

21 September 2012

Dear Sirs,

Re: Draft regulations on marketing of foods to children and young people

I am writing on behalf of the National Heart Forum (NHF) in the United Kingdom which is a leading alliance of national and international non-governmental organisations for the prevention of chronic diseases. Since 2005, NHF has been closely involved in the public consultation process and subsequent evaluation of the UK Ofcom regulations controlling the marketing of food and beverages to children on television. We have also carried out an analysis of the regulations applied to the marketing and promotion of food and drinks to children in the UK in 2011.

We warmly commend the Norwegian Ministry of Health for these proposals, and for its leadership in implementing the WHO recommendations on marketing food to children. We would like to offer a few comments, based on our experience in the UK, which may serve to strengthen them.

Analysis of the UK TV regulations shows that while they have been effective in reducing children's exposure to unhealthy food advertising on children's channels and in programmes judged to be of particular appeal to children, overall children are seeing more adverts for unhealthy food. This is because programmes which are viewed by the largest numbers of children - talent shows and early evening soap operas – are not covered by the advertising restriction because these are also viewed by large numbers of adults. It is also a consequence of marketing effort moving from TV and into unregulated media such as the Internet. The UK experience highlights the weakness in using 'targeting' rather than 'exposure' as the criterion for determining where restrictions should apply.

Looking at all marketing media, our analysis of the gaps and weaknesses in the UK regulatory environment conducted in 2011 showed that a variety of frequently used marketing techniques were not covered by statutory rules or self-regulation: marketing in schools, product packaging, point-of-sale marketing, sponsorship, product and brand integration (especially in digital media), premiums and give-aways (such as toys, gifts or vouchers), equity brand cartoon characters and peer-to-peer marketing. We also found that where restrictions do apply, these are often weakened because the definitions are too narrowly defined. For example, rules apply to mobile advertising but not other forms of marketing via mobile devices which fall outside the strict definition of 'advertising'.¹

We welcome the cross media approach set out in the Ministry's proposals and recognise that it would address many of the gaps identified by our analysis. However, this might be further strengthened if the Norwegian restrictions were not limited to 'marketing aimed at children' but instead framed with the objective to protect children from marketing to which they are exposed. This would cover all media used and seen by children. Television restrictions would be better applied as a 'watershed' restriction, based on children's and young peoples viewing patterns, for example prohibiting the advertising of restricted foods before 10pm.

Yours,



Jane Landon

Deputy Chief Executive

¹ Landon J, Gritschneider Y. An analysis of the regulatory and voluntary landscape concerning the marketing and promotion of foods and drinks to children. 2011. London.

<http://www.heartforum.org.uk/our-work/policy/nutrition/marketing-food-and-drink-to-children/>