

The Royal Society for Public Health

Response to UK Government consultation on introducing further advertising restrictions on TV and online for products high in fat, sugar and salt (HFSS)

Questions for Consultation

Media in scope

1. The Government proposes that any further advertising restrictions apply to broadcast TV and online. Do you think that any further advertising restrictions should be applied to other types of media in addition to broadcast TV and online?

Yes/No/I do not know

Yes

2. If answered yes, which other media should be subjected to further HFSS advertising restrictions?

Cinema/Radio/Print/Outdoor/Direct marketing/other (please specify)

Cinema/Radio/Print/Outdoor/Direct marketing/other – phone boxes, charging points, sponsorship at sports events.

Different types of media may need tailored approaches to comply with the restrictions. It is vital that we have a level playing field across all media so children are protected no matter where they are, and to ensure HFSS advertising isn't displaced to other media.

3. Please explain why you think that we should extend additional advertising restrictions to these types of media. (Drop down list, please select all that apply)

- a) Will reduce children's exposure to HFSS advertising and in turn reduce their calorie intake**
- b) Will drive further reformulation of products**
- c) Will reduce economic impact on broadcasters**
- d) Will reduce economic impact on advertisers**
- e) Reduces risk of displacing advertising spend**
- f) Easy for advertisers and regulators to understand**
- g) Easy for parents and guardians to understand**
- h) Other – please explain**

- a) Will reduce children's exposure to HFSS advertising and in turn reduce their calorie intake
- e) Reduces risk of displacing advertising spend
- g) Easy for parents and guardians to understand

HFSS definition

4. The Government proposes that any additional advertising restrictions apply to food and drink products in Public Health England's sugar and calorie reduction programmes, and the Soft Drink

Industry Levy, using the NPM 2004/5 to define what products are HFSS. Do you agree or disagree with this proposal?

Agree/Disagree/ I do not know

Agree

5. If you do not agree with the proposal what alternative approach would you propose and why? Please provide evidence to support your answer.

Please explain your answer

We agree with applying the restrictions to products in the sugar and calorie reduction programmes, and the SDIL, using the NPM 2004/5 to define which products are HFSS.

We also suggest that alcohol is covered by the advertising restrictions. Alcoholic drinks are often high in calories and contribute to weight gain,¹ but alcohol is not classified as HFSS under the NPM. Although the proposals outlined in this consultation are aimed at reducing childhood obesity, many young people drink alcohol at home before they are 18. Therefore alcohol should be considered for inclusion under the proposed restrictions.

Broadcast consultation options

6. Please select your preferred option for potential further broadcast restrictions.

Option 1/Option 2/Option 3

Option 1

7. Please select the reason/s for your choice, providing supporting evidence for your answer. Please tick all that apply

- a) Will reduce children's exposure to HFSS advertising and in turn reduce their calorie intake**
- b) Will drive further reformulation of products**
- c) Will reduce economic impact on broadcasters**
- d) Will reduce economic impact on advertisers**
- e) Reduces risk of displacing of advertising spend**
- f) Easy to implement**
- g) Easy for advertisers and regulators to understand**
- h) Easy for parents and guardians to understand**
- i) Other - please specify**

- a) Will reduce children's exposure to HFSS advertising and in turn reduce their calorie intake
- f) Easy to implement
- g) Easy for advertisers and regulators to understand
- h) Easy for parents and guardians to understand

We welcome introducing a 9pm to 5:30am watershed on broadcast TV for HFSS food and drink as a positive step towards the government's ambitious target for halving childhood obesity by 2030. The rates of childhood obesity indicate that we are constantly playing catch up with marketing and advertising to children. We now need to take bold steps to make more extensive restrictions in order

¹ <https://www.rsph.org.uk/uploads/assets/uploaded/979245d2-7b5d-4693-a9b3fb1b98b68d76.pdf>

to overtake the approaches being taken by advertisers. We believe that by taking this approach we will shape the food habits of future generations and help to reduce obesity.

The evidence shows that what children are exposed to through advertising affects what they consume.² The cumulative effect of repeated junk food marketing is weight-gain and diet-related disease.³ Recent research found that seeing one broadcast advert for HFSS products predicted intake of 350 extra calories per week, from HFSS items.⁴ In children (11 to 19 year olds), TV marketing has been linked to increased HFSS consumption; those with high TV exposure were 1.9 times more likely to consume two or more sugary drinks per week.⁵ Children exposed to junk food marketing are more likely to pester their parents to buy these products, and are subsequently more likely to consume HFSS food and drink.⁶

8. If you selected option 1, the government proposes an exemption for when there are low child audiences. Should this exemption apply to channels or programmes? Please explain your answer.

- a) Programme
- b) Channel
- c) I do not know

- a) Programme
- b) Channel

We do not agree that there should be an exemption. However, if there were to be an exemption, it should apply to programmes and channels. Research by the Obesity Health Alliance on advertising reported that a variety of different programmes across different channels were most popular with children.⁷ If a channel has an average child audience under the threshold, the restrictions should apply to specific programmes, to prevent HFSS advertising during programmes watched by many children on channels with otherwise low child audiences. If a channel has a child audience above the threshold, there should be no exemptions on that channel, even if a specific programme has a low child audience.

9. If you selected option 1, do you agree that 1% of the total child audience (around 90,000 children) is the appropriate level at which programmes or channels should be exempted? (Choose only one). Please explain your answer.

- a) Yes
- b) No
- d) I do not know

- b) No

We do not agree that 1% is an acceptable level for exemption. It is an arbitrary figure and would exempt many programmes and channels, because many children watch programmes and channels

² https://dspace.stir.ac.uk/bitstream/1893/2418/1/Evidence_Update_2009.pdf

³ <http://obesityhealthalliance.org.uk/wp-content/uploads/2018/02/Junk-Food-Marketing-Evidence-Briefing-FINAL.pdf>

⁴ https://www.cancerresearchuk.org/sites/default/files/under_pressure.pdf

⁵ https://www.cancerresearchuk.org/sites/default/files/10_years_on.pdf

⁶ https://www.cancerresearchuk.org/sites/default/files/see_it_want_it_buy_it_eat_it_final_report.pdf

⁷ <http://obesityhealthalliance.org.uk/wp-content/uploads/2017/11/A-Watershed-Moment-report.pdf>

that are not specifically aimed at them. If the estimated figure of 90,000 children is correct, this is not an acceptable low number of children to be exposed to HFSS advertising.

10. If you selected option 1 and you do not agree that 1% of the total child audience is the correct threshold to grant an exemption please propose an alternative threshold, providing evidence to support your answer.

- a) x% of total audience
- b) x% of total child audience
- c) x number children
- d) Other (please specify)

d) No exemption

All children should be protected from exposure to HFSS advertising – there is no acceptable number of children that can be exposed to junk food marketing. However, if there was an exemption, it should aim for as close to a threshold of zero children exposed to HFSS adverts as possible.

11. If you selected option 2, do you agree with the thresholds suggested for the NPM? If not please explain your reasons with supporting evidence.

Yes/No

NA

12. If you selected option 2, should the NPM thresholds remain static or decrease overtime to offer rewards in line with reformulation efforts? Please explain your answer.

Static/Decrease/Other

NA

13. If you selected option 2, the Government proposes to allow products that fall within the middle threshold some advertising before the 9pm watershed. What advertising freedoms do you think these products could be offered?

Please explain your answer

NA

14. If you selected option 2, in your view, how easy would it be to implement a ladder option compared to the approach outlined in option 1?

Very easy/ Easy/ I do not have a view/Difficult/Very difficult

NA

15. If you selected option 2, the Government proposes an exemption for when there are low child audiences. Should this exemption apply to channels or programmes? Please explain your answer.

- a) Programme
- b) Channel
- c) I do not know

NA

16. If you selected option 2, do you agree that 1% of the total child audience (around 90,000 children) is the appropriate level at which programmes or channels should be exempted? (Choose only one) Please explain your answer

- a) Yes
- b) No
- c) I do not know

NA

17. If you selected option 2, and you do not agree that 1% of the total child audience is the appropriate level at which to grant an exemption please propose an alternative level, providing evidence to support your answer.

- a) x% of total audience
- b) x% of total child audience
- c) x number of children
- d) Other (please specify)

NA

18. If you selected option 3, are there any alternative measures from broadcasters, regulators or the advertising sector that might help to meet our policy objectives in broadcast?

Yes/No/I do not know

If you answered yes, what measures do you propose?

NA

19. If you would like to comment on the options that you have not chosen to support please comment here, providing evidence to support your answer. Please make it clear what option you are commenting on.

- a) Option 1
- b) Option 2
- c) Option 3

We do not support Option 2 because it is confusing and has greater potential to be misinterpreted. Although we should incentivise manufacturers to reformulate their products, we must have clear advertising guidelines; the proposed Ladder System is not clear enough. Option 2 is also not robust enough as many children would consume considerable amounts of saturated fat and sugar. It would be difficult to implement and would rely on advertisers deciding which companies had done sufficiently well on product reformulation.

We do not support Option 3 because the evidence shows that children who recall seeing HFSS products advertised on TV every day are more than twice as likely to be obese as those who don't recall this.⁸ Therefore, additional restrictions for broadcast HFSS advertising are necessary.

Online consultation options

20. Please select your preferred option for potential further online HFSS advertising restrictions.

⁸ https://www.cancerresearchuk.org/sites/default/files/a_prime_time_for_action.pdf

Option 1/Option 2/Option 3/Option 4

Option 1

21. Please select the reason/s for your choice, providing supporting evidence for your answer. Please tick all that apply.

- a) Will reduce children's exposure to HFSS advertising and in turn reduce their calorie intake**
- b) Will drive further reformulation of products**
- c) Will reduce economic impact on broadcasters**
- d) Will reduce economic impact on advertisers**
- e) Reduces risk of displacing of advertising spend**
- f) Easy to implement**
- g) Easy for advertisers and regulators to understand**
- h) Easy for parents and guardians to understand**
- i) Other - please specify**

a) Will reduce children's exposure to HFSS advertising and in turn reduce their calorie intake

We welcome the introduction of a 9pm to 5:30am watershed for online advertising of HFSS products. Advertising restrictions must catch up with technological progression in order to tackle childhood obesity. Analysis indicates that 12 million children in the UK are exposed to a total of 730 million adverts for HFSS products online each year.⁹ Research has shown that children who use the internet for over three hours per day are almost four times more likely to buy junk food products than children who use the internet for less time.¹⁰ These children also eat around three fewer fruit and vegetables per day than children who spend less time on the internet.¹¹

22. If you selected option 1, should exemptions be applied to advertisers that can demonstrate exceptionally high standards of evidence that children will not be exposed to HFSS advertising?

Yes/No/I do not know

No

23. If you selected option 1, what evidence should be required to meet the definition of "exceptionally high standards" for the purposes of securing an exemption?

Please explain your answer.

There should not be any exemptions – the restrictions need to be consistent to avoid mistakes being made.

24. If you selected option 1, what exemptions might the government apply to advertisers who can demonstrate exceptionally high standards of evidence? Please describe how they would work and provide supporting evidence.

Please explain your answer.

See answer to previous question.

⁹ <http://obesityhealthalliance.org.uk/wp-content/uploads/2019/06/Children%E2%80%99s-exposure-to-HFSS-ads-online-Parker-Tatlow-Golden.pdf>

¹⁰ https://www.cancerresearchuk.org/sites/default/files/jfm_briefing_jan_19.pdf

¹¹ https://www.cancerresearchuk.org/sites/default/files/see_it_want_it_buy_it_eat_it_final_report.pdf

25. If you selected option 1, should exemptions apply to certain kinds of advertising, recognising the practical challenges of applying a time-based restriction for some kinds of advertising?

Yes/No/I do not know

If you answered yes, please explain what types of advertising should be exempted.

No

26. If you selected option 2, where advertisers must consider the totality of audience information to demonstrate that no more than 25% of the audience are under 16, should this threshold be lowered:

- a) Lowered to 10%**
- b) Lowered to 1%**
- c) Disapplied entirely**
- d) Not reduced**
- e) Other level (please specify)**

NA

27. If you selected option 2, for behaviourally targeted advertising, advertisers are required to use whatever sources of evidence are available to them to prove they have excluded under-16s. Do you think they should have to provide specific sources of evidence over and above the existing rules?

Yes/No/I do not know

If you answered yes, which sources or standards of evidence do you propose? Please provide evidence to support your answer.

NA

28. If you selected option 3, should a watershed be applied to video advertising online, and a targeting restriction for all other online advertising?

Yes/No/I do not know

If you answered no, how would you divide up online advertising in order to apply a watershed or targeting restrictions to different advertising formats/categories platforms/sites?

NA

29. If you selected option 3, for advertising subject to a watershed, should exemptions be applied to advertisers who can demonstrate exceptionally high standards of evidence that children will not be exposed to HFSS advertising?

Yes/No/I do not know

NA

30. If you selected option 3, what evidence should be required to meet the definition of "exceptionally high standards" for the purposes of securing an exemption?

Please explain your answer

NA

31. If you selected option 3, what exemptions might the government apply to advertisers who can demonstrate exceptionally high standards of evidence? Please describe how they would work and provide supporting evidence.

Please explain your answer

NA

32. If you selected option 3, for advertising subject to a targeting restriction, where advertisers must consider the totality of audience information to demonstrate that no more than 25% of the audience are under 16, should this threshold be lowered:

- a) Lowered to 10%**
- b) Lowered to 1%**
- c) Disapplied entirely**
- d) Not reduced**
- e) Other level (please specify)**

NA

33. If you selected option 3, for advertising subject to a targeting restriction, which has been behaviourally targeted, advertisers are required to use whatever sources of evidence are available to them to prove they have excluded under-16s. Do you think they should have to provide specific sources of evidence over and above the existing rules?

Yes/No/I do not know

If you answered yes, which sources or standards of evidence do you propose? Please provide evidence to support your answer.

NA

34. If you selected option 4, are there any alternative measures from online platforms, regulators or the advertising sector that might help to meet our policy objectives about online advertising?

Yes/No/I do not know

If you answered yes, what measures do you propose?

NA

35. If you would like comment on any options that you have not chosen to support please comment here, providing evidence to support your answer. Please make it clear which option you are referring to.

- a) Option 1**
- b) Option 2**
- c) Option 3**
- d) Option 4**

We do not support Option 2; although strengthening current targeting restrictions would be a step in the right direction, it does not go far enough. We must have stricter regulations to ensure the existing loopholes are closed.

We do not support Option 3 because much like the Ladder System proposed for broadcast media, a mixed approach is too confusing and has greater potential to be misinterpreted by advertisers.

We do not support Option 4 because the current evidence linking junk food advertising to childhood obesity demonstrates that tighter controls are needed.¹²

Implementation and next steps

36. The government proposes to introduce any advertising restrictions arising from this consultation at the same time on TV and online. Do you think restrictions should be applied at the same time for TV and online?

Yes/No/I do not know

Yes

Public Sector Equality Duty

37. Do you think that introducing further HFSS advertising restrictions on TV and online is likely to have an impact on people on the basis of their age, sex, race, religion, sexual orientation, pregnancy and maternity, disability, gender reassignment and marriage/civil partnership?

Yes/No/I do not know

If you answered yes, please explain your answer and provide relevant evidence.

Yes – the restrictions are more likely to impact children and younger people because they engage with broadcast media and online more than adults do during the watershed hours. This is a positive impact, as these restrictions are aimed at reducing children’s exposure to HFSS advertising.

38. Do you think that any of the proposals in this consultation would help achieve any of the following aims?

a) Eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010

b) Advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it?

c) Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it?

Yes/No/I do not know

If you answered yes, please explain which aims it would help achieve and how.

If you answered no, could the proposals be changed so that they are more effective?

If you think that proposals could be changed to be more effective please explain what changes would be needed.

I do not know

¹² <http://obesityhealthalliance.org.uk/wp-content/uploads/2019/02/OHA-9pm-watershed-position-Feb-2019.pdf>

39. Do you think that the proposed policy to introduce further HFSS advertising restrictions on TV and online would be likely to have a differential impact on people from lower socio-economic backgrounds?

Yes/No/I do not know

If you answered yes, please explain your answer and provide relevant evidence.

The proposed restrictions are likely to affect people from a lower socio-economic (SE) background more. HFSS food is three times cheaper than healthy food,¹³ and as a result is disproportionately purchased by those from lower SE backgrounds. Childhood obesity rates in Year 6 children have consistently risen in the most deprived areas, and the deprivation gap is currently 13.5%.¹⁴

If the proposed restrictions result in overall reduced purchases of HFSS products then this is likely to be for the benefit of children from these backgrounds. The SE breakdown of purchasing behaviour should continue to be monitored so it can be seen if this is the case.

¹³ <https://foodfoundation.org.uk/wp-content/uploads/2019/02/The-Broken-Plate.pdf>

¹⁴ <https://digital.nhs.uk/data-and-information/publications/statistical/statistics-on-obesity-physical-activity-and-diet/statistics-on-obesity-physical-activity-and-diet-england-2019/part-4-childhood-obesity#overweight-and-obesity-prevalence>