IRISH MEDICAL ORGANISATION

Ceardchumann Dochtúirí na hÉireann

IMO Submission to the Broadcasting Authority of Ireland (BAI) on the Draft General and Children's Commercial Communications Code

May 2012

IMO Submission on Draft BAI General and Children's Commercial Communications Codes

The Irish Medical Organisation (IMO) is the representative body for all doctors in Ireland and welcomes the opportunity to comment on the 2nd consultation on the Draft BAI General and Children's Commercial Communications Codes which proposes restrictions on the advertising of foods that are high in fat, salt and sugar (HFSS) to children.

The IMO believe the draft proposals are insufficient to protect children from exposure to advertising of unhealthy foods the IMO and maintain the need for a ban on all advertising of HFSS food and drink on TV and Radio between 6am and 9pm.

Nutrient Profiling Model

The BAI is proposing to adopt, without amendment, the Nutrient Profiling Model developed by the UK Food Standards Agency. If introduced, it will be applied to define whether a commercial communication is for a HFSS product or service and the regulations to be applied to the commercial communication.

Question 1

What are your views on this decision? Please set out whether you are in favour of this decision or whether it is a decision that you do not support. Please provide a rationale for your view.

The IMO support the decision to adopt the Nutrient Profiling Model developed by the UK Food Standards Agency. Eating habits are formed early in life and there is evidence in animal models of an antidepressant-like effect of endocannabinoid release in response to trans fatty acids, suggesting the potential for an addictive like syndrome to "junk food" containing such fatty acids. Accordingly, control on the advertising such products (especially to children) are necessary.

While the UK model places cheese in the category of unhealthy foods, consideration could be given to the model used by the Food Standards Australia and New Zealand which recognises cheese products with a high calcium content as being a healthier option.

Regulatory Approach

The regulatory approach proposed in respect of commercial communications for HFSS products and services is direct independent statutory regulation via the draft revised Codes. No self- or co-regulatory approach is proposed.

Question 2

What are your views on this decision? Please set out whether you are in favour of this decision or whether it is a decision that you do not support. Please provide a rationale for your view.

The IMO is in favour of the regulatory approach proposed by the BAI in respect of commercial communications for HFSS products. Independent statutory regulation with penalties for non-compliance

is much the preferred method of control, as industry self-regulation or co-regulation are demonstrably unlikely to assure compliance. However the IMO is concerned that the regulatory measures proposed (see Question 3) are insufficient to protect children from exposure to advertising of HFSS foods.

Draft Regulatory Measures

Section 11 and section 13 of the draft revised Children's Code includes a number of proposed regulatory measures. Specifically, commercial communications for HFSS food and drink shall not;

- **Be permitted in children's programmes as defined by the Code;**
- **Include celebrities or sports stars;**
- **Include programme characters e.g. Peppa Pig;**
- **Include licensed characters e.g. characters and personalities from cinema releases;**
- **Contain health or nutrition claims;**
- **Include promotional offers.**

Section 8.4 of the draft revised General Code includes a proposal to limit the volume and frequency of advertisements for HFSS food and drink. Specifically; A maximum of 25% of sold advertising time and only one in four advertisements for HFSS products and services products are permissible across the broadcast day.

Question 3

In terms of the Draft Children's Code, having reviewed the specific rules set out in section 11 and section 13 of the draft Code, what is your view of each of the proposed rules? Please provide a separate comment for each of the rules that you wish to comment on.

The IMO welcomes the recognition by the BAI that unhealthy eating patterns by children in Ireland are contributing to the rise in lifestyle-related conditions such as obesity, cardiovascular disease and Type II diabetes and that the advertising of foods that are high in fat, salt and sugar (HFSS) as one of a range of factors contributing to unhealthy eating patterns and the associated health consequences.

However, the rationale behind the BAI's decision to restrict the promotion of HFSS foods solely to children's programming and to impose content restriction on the advertising of HFSS foods, rather than imposing a ban on all advertising of HFSS foods before the 9pm watershed is:

- *These proposals have been drafted so as to create a supportive environment for parents, guardians and children in terms of the choices they make regarding the food and drink that they consume. By reducing the exposure of children to HFSS commercial communications it is intended to reduce the opportunities for advertisers to persuade children to demand and consume HFSS food and drink.*
- *Notwithstanding this, commercial communications, including advertising, are one of a number of related and interlinked factors that impact on children's food preferences, consumption and behaviour. Other factors include: the home and school environment; peer pressure; exercise;*

non-broadcast advertising, and; other social, cultural and environmental factors. In this context, the BAI is of the view that a complete prohibition on the advertising of HFSS foods would not be a proportionate or effective step to take in isolation from the introduction of other regulatory measures that address these other factors.

- *The broadcasters regulated by the BAI operate in a unique environment where indigenous Irish broadcasters are in competition for advertising with services licensed in the UK and which offer opt-out advertising. Opt-out advertising entails selling advertising airtime on UK services which specifically target the Irish audiences watching. In practice, Irish viewers of a UK channel may see different adverts during a commercial break, in comparison to viewers of those same channels in the UK. In this context, the rules are intended to afford protection to children while also recognising the commercial realities of Irish broadcasters and the vital role that advertising contributes to the funding of programmes and to employment in the Irish television sector. This has informed the development of the draft revised Codes.*

While a ban on advertising during children's programming is to be welcomed, the majority of children watch TV outside of children's airtime with and without parental supervision. By restricting advertising during children's programming, advertisers will simply shift advertising to alternative slots. Advertising has a significant impact on the preferences, purchasing behaviour and consumption of goods by both adults and children. A recent study in the US found that children consumed up to 45% more when exposed to food advertising. [1] The only measure which will protect children sufficiently from exposure to advertising of unhealthy foods is an outright ban between 6am and 9pm.

It is widely recognised that a range of factors impact on children' s food preferences, consumption and behaviour. Therefore in addition to statutory regulation restricting the advertising of HFSS foods between 6am and 9pm, a wide range of measures is needed across departments and across sectors. The IMO is calling on the Minister for health and the Minister for Children and Youth Affairs to put in place a comprehensive programme to tackle childhood obesity. Rather than viewing restrictions in isolation the BAI should view its actions as part of a wider strategy to prevent obesity.

The measures proposed attempt to balance the need to protect children with the commercial realities of Irish broadcasters, however while € 11m worth of advertising revenue can be replaced, the cost to the economy of obesity (€2.7bn based on 2000 premature deaths annually) and the quality of life lost are irreplaceable. Rather than compromising on restrictions, international co-operation is needed to prevent advertisers from shifting to non-Irish TV channels which offer opt-out advertising. The European and International Associations of Obesity (IASO and EASO) have recommended that *the most effective measure to protect children throughout the EU, particularly where existing national regulations are thwarted by cross-border broadcasting, is to adopt a single EU standard to prohibit marketing to children*.[2]

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[1] Harris JL. Bargh JA. Brownell KD. Primimg Effects of Television Food Advertising on Eating Behaviour

[2] IASO, EASO. Joint response of the International Obesity TaskForce and the European Association for the Study of Obesity to the Commission of the European Communities Green Paper "Promoting healthy diets and physical activity: a European dimension for the prevention of overweight, obesity and chronic diseases". Downloaded from http://www.iaso.org/site_media/uploads/papers/March_2006_-_IOTF_EASO_joint_response_to_EU_Green_Paper_Promoting_healthy_diets_and_physical_activity.uploaded.pdf

Question 4
In terms of the Draft General Code, what is your view of the draft rule set out in section 8.4.3 of this draft Code?

Given that advertising of HFSS foods represents 21% of sold advertising, a restriction of 25% of 1 in 4 advertisements across the day will have no impact on the advertising of HFSS foods. The IMO agrees with the recommendation of the National Heart Alliance that sold advertising of HFSS foods across the day should be restricted to 10%.

Additional comments
Question 5
Do you have any additional views on the draft revised Codes as set out at Appendix 2 & 3?

None