohibiting all commercial solicitation in schools. The amendment permits donations, but states that commercial funding must not be used to “incite or put pressure on children to consume products.” The Ministry of Education developed a series of guidelines to aid the interpretation of this law. On several occasions in recent years, these regulations have been used to restrict marketing by food companies in Quebec schools. In 2000, Kellogg’s Canada was forced to drop a programme to provide Quebec schools with educational materials in exchange for cereal box tops because it was deemed to be a form of advertising to children (the promotion was permitted in the rest of Canada).²¹⁴ A Kellogg’s competition inviting school children to design a float for the 2001 Carnaval de Quebec was also prohibited as the related promotional materials were judged to be in contravention of the ban.²¹⁵ In the same year, Campbell’s Soup was forced to withdraw its “Labels for Education” programme for similar reasons.²¹⁶

Table 7

Regulations on food product sales in schools

Country or area	Regulation on food product sales
Brazil	The sale and distribution of soft drinks and confectionery is prohibited in schools in the municipalities of Florianópolis, Rio de Janeiro and São Paulo. <i>Lei No.5854 (2001)²²¹; Municipal Decree No. 21217 (2002)²²²</i>
Brunei Darussalam	Canteens in private and public schools are prohibited from selling soft drinks, confectionery, snacks, ice cream and instant noodles. <i>Ministry of Health Guidelines for the School Feeding Scheme (2002)²²³</i>
Japan	The only food to be eaten within schools are the meals provided under the school lunch programme. <i>School Lunch Law of 1954, as amended²²⁴</i>
Malaysia	"Junk foods" must not be sold in school canteens. <i>Directive issued by the Ministry of Education (1999)²²⁵</i>
Saudi Arabia and the other members of the GCC (Kuwait, Oman, Qatar, United Arab Emirates) except Bahrain ^a	The sale of carbonated soft drinks in all schools is either totally or partially prohibited. ²²⁶
Singapore ^a	Ongoing approval and monitoring of food and drinks sold in school canteens and "tuckshops". <i>Ministry of Education funded programme "Trim and Fit" (1992)²²⁷</i>
United States	Foods of minimum nutritional value (FMNV) must not be sold in the food service areas during the school lunch period. <i>Section 210 (Appendix B) of the regulations of the National School Lunch Program (1988, amended 1994) and Section 220 (Appendix B) of the regulations of the School Breakfast Program (1980, amended 1989)²²⁹</i> In c. 18 states, legislation now dictates restrictions on the times and/or places of the sale of foods of minimum nutritional value beyond the United States Department of Agriculture guidelines.

^a Information obtained from a secondary source; specific text of guideline was not identified.

Box 14

Excerpts from Decree No. 21217 of 1st April 2002, Rio de Janeiro, Brazil^{231 a}

The Mayor of the city Rio de Janeiro, according to its legal functions and considering that:

- The municipality of the city of Rio de Janeiro has the mission of ensuring good health amongst school-aged children;
- Schools are a favourable place for health promotion;
- The School Nutrition Programme aims to address not only the nutritional needs of school-aged children, but to stimulate the adoption of healthy eating habits;
- The safety of all food items during their acquisition, preparation, production, distribution and consumption at municipal schools must be ensured;
- Unhealthy food choices represent one of the most important risk factors for anaemia, dental diseases and obesity, which generally lead to hypertension, cardiovascular disease and diabetes;
- The development of obesity amongst school-aged children is a risk factor for obesity in adults.

Decreets,

Article 1

- It is forbidden to buy, produce, distribute or sell these products^b within municipal schools.
- It is also forbidden to advertise these products near schools.

Article 2

- An orientation “Guide” for schools should be created with a description of food items available to the population;
- The Municipal Secretary of Education must include themes about healthy eating habits as a program in all schools;
- The government media company, MULTIRIO, must include themes about healthy eating habits and the promotion of healthy weight on its TV shows, magazines and journals, that have schools as a target group;
- The Municipal Secretary for Health must assist in distributing the “Guide” amongst communities, supported by community health agents.

^a Translation from Portuguese (not an official translation).

^b Sweets, chewing gum, lollipops, caramels, concentrated powder for the preparation of sweetened drinks, soft drinks, any food item produced at the school or in a place without authorisation to produce food items, alcoholic drinks, food with more than 3g of fat per 100kcal of product, food with more than 160mg of sodium per 100kcal of product and food with colorants, preservatives or artificial anti-oxidants (after observing the nutritional labelling of the food), food items without a label, without the nutritional information and without the expiration date.

Box 15

Regulation of the sale of food products in schools in the United States

In the United States, the sale of “foods of minimum nutritional value” (FMNV) in food service areas during the school lunch period is prohibited (Table 7). A number of stakeholders consider these guidelines to be too weak, or at least too weakly enforced. According to the Centers for Disease Control and Prevention (CDC), FMNV are sold outside school cafeterias — for example from vending machines in hallways, school stores and snack bars — in 43% of elementary schools, 73% of middle schools and 98% of senior high schools.²³² In 2001, the United States Department of Agriculture (USDA) wrote to school food service directors asking them to enforce existing rules, and recommended that Congress “strengthen the statutory language to ensure that all foods sold or served anywhere in schools during the day meets nutritional standards”²³⁴

Box 15 (continued)

Regulation of the sale of food products in schools in the United States

Recent congressional, state, city and school-based initiatives have meant that some progress towards this goal has been made. In May 2003, the bipartisan-sponsored Better Nutrition for School Children Act was introduced into the United States Senate. The intention of the bill is to extend the limit on sales of FMNV throughout the school day.²³⁵ Secondly, the Healthy Foods and Beverages in Schools bill, which was brought before the House of Representatives in June 2003, encourages schools to improve the nutritional quality of foods sold in vending machines through a system of grants.²³⁶

These federal bills come in the wake of considerable legislative activity at the state level. At least 18 states now have regulations that go beyond the USDA policies on FMNV; in most cases the new regulations prohibit food product sales for a certain period before and after the breakfast and lunch breaks throughout the school buildings.²³⁷ The National Soft Drinks Association (NSDA) report that since 2001, 76 bills to restrict the sale of carbonated soft drinks in schools have been proposed in 28 states,²³⁸ and, as of June 2003, around 12 states had pending legislation to restrict vending machines sales.²³⁹ Although such bills died during the legislative process in several states, a law banning certain snack foods from elementary schools was passed in California in 2001. Bans and guidelines on foods and drinks permitted for sale in vending machines have also been introduced in individual school districts, including the two largest districts in the country (Los Angeles, CA and New York City, NY).^{240, 241, 242, 243}

New approaches to regulating product sales in schools are being tested in several states. For example, the Arizona State Board of Education is planning to ask school districts to ban unhealthy food from schools on a voluntary basis.²⁴⁴ Instead of relying on regulatory measures, school boards in cities in the states of Minnesota, Ohio and Pennsylvania have been negotiating with soft drinks companies in an attempt to reduce the proportion of carbonated soft drinks and high-fat, high sugar snacks sold in their vending machines.^{245, 246} These arrangements have proved successful partly because of the financial incentives provided by vending machines (a proportion of the profits from vending machine sales accrue to the schools).^{247, 248} In Minnesota, for example, the initiative has reduced sales of carbonated drinks, while achieving an increase in profits.²⁴⁹

The food industry is also taking a more proactive approach. In 2001, Coca-Cola stated that soft drinks contracts with schools should be non-exclusive.²⁵⁰ In the same year, a body they co-founded — the Council for Corporate and School Partnerships — released guidelines on school-business partnerships (Table 8), which was followed in November 2003 by the publication of *Model Guidelines for School Beverage Partnerships*.²⁵¹ The guidelines recommend that carbonated drinks should not be made available in elementary schools during the day, that logos should not be used on educational materials, and that vending machine graphics should depict physical activity. However, the guidelines still permit “appropriate added-value programs to schools”. Kraft Foods recently announced its plans to restrict in-school marketing, beginning in early 2004; criteria on Kraft products sold in school vending machines will be developed, although charitable donations will continue.²⁵² In their recently developed guidelines on marketing, Heinz states that exclusive vending machine contracts with schools that require the promotion of Heinz brands or products “should be avoided.”²⁵³

Voluntary guidelines on commercial activities in schools were identified in four countries; guidelines of this nature are typically developed by the educational sector (see Table 8). The guidelines generally encourage restrictions on commercial activities. Guidelines developed with industry leadership in the United Kingdom and the United States permit commercial activities provided that they are beneficial for education.

Table 8

Voluntary guidelines on commercial activities in schools

Country	Voluntary guidelines on commercial activities in schools
	Developed by the educational sector
Australia	<p>Sponsorships and promotions should avoid placing undue pressure on children, parents or schools to purchase particular products or services; organizations should not seek endorsement of their products or services as a condition of a sponsorship or of participation in a promotion.</p> <p><i>National Code on Commercial Sponsorship and Promotion in School Education</i> (Australian Education Council, 1992)²⁵⁴</p> <p>All commercial activities must be subjected to cost–benefit and risk analysis. Risk management must be a major consideration of any decision to become involved in a commercial activity.</p> <p><i>Code of Practice on Commercial Activities in Schools</i> (Queensland Department of Education, 1999)²⁵⁵</p>
Canada	<p>School–corporate partnerships must be based on shared objectives, must not exploit students and must benefit students and staff.</p> <p><i>Guidelines for Corporate Partnerships</i> (Canadian Teachers Federation)²⁵⁶</p> <p>Corporate involvement shall not require students to observe, listen to, or read commercial advertising; selling or providing access to a captive audience in the classroom for commercial purposes is exploitation and a violation of the public trust. The procedures prohibit advertising unless it is on vending machines, score clocks, corporate logos on uniforms, or is part of sponsorship recognition.</p> <p><i>Policies and Procedures on Corporate Advertising and Sponsorship</i> (Central Okanagan School District, Kelowna, BC, 1999)²⁵⁷</p>
United States	<p>Corporate involvement shall not require students to observe, listen to or read commercial advertising; selling or providing access to a captive audience in the classroom for commercial purposes is exploitation and a violation of the public trust. Since school property and time are publicly funded, selling or providing free access to advertising on school property outside the classroom involves ethical and legal issues that must be addressed.</p> <p><i>Guidelines for Corporate Involvement in the Schools</i> (National Parents Teachers Association, 1991)²⁵⁸</p>
	Developed with industry leadership
United Kingdom	<p>Commercial activities in schools should be relevant and add educational value to teaching; material should not encourage unhealthy, unsafe or unlawful activities; explicit sales messages should be avoided where possible, but may be unavoidable in the context of collector scheme; the level of branding should be appropriate to the activity.</p> <p><i>Best Practice Principles for Commercial Activities in Schools</i> (Incorporated Society of British Advertisers, 2001, negotiated with the Consumers’ Association and endorsed by the United Kingdom Department for Education and Skills).</p> <p>Sponsorship of sports in schools should: ensure that at all times the education and well-being of pupils of the sponsored school are of</p>

8Table 8 (continued)

Voluntary guidelines on commercial activities in schools

Country	Voluntary guidelines on commercial activities in schools
	Developed with industry leadership (continued)
United Kingdom (continued)	<p>overriding importance; ensure that the purchase by pupils or parents of the sponsor's products or services is not a condition of the sponsorship; ensure that any marketing campaigns based on the sponsorship are in good taste and comply with all relevant codes and guidelines in relation to children.</p> <p><i>ISS Code of Conduct for Schools</i> (Institute of Sports Sponsorship, 2000)²⁶⁰</p>
United States	<p>School-business partnerships must be built on shared values and philosophies; ... should be defined by mutually beneficial goals and objectives; ...should be integrated into the school and business cultures;...should be driven by a clear management process and structure;...should define specific, measurable outcomes; ...should have support at the highest level within the business and school and concurrence at all levels; ...should include detailed internal and external communications plans, which clearly illustrate expectations of all parties; ...should be developed with clear definitions of success for all partners.</p> <p><i>Guiding Principles for Business and School Partnerships</i> (The Council for Corporate and School Partnerships, 2001)²⁶¹</p>

2.3 Regulation of sponsorship

Sponsorship is the provision of funds and other resources to an event or activity in return for access to the exploitable commercial potential associated with that activity.²⁶² As a marketing technique, it has several benefits. It has a global reach (if, for example, a sponsored event is broadcast worldwide), it overcomes restrictions on conventional advertising and is cheaper than broadcast advertising. Although the amount spent on sponsorship is still less than 10% of the total global spend on advertising (i.e. currently around 7%), the amount spent worldwide on sponsorship has risen from US\$ 2000 million in 1984 to US\$ 24 790 million in 2000. Sporting events account for the greatest proportion of the global spend on sponsorship by far, followed by the broadcast media. Food companies sponsor a wide range of activities, including sporting events, television programmes and musical events.²⁶³

2.3.1 Type and purpose of regulations on sponsorship

Both statutory regulations and self-regulations on sponsorship exist, and like those on advertising, can take the form of either general guidelines or specific restrictions. The statutory regulation of sponsorship can have one of many objectives, for example, pluralism, consumer protection or public health, with public health concerns tending to lead to more restrictive regulation.²⁶⁴ Regulations on television sponsorship typically have the objective of ensuring that the programme sponsor does not influence the programme content, and that the sponsor is clearly identified and separate from the programme itself. In the rare cases where children are singled out for special treatment, regulation is based on acknowledgement of the fact that children may have difficulty in recognizing sponsorship as a form of advertising.

Self-regulation of sponsorship is spearheaded by the ICC International Code on Sponsorship (1992, revised 2003); the ICC code sets out to ensure that sponsorship is ethical and responsible. It includes an article on children similar to that contained in the ICC International Code of Advertising Practice²⁶⁵ (see section 2.1.1).

2.3.2 Overview of national regulations on sponsorship

Regulation of sponsorship is fairly common, but regulations on sponsorship that are specific to children and/or food are extremely rare. Child-specific regulations on sponsorship were identified in only 6 of the 73 countries reviewed (Table 9). In all six countries, the regulations apply only to the sponsorship of children’s television, and do not cover other media or event sponsorship. National adaptations of the ICC International Code on Sponsorship were not identified anywhere. Although some countries have developed sponsorship regulations with a public health objective, these are specific to tobacco and/or alcohol, not food.

Table 9
National regulations on the sponsorship of children’s television programmes

Country	Regulation
	Sponsorship bans
Finland	Children’s programmes must not be sponsored. <i>Consumer Ombudsman’s Guidelines on Children and Marketing (1997, updated 2001)</i> ^{267 a}
Netherlands	Programmes shall not be sponsored if they are specifically aimed at minors under the age of 12 years. <i>Section 52a of The Media Act (1987, latest amendment 2000)</i> ²⁶⁸
Norway	Programmes for children and young people may not be sponsored by natural or legal persons whose purpose is to engage in business activity. <i>Section 3–11 of Regulation No 153 (1997) Relating to Broadcasting</i> ²⁶⁹
	General guidelines
Australia	During periods of children’s television, advertisements and sponsorship announcements must be clearly distinguishable as such to the child viewer. <i>Australian Broadcasting Authority Children’s Television Standards (2002)</i> ²⁷⁰
New Zealand	Sponsorship during children’s programming will be limited and socially responsible. <i>Article 9 of the Children’s Television Policies of the New Zealand Television Broadcasters’ Council (2001)</i> ²⁷¹
United Kingdom	Programmes may enter into merchandising arrangements to produce products based on programme characters or other elements of the programme. However, these companies may not fund any programme with which they are involved in this way. This rule is designed to prevent programmes, particularly children’s programmes, being distorted by advertisers who, if this rule did not exist, might wish to make or fund programmes based on existing commercial products. Such programmes could be offered to broadcasters at a discount, reflecting their undoubted promotional value for the advertiser concerned. <i>The Ofcom (formerly Independent Television Commission) Code of Programme Sponsorship (Autumn 2000)</i> ²⁷²

^a These are not legally-binding, but are used to guide the interpretation of statutory regulations.

Three of the six countries identified as having sponsorship regulations have government regulations that ban the sponsorship of children's television programmes (Finland, Netherlands, Norway). The remaining three countries rely on self-regulation. Of these, two have guidelines on television sponsorship that are implemented by the national regulator; in the United Kingdom these guidelines prevent programme sponsors from funding the sponsored programme, and in Australia the guidelines state that sponsorship must be clearly distinguishable as such to children. In New Zealand, the industry organization representing broadcasters has guidelines stipulating that sponsorship should be "socially responsible".

Elsewhere, individual broadcasters have developed their own codes of practice. In Ireland, for example, Radio Telefís Éireann (RTÉ) does not allow broadcast sponsorship of any children's programmes.²⁶⁶ Other countries have guidelines on television sponsorship that are not specific to, but are nevertheless applicable to, children's programmes. For EU Member States, Article 17 of the TVWF Directive states that:

Sponsored television programmes shall meet the following requirements:

- a) the content and scheduling of sponsored programmes may in no circumstances be influenced by the sponsor in such a way as to affect the responsibility and editorial independence of the broadcaster in respect of programmes;
- b) they must be clearly identified as such by the name and/or logo of the sponsor at the beginning and/or the end of the programmes;
- c) they must not encourage the purchase or rental of the products or services of the sponsor or a third party, in particular by making special promotional references to those products or services.

Advertising laws in China, Hong Kong SAR, the Republic of Korea and South Africa also contain clauses with similar objectives.

2.4 Regulation of product placement

Product placement is the use of any message, logo, object or prop that appears in a visual or graphic in exchange for payment. It is a technique that is widely used to market food and beverage products; food companies have apparently viewed the technique as a powerful marketing tool ever since sales of an American confectionery brand, Reese's Pieces, soared after they were featured in the film "ET."²⁷³

Product placement is gaining in popularity as a marketing technique almost everywhere. It is now found in many forms of visual entertainment, most notably films, but also in television programmes, music videos and computer games. Placement can be visual or verbal, or even part of a story line. In the United States, a recent poll revealed that three-quarters of advertisers plan to cut spending on television advertising in the future, but nearly half expect to spend more on product placement. The appeal of product placement to advertisers lies in its ability to overcome the "ad-skipping" capabilities of video recorders.²⁷⁴ Furthermore, the technique is cost-effective when compared with the purchase of normal airtime and is less disruptive than commercial breaks — the viewer is held captive, giving the product their undivided attention because it is part of the programme.²⁷⁵

2.4.1 Type and purpose of regulations on product placement

As is typical of indirect, non-traditional marketing techniques, product placement is not widely restricted. Self-regulations do not tend to deal specifically with product placement, and while statutory regulations do exist, they extend only to product placement in television programmes, not in films or video games. The stated purpose of these regulations is to restrict product placement that is unidentifiable as advertising by viewers, and/or that has the effect of overly-influencing the content of television programmes.

2.4.2 Overview of national regulations on product placement

Of the 73 countries reviewed here, 23 were found to have some form of statutory regulation on product placement; no self-regulations were identified. Only in rare cases do national regulations restrict product placement targeted at children; furthermore, none of the identified regulations refer specifically to food. However, any form of restrictive regulation on the use of product placement will implicitly limit the marketing of food to children via this technique.

Regulations on product placement typically take one of several forms, including outright bans on product placement and on “surreptitious advertising” (i.e. hidden advertising that might mislead the public); strong discouragement of product placement, “indirect advertising” or “non-regular” advertising; time restrictions; and guidelines on the use of placed products (see Table 10). Usually contained within laws on advertising, terms referring to product placement vary, and thus the interpretation of regulations governing product placement is subject to some ambiguity (see Box 16).

In Europe, the EU TVWF Directive (Article 10) prohibits “surreptitious advertising.” On the basis of this article, seven EU Member States plus six other European countries appear to restrict some forms of product placement (for example, that which is not declared by the advertiser, is used for marketing purposes or is not part of editorial content) (Table 10).^{276,277} Four EU Member States and Norway have provided greater clarity in their legislation, and explicitly ban product placement in television programmes (Table 10). Despite this, the effects of the bans are not necessarily clear-cut, as explained in Box 16.

Outside Europe, product placement is restricted by clauses on “indirect advertising” in television advertising regulations in China, Hong Kong SAR and the Republic of Korea. In the case of the former, the law discourages product placement with the statement: “As a general rule, the placement of advertising material should be confined to paid-for advertising time.” However, it is not clear whether or not this is interpreted as an outright ban on product placement.²⁷⁸ In the Republic of Korea TV programmes must not “deliberately highlight such [products, companies, etc.] to create an advertising effect.”²⁷⁹ Product placement is also discouraged in Fiji where regulations state that commercial products or services should not be given “undue prominence” in television programmes.²⁸⁰ The Philippines is unique in its use of time restrictions as a means to regulate product placement on television; “non-regular” forms of advertising are restricted to 10 seconds per product, with a maximum of 15 products per programme.²⁸¹

In the United States, product placement on television is regulated via statutory guidelines on “sponsor identification.” Imposed by the Federal Communications Commission (FCC), paid placements are not permitted unless the featured brand is listed as a sponsor.²⁸² With some exceptions, brands may only appear if they are donated, or if they are used for realistic effect.

Product placement in films, including those made in the United States and broadcast globally, is not subject to statutory regulation. According to the industry body responsible for product placement in the United States, the Entertainment Resources and Marketing Association (ERMA), each film studio currently has their own internal regulations on product placement (G. Dawson, personal communication, 2003). Over ten years ago, in 1992, the Federal Trade Commission (FTC) turned down a

request to regulate product placement in films. The request, made by the Center for the Study of Commercialism (CSC) and a number of other organizations, would have required manufacturers who pay to have their products placed in films to disclose this fact to audiences. The FTC ruled that: "Due to the apparent lack of a pervasive pattern of deception and substantial consumer injury attributable to product placements, the Commission has determined that an industry-wide rulemaking is inappropriate at this time."²⁸³

Table 10

Statutory restrictions on product placement in television programmes

Type of restriction	Country or area
Product placement explicitly banned	Austria; Belgium (Flemish community); Ireland; Norway; United Kingdom
Ban on surreptitious advertising interpreted to restrict product placement	Czech Republic; Denmark; Estonia; Finland; Germany; Greece; Iceland; Italy; Liechtenstein; Netherlands; Slovenia; Sweden; Switzerland
Product placement discouraged wherever possible	Fiji; China, Hong Kong SAR; Republic of Korea
Time restrictions	Philippines
Guidelines on use of product placement	United States

Source: Hawkes C. *A directory of national regulations and self-regulations on non-traditional techniques used to market food to children*. Unpublished document, 9 December 2003.

Box 16

The grey area of product placement regulation

Partly because of the embedded nature of product placement, regulations on this form of marketing are especially open to the vagaries of interpretation.²⁸⁴ Explicit bans do not necessarily eliminate product placement as a marketing technique. In Austria, for instance, product placement is prohibited in public broadcasting programmes and all children's programmes, but is allowed in television series.²⁸⁵ In the United Kingdom, product placement is allowed if it has not been paid for, although it appears the interpretation of this regulation is not always clear.²⁸⁶ In fact, none of the statutory regulations described in Table 10 necessarily prohibit the presentation of a prize offered by a sponsor, or the inclusion of products considered necessary as editorial content. Food products frequently appear on television programmes as editorial content but because no financial exchange has taken place — the programme makers accept the placements free of charge — such products are not necessarily covered by product placement regulations.

Many regulators do not interpret the clause found in numerous international and national statutory regulations and self-regulations that advertising should be "clearly distinguishable as such" (the "separation principle") as a restriction on product placement. Communications experts and consumer groups in both Europe and the United States have argued that product placement clearly violates the separation principle, especially if placements are subtle — when part of a storyline, for example — or when products are endorsed by celebrities.^{287, 288, 289} In the United States, the issue is addressed by requiring disclosure of the advertisers at the end of each programme. However, the nongovernmental organization (NGO), Commercial Alert, contends

Box 16 (continued)

The grey area of product placement regulation

that current regulations are inadequate and frequently violated. In September 2003, they petitioned the Federal Communications Commission (FCC) to impose stricter restrictions on the grounds that the public has a right to know who is seeking to persuade them.²⁹⁰ In a related complaint to the Federal Trade Commission (FTC), they argue that the existing statute on deceptive and misleading advertising should also apply to product placement.²⁹¹ Embedded advertising, says the complaint, is bad for children's health.

There are, however, a number of instances where existing regulations have been used successfully to challenge food product placement on television even in cases where no payment was made. A Dutch public broadcasting company, WPRO, was fined on account of showing the wrapping of a Mars chocolate bar in a television film. In another albeit rather bizarre case, a children's programme on "junk food" featured the trade marks of Coca-Cola and Wokkels (a potato chip brand) as a means of explicit satire. The European Commission (EC) fined the broadcasting company on the basis that young children have a right to be protected against "indirect advertisement" in television programmes, and that manufacturers have the right to be protected against unfair competition.²⁹²

2.5 Regulation of Internet marketing

Marketing on the Internet is a "new" but rapidly expanding strategy.²⁹³ Ever since banner advertising first appeared in 1994, consumers, and children in particular, have been increasingly targeted with a range of Internet-based marketing techniques. According to the Canadian-based Media Awareness Network, young people are the ideal target group for Internet advertisers because they stay online for longer periods than adults and participate in a wider range of online activities. Online marketing strategies aimed at children include interactive games and activities, clubs, competitions, attractive sites with bold, eye-catching graphics and opportunities to build online communities through chat and e-mail facilities.²⁹⁴ The Internet can also be used to collect personal data from children. The web sites of many food companies are designed with children and teenagers in mind, and range from sophisticated interactive sites with games and promotions to simple informational pages.²⁹⁵

2.5.1 Type and purpose of regulations on Internet marketing

Since marketing on the Internet is a relatively new advertising technique, its regulation is still at a developmental stage. Nevertheless, several categories of regulations can be applied to Internet marketing; these are listed and exemplified in Table 11. Owing to the global nature of the Internet, the list includes several examples of regional and international guidelines.

The development of regulation is complicated by the multitude of Internet marketing techniques and also by their interactive nature; Box 17 reviews some of the difficulties associated with developing regulations on Internet marketing.

Table 11

Categories and examples of regulations applicable to marketing to children on the Internet

Category	Description, objectives and examples
Statutory regulations specific to Internet marketing	Some countries have developed statutory guidelines and restrictions on marketing on the Internet that refer to children. These regulations are based on the recognition that children require special treatment, and have the objective of providing ethical guidance on Internet advertising, and/or specifically restricting certain forms of Internet marketing techniques used to target children, most commonly data collection, making a sale, links to other web sites and children's clubs (section 2.5.2).
Self-regulatory codes specific to Internet marketing	Self-regulatory codes specific to Internet marketing have been developed specifically to address concerns posed by the new and interactive nature of online marketing. International codes with articles on children include the International Chamber of Commerce (ICC) Guidelines on Advertising and Marketing on the Internet (1996) (rev. 1998, currently under revision), ²⁹⁶ the Federation of European Direct Marketing (FEDMA) Code on E-Commerce and Interactive Marketing (2000) ²⁹⁷ and the European Group on Television Advertising (EGTA) Guidelines for Commercial Communications on New Interactive Services (2001). ^{298,299} Some national industry organizations (e.g. advertising self-regulatory organizations, trade associations involved in e-commerce) have developed their own self-regulatory codes. ³⁰⁰ The objective of regulations of this type is to ensure that children are not exploited or harmed by Internet marketing, including data collection, and that parents provide consent to their children's online activities.
Statutory and self-regulations on e-commerce/data collection/consumer protection	Regulations on e-commerce, data collection and consumer protection may contain articles that can be applied to data collection from children over the Internet and/or contain general clauses on marketing (data collection may also be dealt with by regulations on sales promotions). International guidelines referring to children include the Organisation for Economic Cooperation and Development (OECD) Guidelines for Consumer Protection in the Context of Electronic Commerce (1999). ³⁰¹ Several European Commission (EC) initiatives on e-commerce refer to children. ^{302,303} Some regulations of this type take the form of voluntary codes, such as the Canadian Code of Practice for Consumer Protection in Electronic Commerce (2003), developed by government in conjunction with industry. ³⁰⁴ The main objective of these regulations is to protect children from deception and harm.
Statutory and self-regulations on broadcast advertising	Statutory and self-regulations on broadcast advertising can potentially be applied to Internet advertising, even if the Internet is not referred to in the text of the regulation. Their main objective is to prevent deceptive and misleading advertising.

2.5.2 Overview of national regulations on Internet marketing

Several countries have developed, or are in the process of developing, statutory or self-regulatory approaches to Internet marketing, data protection and e-commerce.^{305,306} With regard to young people, ICC guidelines recognize that children require special consideration from Internet marketers, as do other self-regulatory codes published by regional industry groups (Table 11). Yet this is not widely echoed in national regulations (though several mention, or are specific to, child pornography, a matter that is not considered further here). Most existing e-commerce laws and self-regulatory codes covering the Internet do not appear to contain clauses on marketing to children.³⁰⁷

Laws, self-regulations and voluntary codes specific to Internet marketing to children were identified in 13 of the 73 countries surveyed. In most cases, regulation is in the form of general guidelines (see Table 12). None of the Internet marketing regulations identified mentions food specifically, but the general guidelines implicitly limit the ability of food companies to market to children and obtain information from them. In particular, companies will be bound by the regulations on data collection, which may be restricted on the basis that “young children may not understand the nature of the information being sought, nor its intended uses.”³⁰⁸

Regulation tends to be most stringent in the Nordic countries (Table 12), where guidelines overseen by the Consumer Ombudsman prohibit Internet marketers from requesting any personal information from children at all.³⁰⁹ Legislation in the United States, the Children’s Online Privacy Protection Act of 1998 (COPPA), does not prohibit the requesting of personal information from children, but requires verifiable parental consent. This law does appear to be enforced: two food companies, Mrs Fields Cookies and Hershey Foods, were fined in February 2003 for failing to verify that parental consent had been given. In the Hershey case, although the web site included an instruction that children under the age of 13 years must ask their parents to complete the online parental consent form, the company allegedly took no steps to ensure that the parent actually saw or filled out the form.³¹⁰

In addition to those on data collection, regulations on Internet marketing among the countries reviewed include guidelines and restrictions on making a sale on the Internet (again, the Nordic countries have the most stringent regulations in this respect), the hyperlinking of child-directed web sites to other web sites that do not conform to child-specific guidelines, and on the nature of children’s clubs that can be joined online (Table 12).

Internet marketing may also be regulated through the application of national self-regulatory guidelines on broadcast advertising (see Table 11).^{311,312} According to EASA, Internet advertising in all European countries is overseen by national self-regulatory organizations concerned with advertising (EASA, personal communication, 2003).³¹³ In many European countries, it is likewise assumed that national laws on advertising (Table 3) and consumer protection also relate to the Internet.³¹⁴

Table 12
Regulations on Internet marketing with clauses specific to children

Type of regulation	Country
General guidelines on Internet marketing	
Statutory	Finland; Mexico; Norway
Self-regulation	Australia; Austria; France; Italy ^a ; Japan; Spain; United States
Voluntary code	Canada
Data collection	
Statutory	Denmark; Finland; Mexico; Norway; Sweden; United States
Self-regulation	Australia; Japan; Spain; United States
Voluntary code	Canada
Making a sale	
Statutory	Denmark; Finland; Norway; Sweden
Self-regulation	United States
Voluntary	Canada
Links to other web sites	
Statutory	Denmark; Finland; Norway; Sweden
Self-regulation	Australia; United States
Children's clubs	
Statutory	Finland
Self-regulation	United States
Voluntary code	Canada

^aNot yet implemented.

Source: Hawkes C. *A directory of national regulations and self-regulations on non-traditional techniques used to market food to children*. Unpublished document, 9 December 2003.

Box 17

The difficulties of regulating Internet marketing to children

Owing to its global and interactive nature, regulating marketing to children on the Internet is inherently difficult. Firstly, it is not easy to regulate the Internet — and other “new media” — by the same methods as other media.³¹⁵ Although it might be valid in theory to assume that rules for offline advertising apply equally to online advertising, a view held by some³¹⁶, in practice, the different technologies involved means that it is not always feasible to transfer existing rules that apply to say, television advertising, to the Internet.³¹⁷ Likewise, it may be assumed that existing regulations on advertising apply to the wide range of online techniques used to market to children. But, as illustrated by the development of regulations specific to data collection from children, new forms of marketing have required new regulations.

The global reach of online marketing is also a regulatory challenge, since the rise in the use of the Internet has been accompanied by an explosion in cross-border marketing. In regulating cross-border marketing, many countries accept the “country of origin” principle (i.e. the laws of the country of origin of a product or service should apply to those products and services when sold or offered in another country). However, as illustrated by a 1997 dispute between Denmark and two United States companies, Kellogg’s and Walt Disney, the application of this principle is not always straightforward. Products sold by these companies in Denmark referred to their US-based web sites. According to the Danish Consumer Ombudsman, the web sites contained

Box 17(continued)

The difficulties of regulating Internet marketing to children

material that merged advertising with entertainment, thereby contravening the Danish law that “advertising should be clearly recognisable as such” and the International Chamber of Commerce (ICC) International Code of Advertising Practice on the exploitation of the credulity of children. The Ombudsman subsequently asked that the companies change their web sites, but they refused, citing the country of origin principle.³¹⁸ No action was ever taken, but the Danish Consumer Ombudsman responded by calling for the development of common, international guidelines concerning marketing to children on the Internet.³¹⁹

The European Advertising Standards Alliance (EASA), which already polices a cross-border complaints system in Europe, says that it is possible to regulate Internet marketing across borders and to this end is currently developing a set of common principles on cross-border advertising.³²⁰

2.6 Regulation of sales promotions

Sales promotions are a marketing tool used to create an incentive to buy a product or service at the point-of-sale. Food companies worldwide use a wide range of sales promotion techniques to market food products, including premiums, prizes and price discounts.³²¹ Having grown rapidly in recent years, sales promotions now form a valuable part of the marketing environment. In the United States alone, US\$ 233 700 million was spent on consumer sales promotions in 2002, compared with US\$ 211 700 million on advertising.³²² Expenditure on sales promotions is also larger than advertising expenditures in many European countries.³²³

2.6.1 Type and purpose of regulations on sales promotions

Regulations governing sales promotion techniques are either enshrined in statutory laws or self-regulatory codes. Statutory regulations are usually set down in laws on unfair competition, consumer protection, media or marketing and have the objective of protecting consumers from deceptive tactics (e.g. falsifying a prize) and ensuring transparency. The regulations can be very general (e.g. sales promotions must be fair) or very specific (e.g. no sweepstakes allowed). Ensuring fair competition and the protection of consumers against irrational buying decisions are also common objectives. More targeted objectives include the protection of public health — if related to tobacco or alcohol — or, more rarely, the protection of children. Where they exist, statutory regulations specific to children are based on the recognition that children have less experience of sales promotions, and are thus less able to understand them.

Self-regulatory efforts are spearheaded by the ICC International Code of Sales Promotion (1973; revised 1986, 2002). The ICC code, which exists to uphold the principle of ethics in sales promotions, includes an article on children with an objective similar to that contained in several other ICC codes.³²⁴

2.6.2 Overview of national regulations on sales promotions

Regulations aimed at preventing deceptive sales promotions are widespread worldwide. Nevertheless, of the 73 countries reviewed, only five mention children in their regulations on sales promotions. In only one country, Finland, do the regulations have government oversight; this is also the only country to refer specifically to the sales promotion of food in its guidelines.

The five countries with regulations specific to children are Australia, Finland, Ireland, the United Kingdom and the United States. In Australia and Ireland, sales promotion codes of practice directly follow those of the ICC.^{325, 326} The British Code of Advertising, Sales Promotion and Direct Marketing contains provisions that are more detailed than the ICC code; for instance, Article 47.5 states: "Promotions addressed to or targeted at children should not encourage excessive purchases in order to participate."³²⁷

In the United States, sales promotions directed at children are covered by the self-regulatory CARU guidelines which state: "The use of premiums, promotions and sweepstakes in advertising has the potential to enhance the appeal of a product to a child. Therefore, special attention should be paid to the advertising of these marketing techniques to guard against exploiting children's immaturity."³²⁸ Additional guidance is given for sweepstakes, which are considered worthy of extra regulation because no purchase is necessary to enter, a law not easily understood by children. In an interesting example of a food and technique-specific guideline, the Finnish Consumer Ombudsman's Guidelines, which are not legally-binding but are overseen by a government authority, state: "Do not use collection series when marketing food products to children."³²⁹

Several countries have restrictions, which although not specific to children, nevertheless apply to sales promotions targeted at children. In India, for example, lottery and "three for the price of two" promotions are restricted on the basis they give the impression that "something is being given or offered free of charge when it is fully or partly covered by the amount charged in the transaction as a whole."³³⁰ A range of restrictions governing sales promotions exists in Europe.^{331, 332} For example, France, Germany, Italy, Portugal, Greece and Spain operate a general ban on sales below cost in price promotions. Many countries have a limit on the value of a free premium, while sweepstake prize competitions are prohibited or restricted in Belgium, France, Ireland, the Netherlands and Sweden. Rules of this nature have been successfully invoked in Europe (and elsewhere) to limit the scope of marketing campaigns involving sales promotions used by various food companies; selected examples are given in Box 18.

It has been argued that specific national restrictions on sales promotions represent a trade barrier. In Europe, for example, the EC has described sales promotions regulations in different countries as "a multiplicity" of trade barriers.³³³ Attempts by the EC to harmonize the legislation have been ongoing for over a decade, but a Europe-wide regulation on sales promotions has been delayed as a result of controversy over the proposed restrictions.^{334, 335, 336} The United States has also asserted that "overly restrictive" sales promotion regulations in Japan are a trade barrier.^{337, 338}

Box 18

The effect of specific sales promotions regulations on food marketing campaigns

In some countries, regulations on sales promotions are highly specific and can limit the ability of food companies to pursue sales promotions campaigns. For example, Nestlé once complained of being unable to carry out standard sales promotions for breakfast cereals in Belgium because of national restrictions specific to in-pack premiums.³³⁹ In Guangzhou, China, the industry and commercial bureau deemed that a McDonald's "tie-in" sales promotion was illegal. McDonald's was only licensed to sell food and drinks, they said, not toys, and ordered the company to stop selling toys to promote sales.³⁴⁰

A mountain bike giveaway promotion conducted by Coca-Cola in Viet Nam in April 1997, in which Coca-Cola bottle caps were printed with one of six parts of a real mountain bike, also attracted controversy. In Ho Chi Minh City, the authorities ordered that Coca-Cola cease the promotion on the basis they had not requested permission, and that the chance of winning was too low. The promotion was "considered a way of cheating consumers" and would create "an unhealthy phenomenon among children that makes them rush and buy goods."^{341, 342} Later that

Box 18

The effect of specific sales promotions regulations on food marketing campaigns

year, the Commercial Law of 1997 (Viet Nam) set down the circumstances in which companies may conduct sales promotions; firms would be allowed to supply samples of goods free of charge, send gifts of goods free of charge and sell goods at a discount during promotion periods.³⁴³ Guidance on the implementation of the law prohibits promotional gifts worth more than 30% of the price of a product sold.^{344,345} According to media reports, many companies, including the soft drinks company, Coca-Cola and the ice-cream company, Wall's, at the time expressed concern over the regulation, saying it was almost impossible to award a gift worth less than 30% of the price of a can of Coca-Cola or a stick of ice-cream.³⁴⁶

2.7 United Nations codes applicable to the regulation of marketing to children

The United Nations (UN) and its agencies have a number of existing codes that are applicable to marketing to children. These include the UN Convention on the Rights of the Child, the UN Guidelines on Consumer Protection, the WHO International Code of Marketing of Breast-milk Substitutes and the Framework Convention on Tobacco Control.

2.7.1 The UN Convention on the Rights of the Child

The UN Convention on the Rights of the Child (UNCRC) was adopted by the UN General Assembly in 1989 and came into force in 1990. It is a legally binding international convention, ratified by all but two Member States. Article 13 of the CRC recognizes a child's right to freedom of information. The convention also recognizes that by virtue of their age and maturity, children are still vulnerable and require protection.³⁴⁷ Of note, Article 17 states that Parties shall:

Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

In addition, Article 18 stresses the importance of the role of parents in their child's upbringing.

The UNCRC requires that Member States undertake administrative measures to implement the articles contained in the convention. Accordingly, some countries have passed laws to protect children's rights. Several central and South American countries, for example, have passed a Código de la Niñez y Adolescencia (Code of the Children and Adolescents). Article 22 of the Costa Rican code adapts Article 17 of the UNCRC as follows:

Restricted messages: the mass media will abstain from spreading messages that are detrimental for the physical, mental or social development of a child. Programmes, advertisements and other messages spread by radio and television should follow this guideline.³⁴⁹ (Translation from Spanish).

Other national codes refer to the UN convention as a guiding principle. The newly introduced Italian Self-regulation Code on TV and Minors explicitly uses Article 17 of the UN convention as the rationale for the development of its code of practice.³⁵⁰ In their voluntary guidelines, the New Zealand Television Broadcasters' Council say they intend to ensure that advertisers "take into account" the UNCRC by respecting a child's right to information, while affording children extra protection.³⁵¹

2.7.2 UN Guidelines for Consumer Protection

The UN Guidelines for Consumer Protection (UNGCP) were adopted by the UN General Assembly in 1985. According to Consumers International, an NGO working to encourage their national implementation, the UNGCP aim to provide a framework for consumer protection, advice and support which would enable consumers to operate confidently and effectively in a market economy.³⁵² The UNGCP contain several clauses on marketing under the heading, "Promotion and protection of consumers' economic interests:"

Government policies should seek to achieve the goals of...informative marketing (B15).

Consumer organisations should be encouraged to monitor adverse practices, such as...false or misleading claims in marketing (B16).

Promotional marketing and sales practices should be guided by the principle of fair treatment of consumers and should meet legal requirements. This requires the provision of the information necessary to enable consumers to take informed and independent decisions, as well as measures to ensure that the information provided is accurate (B22).³⁵³

It is interesting to note that the original draft of the UNGCP apparently included a provision that would have required the regulation of the marketing of products inappropriate to the dietary requirements and habits of developing countries.³⁵⁴ The dynamics that led to the exclusion of the clause in the final version of the guidelines are, however, not known.

Although the UN guidelines have not stimulated discussion on advertising regulation internationally, some countries do include marketing clauses in their laws on consumer protection (see section 2.1.3 and Box 2). The Consumer Defense Code (1990) in Brazil, for example, dedicates an entire section to advertising (which mentions children), as does the Thai Consumer Protection Act (1979) (with no reference to children).^{355, 356} Finland and Quebec, Canada, provide two further examples.

The degree of implementation of national laws on consumer protection varies considerably worldwide. According to Consumers International, most developed countries have well established legislation on consumer protection. Most countries in Latin America have also passed consumer protection laws, as have the more developed countries in Asia and the Pacific. Many central and eastern European countries have passed consumer protection legislation in the past decade. In contrast, the less developed countries in Africa, Asia and the Pacific rarely have legal frameworks for consumer protection.³⁵⁷

2.7.3 WHO International Code of Marketing of Breast-milk Substitutes

The WHO International Code of Marketing of Breast-milk Substitutes was adopted at the Thirty-fourth World Health Assembly in 1981. 118 nations voted in its favour, with only one voting against. The aim of the code is to promote breastfeeding and prohibit the promotional marketing of breast-milk substitutes. Although the WHO code is not directly applicable to the marketing of food to children, it is an example of a code that attempts to restrict all types marketing of a specific product with public health as an explicit objective. Under Article 5 entitled "The general public and mothers", the WHO code states:

There should be no advertising or other form of promotion to the general public of products within the scope of the Code (5.1)

There should be no point-of-sale advertising, giving of samples, or any other promotion device to induce sales directly to the consumer at the retail level, such as special displays, discount coupons, premiums, special sales, loss leaders and tie-in sales, for products within the scope of this Code (5.3)³⁵⁸

2.7.4 WHO Framework Convention on Tobacco Control

The WHO Framework Convention on Tobacco Control (FCTC) was adopted at the Fifty-sixth World Health Assembly in 2003. To date, the treaty has 100 signatories, including nine ratifications. The aim of the FCTC is to control the spread of tobacco usage worldwide. While not directly relevant to food, the FCTC has some indirect implications for food policy in that both require comprehensive and multisector approaches at global and national levels.³⁵⁹ Article 13 deals with advertising, promotion and sponsorship.

1. Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products.
2. Each Party shall, in accordance with its constitution or constitutional principles, undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship.
3. A Party that is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles shall apply restrictions on all tobacco advertising, promotion and sponsorship.

The convention also recognizes the role played by cross-border techniques in marketing tobacco products, calling for countries to impose “a comprehensive ban on cross-border advertising, promotion and sponsorship originating from its territory” (subject to the legal environment and technical means available) (Article 2).³⁶⁰

Part 3. Conclusions: key issues, knowledge gaps, and questions to guide future research and policy development

3.1 Key issues

The present review of existing regulations in over 70 countries provides a global overview of the current regulatory environment surrounding the marketing of food to children. Two key issues that have emerged from the review can be summarized as follows:

- Many countries already have in place a range of regulations applicable to the marketing of food to children, but there are significant regulatory gaps.

At the country level, the advertising and promotion of food to children is regulated by a broad range of laws, statutory guidelines and self-regulatory codes. There are also regulations operating at the international and regional levels. The different marketing techniques used to target children are regulated by a wide variety of mechanisms, some specific to children, some not. Internationally, principles have been established that children should not be exploited or harmed by advertising and other marketing practices. The review has, however, identified a number of gaps in the global regulatory environment, specifically in four main areas. First and foremost, existing regulations do not recognize food as a category in need of special consideration from a public health standpoint. Rather, regulations aim to guide the content and form of promotions, not to minimize their ability to encourage consumption of certain foods. Secondly, there are many differences in the regulatory environment between countries. In some countries regulations abound; in others there are very few. Although this report has not comprehensively reviewed how regulations are implemented, case studies and anecdotal evidence indicate that there are also wide variations in the degree of enforcement. Thirdly, while there are plenty of ethically-based guidelines, there are fewer specific restrictions on the timing, content and form of marketing campaigns targeted at children. Finally, non-traditional forms of advertising targeted at children such as marketing in schools, sponsorship, Internet-based techniques and sales promotions are less regulated than television advertising to children. Moreover, there is still some uncertainty about how best to regulate the global and inter active nature of some of the “new” marketing techniques.

- The regulatory environment surrounding food marketing to children is evolving rapidly.

Despite existing gaps, the regulatory environment around marketing food to children is evolving. New statutory regulations governing marketing to children are continually being proposed and developed, SROs and the food industry are making new efforts, and consumer and public health groups are making new demands. Ongoing efforts are, however, focused on television advertising and in-school product marketing in the developed countries, most notably in the United Kingdom and the United States where problems of obesity and diet-related non-communicable diseases are already considerable. Much less effort is being directed at developing a comprehensive, across-the-board approach to the regulation of marketing techniques and a stronger regulatory environment in countries that have relatively low but rapidly rising rates of diet-related non-communicable diseases.

3.2 Knowledge gaps

It is inevitable that there are gaps in our understanding of the global regulatory environment around food marketing to children. Of particular interest is the implication of regulations for healthy eating. Unfortunately, there are relatively few country experiences that can be drawn upon to better understand whether regulations are effective in encouraging more balanced diets.

The lack of existing regulatory systems specific to the marketing of food to children means that there are few models and little evidence on which to base future policy. Although existing clauses requiring that advertisements do not encourage unhealthy eating have the potential to affect how food and drinks are depicted in advertisements, this approach has not been evaluated in terms of its impacts on children's diets. Likewise, it is difficult at present to assess the efficacy of bans on advertising. Although prohibitions appear to reduce exposure to advertising and demand for advertised brands, it is unclear what effect they have on the total diet. Moreover, existing bans are undermined by cross-border advertising and alternative marketing techniques, factors which further complicate evaluation. In fact, evaluation of the effects of regulations of all types is generally inadequate.

The lack of objective research into the effects of regulation on dietary patterns and longer-term health is a serious knowledge gap that needs addressing. Understanding the effects of regulatory systems — including statutory advertising bans, product sales restrictions, sales promotions regulations, self-regulatory codes and food industry initiatives — would help determine whether marketing regulations are an effective or ineffective mechanism for discouraging unbalanced diets. The information would equally help all stakeholders to direct their energies towards productive solutions, as opposed to policies that will not have the intended effect of improving children's diets and long-term health.

3.3 Moving forward

The present review raises several issues and questions that pose a series of challenges for policy-makers, the food industry, marketers, public health professionals and advocates. In particular:

- What is the best way of developing effective mechanisms to ensure that food marketing to children is not a negative force? Could food marketing in fact be used as a positive force for public health?
- There are many existing regulations on marketing to children. Is the answer to better apply these regulations rather than create new ones? For example, statutory and self-regulations already recognize that marketing should not be harmful to children's health. Would this be an appropriate mechanism through which to place food marketing under regulatory scrutiny? Alternatively, is further action required to designate food as a product category in need of special consideration from a public health standpoint?
- The current focus of regulatory development is on television advertising, and product sales and promotions in schools. Is taking a more comprehensive approach by including all marketing techniques warranted at this stage? Or are certain marketing techniques worthy of greater scrutiny than others?
- Policies are currently being developed by the global food industry to address the issue of marketing to children. If these approaches are deemed appropriate in developed nations, should they also be applied in countries in the relatively early stages of dietary transition? How do we ensure that the needs of developing countries are not ignored?
- In the absence of sufficient research into the effects and effectiveness of marketing regulations, should policy actions be taken as a precautionary measure? If not, which specific areas of research should be prioritized? If a precautionary approach is deemed more appropriate, does the issue warrant the development of some form of global principles or approach?

Recent evidence shows that marketing affects food choice and influences dietary habits, with subsequent implications for weight gain and obesity. This review has shown there are many options available to oversee food marketing to children. Some consensus has recently emerged that the issue ought to be addressed by all stakeholders. The central question is therefore perhaps not whether to deal with the matter of food marketing to children, but rather how to deal with it in an effective way. A start would be to ensure that health is put in its rightful place at the centre of further policy development concerning the marketing of food to children.

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