

Obesity Action Scotland response to CAP consultation

Deadline: 17:00 on Friday 22 July 2016

Obesity Action Scotland welcomes this consultation. The current obesity crisis in the UK has many underlying influences. A fundamental influence is the obesogenic environment in which we live, where inactivity and overconsumption of energy dense foods is extremely easy, available, affordable and accepted. Introduction of a new rule prohibiting the placement of high fat sugar salt (HFSS) product advertising in media targeted or likely to appeal to children is a positive step towards the UK becoming a healthier nation.

Obesity Action Scotland is a new unit that was established in summer 2015 to provide clinical leadership and independent advocacy on preventing and reducing overweight and obesity in Scotland. It is funded by a grant from the Scottish Government and hosted by the Royal College of Physicians and Surgeons of Glasgow on behalf of the Academy of Medical Royal Colleges and Faculties.

The main aims of the Unit are:

- To raise awareness and understanding of what drives obesity and the health problems associated with obesity and overweight with health practitioners, policy makers and the public
- To evaluate current research and identify strategies to prevent obesity and overweight based on the best available evidence
- To work with key organisations in Scotland, the rest of the UK and worldwide, to promote healthy weight and wellbeing

The Steering Group of Obesity Action Scotland has members across various disciplines involved in preventing and tackling obesity and its consequences e.g. clinicians, public health experts, epidemiologists, nutritionists and dieticians, GPs and weight management experts.

Consultation questions

1. Restrictions on HFSS product advertising

(a) Should the CAP Code be updated to introduce tougher restrictions on the advertising of products high in fat, salt or sugar (HFSS)?

Yes. The CAP Code should be updated to introduce tougher restrictions on the advertising of products high in fat, salt or sugar (HFSS). Research shows that marketing greatly influences

the food children choose to eat¹. It also increases the amount of food they eat². Marketing is a pivotal factor in the obesogenic environment, and tackling children's obesity cannot be done effectively without restrictions on marketing to children. We do not currently have effective rules to protect children from exposure to HFSS marketing. We believe that a child's right to a healthy start in life should not be traded off against commercial freedoms to promote unhealthy food and drinks.

(b) Should CAP use the existing Broadcast Committee of Advertising Practice (BCAP) guidance on identifying brand advertising that promotes HFSS products to define advertising that is likely to promote an HFSS product for the purposes of new and amended rules?

No. The existing broadcast guidance on identifying brand advertising is not strong enough; BCAP guidance needs to reflect the breadth of advertising techniques used in non-broadcast media. Tougher rules should be adopted for both broadcast and non-broadcast brand advertising. This should include further restrictions to limit brand awareness and use of celebrities.

2. Selecting a nutrient profiling model

Should the CAP Code adopt the Department of Health (DH) nutrient profiling model to identify HFSS products?

Yes but with significant reform to the nutrient profile model. The Department of Health nutrient profiling model to identify HFSS products should be adopted immediately. That model should also be updated to reflect current nutrition guidance: reflecting the latest evidence on recommended levels of free sugar intake. The new model should be adopted for all non-broadcast marketing as well as broadcast.

A revised nutrient profile model should reflect other, stricter, models used elsewhere. For example, a WHO_EURO model does not allow advertising fruit juices and diet cola³. At the moment, the FSA/Ofcom model classifies 53% of foods as unhealthy, compared to 67% by WHO_EURO model, 75% by WHO_EMRO model, 81% by EU_pledge model, and 86% by PAHO model⁴.

¹ Hastings et al (2003) 'Review of the research on the effects of food promotion to children.' Food Standards Agency

² Boyland EJ, et al (2016) Advertising as a cue to consume: a systematic review and meta-analysis of the effects of acute exposure to unhealthy food and non-alcoholic beverage advertising on intake in children and adults. American Journal of Clinical Nutrition. 103(2): 519-33

³ www.euro.who.int

⁴ Rayner M. Presentation at Nutrition Society symposium 'Nutrient Profiling as a tool to respond to public health needs' on 11.07.2016.

3. Existing prohibitions on the use of promotions and licensed characters and celebrities

There are existing rules in place relating to the creative content of food and soft drink advertising directed at children aged 11 and younger. Should these rules now be applied to advertising for HFSS products only?

No. Existing prohibitions on the use of promotions and licensed characters and celebrities to market food and drink to children should only be loosened for demonstrably ‘healthier’ products, but not for all non-HFSS products, and not for brands which include any prominent HFSS products.

We suggest classifying foods based on the degree of processing (i.e. unprocessed or minimally processed, processed, and ultra-processed) as described by Monteiro et al⁵. UK diet was assessed according to these criteria using NDNS data 2008-2012⁶. The intakes of minimally processed foods and lower intakes of ultra-processed foods were associated with the most healthful dietary profiles; processed food was associated with higher body weight. Only 28% of energy in UK diet was obtained from minimally processed foods; 66% came from processed and ultra-processed foods (alcohol was not included)².

4. Introducing placement restrictions

(a) Should CAP introduce a rule restricting the placement of HFSS product advertising?

Yes. CAP should introduce a rule restricting the placement of HFSS product advertising, as reducing exposure to advertising will consequently reduce the impact on an audience.

(b) If a media placement restriction is introduced, should it cover media directed at or likely to appeal particularly to children: i) aged 11 or younger? ii) aged 15 or younger?

Of the two options given, we support aged 15 and under. However, we believe that 17 and under should be the audience that media placement restrictions apply to; although we note that option was not given in the consultation.

5. Defining the audience

It is often straightforward to identify media targeted at children. Where media has a broader audience, CAP uses a “particular appeal” test – where more than 25% of the

⁵ Monteiro CA, Levy RB, Moreira Claro R, Ribeiro de Castro IR, Cannon G. (2010) A new classification of foods based on the extent and purpose of their processing. *Cad. Saude Publica*, Rio de Janeiro, 26:11, 2039-2049.

⁶ Adams J and White M. (2015) Characterisation of UK diets according to degree of food processing and associations with socio-demographics and obesity: cross-sectional analysis of UK National Diet and Nutrition Survey (2008-12), *International Journal of Behavioral Nutrition*. 12:160.

audience are understood to be of a particular age or younger – to identify media that should not carry advertising for certain products media.

Should the CAP Code use the 25% measure for the purpose of restricting HFSS product advertising?

No. The 25% audience measure for the purpose of restricting HFSS product advertising provides insufficient protection to children. Additional measures to more broadly define the 'particular appeal' of marketing to children (including content, marketing techniques and placement) should be introduced.

We also have concerns over how the threshold would be implemented due to lack of robust and reliable data available on the audience consuming digital media.

6. Application to different media

Should CAP apply the placement restriction on HFSS product advertising to all non-broadcast media within the remit of the Code, including online advertising?

Yes. The placement restriction on HFSS product advertising should be applied to all non-broadcast media, including online advertising, without any exemptions. This should be extended to include media currently outside of CAP's remit, including brand characters, packaging, labelling, in-school marketing, in-store placement and sponsorship.