



The Children's Food Bill

Why we need a new law, not more voluntary approaches

Full report

The Children's Food Bill Campaign

The Children's Food Bill was first introduced to Parliament by Debra Shipley MP in May 2004. This report explains why the Bill is essential to improve children's health and well-being. A summary of the report was sent to every MP when the Bill was re-presented to Parliament by Mary Creagh MP on 22 June 2005.

The aim of the Children's Food Bill is to improve children's current and future health and prevent food-related ill-health. This includes childhood obesity and the many other physical and psychological illnesses which are linked to children's 'junk' food diets. This will be achieved by legislation, as opposed to ineffective and weak voluntary guidance.

The Bill seeks to improve the quality of children's food and end commercial activities which promote, advertise or market unhealthy food and drink products to children. It will result in mandatory nutrient and quality standards for all school meals and prevent the sale of unhealthy food and drinks from school vending machines. It will also ensure that children learn practical food skills needed to choose, grow and prepare healthy food, and that the Government promotes healthy foods, like fruit and vegetables, to all children.

The Children's Food Bill campaign has an unstoppable momentum. It is already supported by 137 national organisations, including many prominent medical, health and consumer organisations, professional associations and children's charities (Appendix I). In the last Parliament, the Bill was supported by more than 240 MPs (Appendix II) and around 10,000 concerned members of the public have now registered their support, with more doing so every day.

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Why we need a new law, not
more voluntary approaches

A report for the Government, MPs, civil servants,
and all those who put children's health first

**Written by Charlie Powell
and Jeanette Longfield**

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Summary

At current levels of population overweight and obesity, the House of Commons Health Committee conservatively estimates the economic costs at £6.6 to £7.4 billion per year.¹ These costs, to the economy and the National Health Service, do not include the misery to children and their families from the physical and psychological health problems caused by a poor diet.

This report places the crisis in children's diet-related health in the context of the unhealthy food environments which have become part-and-parcel of their every day lives. Regrettably, no measures to tackle this escalating crisis were presented in the Queen's Speech in May 2005. Meanwhile, the Government relies on ineffective voluntary approaches, which will not protect children's health from commercial influences.

Using a range of examples from a number of policy areas, the report explains how industry is unable, in a competitive market, to exercise the social responsibility required to make voluntary approaches successful. It also demolishes the many arguments used by the food and advertising industries to promote self-regulation rather than effective legislation.

The Children's Food Bill is that legislation. It aims to improve children's current and future health and prevent the many diseases and conditions, such as childhood obesity, which are linked to their unhealthy diets. The Bill seeks to:

- protect children from the marketing of unhealthy food and drink products
- introduce mandatory nutrient and quality standards for all school meals
- prohibit the sale of unhealthy food and drink products from school vending machines
- ensure compulsory food education and related practical skills in the national curriculum
- place a duty on Government to promote healthy foods to children, such as fruit and vegetables

Sustain's national campaign for the Children's Food Bill has secured broad professional, cross-party political and public support. The Bill already has support from:

- 137 national organisations, including many prominent medical, health and children's charities, consumer organisations and professional bodies (Appendix I).
- many Members of Parliament, demonstrated by the 248 MPs who signed the Children's Food Bill Early Day Motion (EDM 1256) tabled in May 2004, making it the twelfth most popular EDM out of 1,954 tabled (Appendix II).
- thousands of parents and other concerned people who have already individually registered their support for the Bill.

The report concludes that the Government's current preferred approach to improving children's food and diets will be ineffective. Surely our children deserve better?



1. What is wrong with children's diets?

The "timebomb" is exploding

"If the rapid acceleration in childhood obesity in the last decade is taken into account, the predicted prevalence in children for 2020 will be in excess of 50%."

Royal College of Physicians Statement, 'RCP Response to Choosing Health', November 2004²

The Chief Medical Officer has compared the crisis in children's diets to a health 'time bomb' which must be defused.³ Medical experts have warned of an 'epidemic' in childhood obesity⁴ and the Chair of the Food Standards Agency (FSA) has warned that for the first time in more than a century, life expectancy may fall, with the real prospect that parents may outlive their children.⁵ The urgency for strong and effective action is highlighted by International Obesity Task Force estimates that each year in England 220,000 additional children become overweight or obese.⁶

Data from the Health Survey for England 2001 demonstrates that over a ten year period, obesity in six year olds had doubled (to 8.5%) and trebled among 15 year olds (to 15%). More recent data published by the Department of Health shows that between 1995 and 2003, the prevalence of obesity in children under the age of 11 rose from 9.9% to 13.7%.⁷ The numerous ill-effects that this alarming rise in obesity has on children's physical and psychological health are now well documented - these include an increased risk of heart disease, diabetes and cancer, as well as victimisation and low self-esteem.^{8, 9, 10}

Furthermore, obesity increases the risk of adult diseases occurring earlier in life. Research demonstrates that even mild obesity in children is associated with premature hardening of their arteries¹¹ and the World Heart Federation has warned that overweight children are three to five times more likely to suffer a heart attack or stroke before they reach the age of 65.¹² Type II diabetes, previously only known as a disease which affects adults, is increasingly diagnosed in British teenagers.¹³

As obesity results from consuming more energy than is expended, both diet and physical activity are important in determining children's weight. The central role played by diet in causing obesity is highlighted by a recent Department of Health report which states that burning off the calories supplied by a cheeseburger, fries and shake requires a nine-mile walk.¹⁴ Furthermore, a large, peer-reviewed study of 116,000 US women demonstrates that exercise alone is not enough to offset the increased death risk associated with being obese.¹⁵ Any programme aimed at decreasing the prevalence of obesity must address both sides of the energy equation.

Moreover, children's diets and their health is about more than obesity. The vast majority of children consume more saturated fat, more sugar and more salt than the Government maximum recommended levels for adults.¹⁶ Quite independent of obesity, this unhealthy diet results in premature hardening of the arteries,¹⁷ the formation of dental caries,¹⁶ and increased risk of asthma,¹⁸ and stroke in later life.¹⁹ In addition, nutritionally poor, additive laden foods are linked to hyperactive behaviour in children.^{20, 21} Children are also being routinely exposed to a "cocktail" of pesticide residues in the food they eat, and some of these agrichemicals have been linked to increased risks of some cancers and neurological disorders.²²

Given this background, it is not surprising that the Royal College of Paediatrics and Child Health has described how our snacking culture is creating a whole generation of children which is literally 'eating itself sick'.²³ Others conclude more starkly that Britain faces 'losing a generation' of children to obesity-related disease.²⁴

What is causing the problem?

There is no single, or simple cause of the poor quality of children's diets, or of the steep rise in the proportion of overweight or obese children. We know that children are not physically active enough to promote good general health, let alone prevent obesity, and a great variety of organisations are working hard to tackle the problem of physical inactivity in children. We also know that changes in family structures, the nature of working lives and the pace of modern society can all discourage healthy habits. However, although poor quality of food is only one cause of ill-health, it is widely agreed to be an important one: hence the focus of this report.

Even focusing on food alone does not simplify the problem, but there is a clear consensus among health professionals, and others concerned with children's diets and health, that the following four factors are major contributors.

Junk food promotions targeted at children

"The Report notes the food industry's relentless targeting of children through intense advertising and promotion campaigns, some of which explicitly aim to circumvent parental control by exploiting 'pester power'."

House of Commons Health Committee, 26 May 2004²⁵

Recent studies have shown that many foods designed specifically to appeal to children are very poor nutritional quality, containing higher sugar, salt and additives than foods for adults.^{26, 27} Food promotions to children are dominated by unhealthy foods and more than 95% of all the foods advertised on children's television are for products which are high in fat, sugar or salt.²⁸ Children are constantly exposed to this 'junk' food marketing: on TV, on radio, on the internet, in emails and text messages, at the cinema, in comics and magazines, on packaging, and even at school.²⁹

In this way, junk food marketing has become ubiquitous in children's everyday lives, and the Food Standards Agency (FSA) has acknowledged the sharp contrast between the recommended diet and the one which is marketed to children.³⁰ In its 2004 Inquiry into obesity, the House of Commons Health Committee acknowledged that the "onslaught"³¹ of food promotion to children compromises their health by encouraging over consumption of foods which are energy dense or high in saturated fat, sugar or salt and by undermining attempts to encourage healthy alternatives.

The Obesity Inquiry draws upon the FSA's 2003 systematic review of research on the effects of food promotion to children,³⁰ which concludes that food promotion affects children's food preferences, purchase behaviour and food consumption. Somewhat predictably, many in the food and advertising industries did not welcome the review and have sought to discredit its findings. However, an FSA-convened academic panel declared that an alternative Advertising Association industry-funded review was selective, methodologically inconsistent and incomplete. The panel also concluded that further research was not necessary and that the FSA commissioned review had "provided sufficient evidence to indicate a causal link between promotional activity and children's food knowledge, preference and behaviours".³²

In July 2004, the advertising regulator Ofcom published research that supports the FSA's conclusion of the direct effect of television food advertising on children's diets.³³ Both the FSA and Ofcom agree

that there are also significant indirect effects of advertising - for example, advertising also affects children's friends and family - and according to Ofcom these also have a "powerful influence" on young people's diets. The indirect effect is potentially twofold - influencing family purchasing behaviour and influencing children through their peers.

Advertising is also a particular issue for low-income families. A great deal of evidence has accumulated to show that part of the reason for poorer health (and earlier death) for people living in poverty is their poor quality diets.^{34, 35} Brand awareness in low income families hits especially hard in two ways. First, parents often try to make ends meet with cheaper, non-branded goods, but risk upsetting their children (and having uneaten food) as children are keen to avoid being stigmatised by "cheap" products. However, if parents try to help their children "belong" by purchasing the same branded products as their children's friends, then this takes a bigger slice out of a budget that is already fully stretched.³⁶ There is also some evidence to suggest that branded products may be less healthy than unbranded counterparts, for instance having higher salt content than everyday supermarket own-brand foods.³⁷

Poor quality food in schools

Compulsory standards for school meals came into effect in April 2001 as a result of the 'Education (Nutritional Standards for School Lunches) (England) Regulations 2000'. The school lunch guidance for school caterers published by the Department for Education and Skills (DfES) explains that these "national nutritional standards" are based on the selection or availability of set food groups.³⁸ However, there is widespread acknowledgement, not least from parents, but also from within the public sector, that these standards have not prevented school meals continuing to be dominated by processed foods of unacceptably poor nutritional quality.

The fact that a 2004 study jointly commissioned by the FSA and DfES, found that up to 83% of secondary schools sampled met all the existing nutritional standards, is not indicative of good quality meals.³⁹ Rather, this merely serves to demonstrate their ineffectiveness - the mandatory requirements are so weak, that even meals composed from the cheapest fatty, sugary, salty and additive laden ingredients are acceptable.

More recently, the poor quality of school meals has been vividly illustrated in a series of four programmes shown on Channel 4 in February and March 2005. In *Jamie's School Dinners*, chef Jamie Oliver not only captured the attention of the nation, but also helped shift Government policy (see below).

Inadequate food education and skills in schools

Many schools no longer teach domestic cooking and food budgeting skills, and very few give children the chance to grow food or see a working farm. Food technology is included in the National Curriculum under the remit of Design and Technology, which includes learning about food preparation and handling skills, food hygiene, analysing existing products and designing and making food products.⁴⁰ So for many children, their learning about food is through theoretical study with little opportunity to find out where food comes from or to practise cooking skills.

Indeed the Qualifications and Curriculum Authority states, "As there is a technological focus to the subject rather than a domestic one, there is an emphasis on manufacturing and processing of food

What is wrong with children's diets?

rather than practical cooking skills, nutrition and health..."⁴¹ Concerned teachers report that many children are more likely to learn how to design a pizza box and food marketing campaign than they are to learn how to put together a healthy meal from fresh ingredients.⁴²

Insufficient promotion for healthy food

Although Government's recent efforts to increase fruit and vegetable consumption are welcome (see below for details), these efforts are puny compared to the marketing muscle of the junk food industries. It has been estimated that for every pound spent promoting healthy eating as a whole (i.e. encouraging people to eat less salt, fat and sugar, as well as eat more fruit and vegetables), £500 is spent marketing junk food.⁴³ Small wonder then that parents report that their children are unwilling, for example, to take "green stuff" to school in their packed lunches for fear of being teased by other children.⁴⁴ In research undertaken by Barnardo's, children themselves report examples of bullying when their peers bring different food from home.⁴⁵



How the Children's Food Bill will address the causes

Improving the quality of children's food

The Children's Food Bill will require the FSA to categorise foods and drinks as 'healthy' and 'less healthy'. The definition will take into account:

- nutritional composition (for instance fat, sugar and salt);
- the presence of additives (for instance, colourings, flavourings, preservatives and artificial sweeteners);
- the presence of contaminants (for instance agri-chemical, veterinary and environmental contaminants);
- food production techniques, such as genetic modification; and
- sustainable food production (for instance, organic and locally produced food).

The Bill will make manufacturers and caterers producing foods for the children's market legally obliged to comply with the FSA specified thresholds (e.g. for maximum levels of fat, saturated fat, sugar, salt, additives and contaminants). The result will be substantial improvements in the quality of children's food and in children's health.

Protecting children from unhealthy food marketing

Using these FSA criteria, the Bill will also introduce a regulation prohibiting the marketing to children of unhealthy foods. This will include foods which may not be exclusively children's foods, for instance crisps, sugary soft drinks and chocolate bars, but which are aggressively marketed to them. The Children's Food Bill will therefore provide a 'level playing field' for all food manufacturers, so that no company is placed at a competitive disadvantage for not marketing 'junk' foods to children.

Improving the quality of food in schools

The Children's Food Bill will also require mandatory nutrient and quality standards for all school meals, and an end to the sale of unhealthy foods and drinks from school vending machines. Government's commitment to sustainable development should ensure that, not only is the food in schools healthier, but the food should also come from sustainable sources, such as organic farms and companies, and local businesses.⁴⁶

Ensuring all children have essential food skills and knowledge

Food education and practical food skills (such as those needed to choose, grow and prepare healthy food) will become compulsory for all school children. By taking a whole school approach, combining the quality of food with the quality of education, the Bill will ensure that all children benefit from a positive and healthy food environment whilst in school.

Promoting healthy food to children

Finally, the Bill will require Government to promote healthy foods (such as fruit and vegetables) to children, thereby providing a multi-faceted solution to the severe problems emerging in children's diet-related health.

Support for the Children's Food Bill

By the end of the Parliamentary session in November 2004, 248 MPs had signed Early Day Motion (EDM) 1256 in support of the Children's Food Bill (Appendix I), making it the twelfth most signed EDM out of nearly 2,000 that were tabled during the session. In addition, almost 140 national organisations have already confirmed their support (Appendix II). This widespread professional and cross-party political support is matched by very strong public support for the Bill's provisions. This is demonstrated repeatedly by independently conducted polls and surveys, for instance:

- Having started out with a target of 20,000 signatures, Jamie Oliver's *Feed Me Better* petition calling for healthy school meals collected 271,677 signatures over a six week period, ending in March 2005.⁴⁷
- In a March 2004 BBC survey of nine thousand people, 81% strongly supported a ban on fast food and sweet adverts on television when children are watching.⁴⁸
- A survey of more than 736 parents commissioned in April 2004 by the Times Educational Supplement found that 78% thought schools should not be allowed to provide vending machines which sell fizzy drinks, crisps and sweets to children.⁴⁹
- Of the 706 Women's Institute members responding to the Government's 'Choosing Health?' consultation in May 2004, 87% called for a ban on the advertising of unhealthy foods during children's television.⁵⁰
- The UK health education charity, Developing Patient Partnership, surveyed 742 parents in September 2004, 73% of whom stated that advertising and marketing of unhealthy snacks and drinks makes it more difficult to encourage children to eat healthily.⁵¹
- When the BBC polled more than a thousand people in September 2004, 76% thought the Government should ban junk food ads from children's TV and 80% wanted an end to junk food and fizzy drink sales in school vending machines.⁵²
- A Which? survey in 2003 found that 78% of parents thought that TV adverts were influential; 47% thought that they strongly influenced their children to want junk food; and 70% thought that there should be no advertising of junk foods during children's TV viewing times.⁵³
- In an NOP survey commissioned by the Co-op in 2000, 80% of parents wanted tighter controls on advertising to children, and 77% wanted to see a ban on the advertising of sugary/fatty foods during children's television programmes.⁵⁴

Even research commissioned by the ad industry's lobby group, the Advertising Association, found that 49% of adults gave the influence of advertising as a reason for children being overweight, with 58% calling for a ban on vending machines. This research has not been published, but it can be read by appointment, in the Advertising Association's library.⁵⁵

Government's current approach

The five-a-day programme

The Government's food and health action plan⁵⁶ reiterates its commitment to the School Fruit and Vegetable Scheme, which provides children aged between four and six years with a free piece of fruit or vegetable every school day. The scheme is now also supported by some learning materials.⁵⁷ Although welcome, this scheme is, by definition, not reaching children who are over six years old and it is not clear if it will ever be extended to all school children. Meanwhile, in recognition of the benefits to children's health, Hull City Council has recently extended its 'Eat Well Do Well' scheme, so that every primary school pupil between the ages of seven and eleven will also receive a piece of free fruit or vegetable on a school day.⁵⁸

The "Jamie Oliver" initiative

Although Government continues to protest that its recent initiative on school food has been long-planned, it is widely agreed that significant additions - particularly the funding - were made only after the huge public success of Jamie Oliver's *Feed me better* campaign, based on the Channel 4 series, *Jamie's School Dinners*. Government announced in March 2005⁵⁹ that £280 million would be made available to improve school food, with some £60 million of that total allocated to a School Food Trust. At time of writing it is not clear what the School Food Trust will do with this money.

Nor is it clear how Government has arrived at the figure of £220 million as being adequate for improving the quality of school meals. The promised new standards have not yet been set and, indeed, the date for completing this process and introducing the new standards into primary and secondary schools is September 2006. Despite the fact that national nutrient-based standards to improve school meals were published by the Scottish Executive in February 2003 and are now in operation in Scotland,⁶⁰ the Government still does not commit itself to the introduction of nutrient-based standards in England.⁶¹ Furthermore, for other food in schools, such as vending machines, tuck shops and breakfast clubs, action is not due to be completed until August 2007.⁵⁶

Notwithstanding this lack of clarity, Ofsted - the schools inspection service - will start to inspect school food services in September 2005.

No change in the curriculum

Despite the near universal and long-standing demand for practical domestic cooking skills to be a compulsory element of all children's education,⁶² there are no plans to change the curriculum in this way. Instead, Government continues to maintain both that the current system is adequate, and that any deficiencies can be remedied by voluntary guidance. The Food and Health Action Plan, for example, does not acknowledge that there are any weaknesses at all in the availability of food education and skills in schools. If that is the case, it is not clear why additional initiatives are necessary, but that has not stopped Government introducing yet more voluntary guidance, in the form of the *Food in Schools* website.⁶³

Voluntary restrictions on food marketing

In May 2004, the House of Commons Health Committee called upon the industry voluntarily to withdraw from all television advertising of unhealthy foods to children. This recommendation has been contested by industry and, to date, not acted on. In July 2004, the FSA's Board formally agreed its Action Plan on Food Promotions and Children's Diets, which introduces a range of policies to improve children's diets.⁶⁴ Echoing earlier calls for social responsibility by the Chief Medical Officer,³ the FSA acknowledges that the success of its Action Plan depends crucially upon industry adopting a responsible approach to food promotion.⁶⁵ Predictably, as with the FSA's earlier attempts in 2000 to develop a voluntary code on the promotions of food to children,⁶⁶ the current Action Plan has not led to any reduction in children's exposure to junk food marketing.

More recently, the Government has published its Public Health White Paper,⁶⁷ and Food and Health Action Plan.⁵⁶ Whilst formally acknowledging the causal link between food marketing and children's food choices, and accepting the strong case for action to restrict further all forms of advertising and promotion of less healthy food and drinks to children, Government proposes yet more consultation and voluntary codes of practice. This weak response is in stark contrast to the pre-White Paper media reports, presumably informed by the Government's press office, of bans on junk food advertising.^{68, 69, 70} These have misled many into believing that the Government is taking effective action.

The Government proposes that Ofcom consults on proposals, unspecified at the time of writing, to 'tighten' the rules on broadcast advertising of food and drink to children. As industry will try to influence this process, it is not possible to predict what the outcome of this unnecessary consultation will be. For non-broadcast promotional activities, the Government proposes to establish a new forum involving industry and advertisers, to 'strengthen' voluntary codes on food promotion.

The Government states that it does not plan to consider the need for more interventions until 2007. For many striving to improve children's diets and health, this further delay is worrying, especially as the Government does not commit itself to any specific action at that time. If current trends continue, this two-year delay is likely to see an additional 440,000 children become overweight or obese during that period.⁷¹

2. Voluntary approaches do not work

Self-regulation is widely promoted by industry as an alternative to legislation. As demonstrated in its approach to food promotion to children, it is also often the Government's first policy choice. Is this based on evidence that the voluntary approach is effective? The following case studies - drawn from a number of policy areas over several decades - show that, again and again, voluntary approaches fail.

Case studies

Tobacco advertising

"The evidence we have reviewed from the advertising agencies leads us to conclude that, once more, voluntary agreements have served the industry well and the public badly."

House of Commons Health Select Committee, 14 June 2000 ⁷²

Prior to the implementation of the Tobacco Advertising and Promotion Act in 2003, advertising tobacco on television was banned across Europe under the terms of the European 'Television without frontiers' Directive.⁷³ All other forms of advertising and promotion were controlled by two voluntary agreements. 'The voluntary agreement on tobacco advertising' related to all aspects of tobacco advertising and 'The voluntary agreement on tobacco sponsorship' set out rules on tobacco sponsorship of sport and the arts. These agreements were periodically negotiated between the tobacco industry and the government.

The Committee for Monitoring Agreements on Tobacco Advertising and Sponsorship (COMATAS) was set up to monitor the voluntary agreements. Membership of the committee was limited to tobacco industry representatives and civil servants and did not include any independent health experts. Its meetings were held in secret and minutes were not made available for public scrutiny.

Whilst the tobacco industry maintained that voluntary regulation could ensure responsible advertising and promotion, a 1997 report published by a national coalition of 82 medical, health, welfare, consumers and children's organisations explained that the voluntary agreement on advertising was ineffective because of "the weakness of the restrictions placed on tobacco advertising, the lack of sanctions against those who breach the agreement and the role of the tobacco industry in adjudicating infringements."⁷⁴ Examples of these inadequacies are given by Action on Smoking and Health (ASH)⁷⁵:

- although the voluntary agreements prohibited advertising on billboards within a 200 metre range of schools or places of education for young people, tobacco companies were free to advertise outside the 200 metre zone, including where children live and play;
- in August 1996 COMATAS ruled that nursery schools were not covered by the prohibition on billboard advertising and it stated that it had no intention of amending the agreement to protect young children;
- although the voluntary agreements prohibited advertising in print media that is primarily aimed at the teenage market, they did not take into account promotions run in style magazines which are easily accessible to children;

Voluntary approaches do not work

- in July 1997 COMATAS allowed the use of creative logos to promote Rothmans and Benson & Hedges brands of tobacco, in spite of the fact that other more traditional company logos were judged to breach the voluntary agreement on tobacco sponsorship.

In 2001, ASH reported the reassurance to investors given by a Wall Street tobacco stock analyst that a global marketing code proposed by the international tobacco industry (British American Tobacco, Philip Morris and Japan Tobacco) was not a threat to business as usual for the tobacco multinationals. The voluntary code was dismissed by ASH as a meaningless and ineffective PR tactic to "improve their image, head off legislation, but without any meaningful restraint on tobacco marketing".⁷⁶

The overt role played by the tobacco industry in undermining voluntary agreements was also highlighted by the House of Commons Health Select Committee in June 2000, following the forced disclosure and review of internal documents from the UK tobacco industry's leading advertising agencies.⁷⁷ Its report on the tobacco industry and the risks of smoking⁷² details many examples of the tobacco industry circumventing the spirit and letter of the voluntary codes as part of its commercial imperative to increase sales. These include the creative use of new logos and advertising to holiday makers abroad, where the UK advertising codes were not applicable. The Committee concluded:

"The evidence we have reviewed from the advertising agencies leads us to conclude that, once more, voluntary agreements have served the industry well and the public badly. Regulations have been seen as hurdles to be overcome or side-stepped; legislation banning advertising as a challenge, a policy to be systematically undermined by whatever means possible." (para. 88)

The Health Select Committee report also backed up reviews of research which concluded the effect of tobacco advertising was much greater than just mere competition between brands.^{78, 79} As advertising was shown to increase sales and consumption, it is perhaps not surprising that the tobacco industry so strongly resisted a statutory advertising ban, as noted by the Committee:

"Most of the tobacco companies have sought to challenge the Government's commitment to introduce an advertising ban in advance of the date for implementation set by the EU directive. The argument they have repeatedly advanced is that tobacco advertising does not increase consumption, it merely persuades smokers to switch brands. However, looking through the documents that the agencies themselves produced, this view is completely discredited." (para. 89)

In its response to the Health Committee's concern that all forms of tobacco marketing should be controlled, the Government acknowledged that "tobacco manufacturers may seek to exploit any gaps in present regulation" and it agreed that innovative promotional efforts, such as those utilising the internet, would be a "threat to the success of an advertising ban".⁸⁰

It is for this reason that ASH explains that both voluntary agreements and partial advertising bans are ineffective. It states that, "the advertising budgets just flow from what is banned to what is not banned, and restrictions can be a spur to advertising creativity".⁸¹ Other good examples include the shifting of advertising budgets into sponsorship, point of sale promotions and the use of tobacco branding on non-tobacco products (known as brand-stretching).

Enactment of the Tobacco Advertising and Promotion Act in 2003 resulted from the recognition that voluntary agreements were completely unworkable in a competitive market. The Act gave rise to

legislation which provides a comprehensive ban on all forms of advertising, promotion and sponsorship and whilst protecting the public, provides a 'level playing field' for tobacco companies.

ASH has described the comprehensive tobacco advertising ban as "a huge victory for public health", which "will put the health of the nation firmly before the commercial interests of the tobacco industry". It estimates that the legislation will save around 3,000 lives a year.⁸²

Alcohol promotion

"The alcohol industry's marketing practices are out of control and it is woefully obvious that their voluntary codes of practice are not working."

Institute of Alcohol Studies, 29 March 2001⁸³

The debate about alcohol promotion is in many respects similar to tobacco advertising. Both alcohol manufacturers and the advertising industry argue that ad bans are not justified, claiming that advertising is concerned only with promoting the sales of individual brands and does not increase overall levels of drinking, or influence consumption among vulnerable groups.⁸⁴

This is not a view which is held by the World Health Organisation (WHO). In a speech given in 2001, the then WHO Director General Gro Harlem Brundtland stated that the research evidence was clear that marketing influences young people's decision to drink and that "exposure to and enjoyment of alcohol advertising predicts heavier and more frequent drinking among young people".⁸⁵ The Director General further explained how children are growing up not only in an environment where they are "bombarded with positive images of alcohol", but that young people are also a "key target of the marketing practices of the alcohol industry".

Noting the general failure of industry self-regulation to limit the marketing and promotion of alcohol to young people, a WHO expert group convened in 2002, concluded that "self-regulation by the alcohol, advertising and media industries is ineffective".⁸⁶ A 2003 WHO-funded review of the evidence base for alcohol policies also expressed particular concern about the impact of advertising on young and under-age drinkers and further found that "self-regulation tends to be fragile and largely ineffective".⁸⁷

In the UK, the alcohol industry-funded Portman Group maintains that regulation is less effective than education in preventing alcohol abuse. Its website states, "an 'educate and prevent' approach is more effective than controls".⁸⁸ Whilst the Group does not present any evidence for this assertion, it is clear that this approach has had no effect over recent years in preventing the escalation of a binge drinking culture among British youth. This had led the British Medical Association to add its weight to the call for a ban on alcohol advertising in order to help curb what it describes as the "epidemic of binge drinking among young people".⁸⁹ Indeed, even the Portman Group itself described as "really worrying" figures published in November 2004 which revealed increasing levels of alcohol binge drinking amongst teenage girls aged 15 to 16.⁹⁰

Following criticisms of the growing UK 'alcopops' market,⁹¹ the Portman Group issued a code of practice in April 1996, with the stated aim "to ensure that all alcoholic drinks are promoted in a socially responsible manner and to only to those over 18".⁹² Sales of alcopops more than doubled from £629 million in 1999 to £1.4 billion in 2003 and are projected by industry analysts to still be worth more than a billion pounds a year in 2008.⁹³



The Portman Group is funded by the main drinks manufacturers and in spite of the establishment in January 1997 of an 'independent' panel to administer its code, Alcohol Concern has called for a "truly independent system of regulation". It explains that the Portman Group confuses its roles "by acting both as a defender of the drinks industry, frequently representing its interests in the media, while also acting as a watchdog".⁹⁴ A good example is that the Portman Group has had little choice but to defend alcopops as its member companies are the main producers.

Although the 'Portman Code', now in its third edition, covers the naming, packaging and promotion of alcoholic drinks with particular reference to young people, it does not prohibit the use of words like 'lemonade', 'cola' and 'orangeade' which are normally associated with children, nor does it prevent the drinks being packaged in attractive bottles and being brightly coloured. In its rulings, the Portman Group's panel may ignore the inferred and perceived meaning of words in favour of a strict, literal interpretation. And in any case, as the code is voluntary, the Portman Group can only make recommendations - it cannot force manufacturers to comply with the provisions of the code.

For example, in March 2005 the Group's panel upheld a complaint concerning a website using sexual images to promote *Dooley's Toffee & Vodka* liqueur. The panel's adjudication states that it "considered that the images both indirectly and in some cases directly suggested an association with sexual success in breach of paragraph 3.2(d) of the Code".⁹⁵ The Group welcomed the fact that the company intended to "remove the download images from the website". At the time of writing in June 2005 - some three months after the Portman ruling - the *Dooley's* website⁹⁶ is still dominated by sensual pictures of nude couples embracing and posturing, and downloadable explicit images continue to be available. The website, which is promoted on every *Dooley's* bottle top, boasts "Vodka Toffee - Not for the sweet and innocent" and a provocative female voice repeats, "Take me, take me!" to a catchy melody. Evidently, the company has chosen to ignore the Portman Code and the Group is seemingly either unwilling or unable to do anything about it.

Following another Portman ruling after which a vodka named 'Kalashnikov' was re-launched as 'General Kalashnikov's vodka', the Portman Group's Director of Policy and Good Practice explained in a trade journal that "The code is not trying to undermine the industry's freedom to advertise, it is actually trying to protect its right to advertise".⁹⁷ In the same article, the chair of the Group's panel admits that there is an "element of arbitrariness" to the complaints procedure.

Indeed, the Institute of Alcohol Studies (IAS) has criticised the lack of transparency of the process by which the Portman Group makes its decisions about complaints, raising concerns that products which appeal to young people may continue to be sold following a failed complaint. Whilst the IAS acknowledges that the Group has upheld a number of complaints, it suggests that these "have been against such flagrant violations that they could hardly be ignored without the system being totally discredited."⁹⁸ But although the Group sometimes upholds complaints against pre-mixed cocktails with names such as 'Sex on the Beach', it has no influence over retailers selling made-up cocktails of the same name.

Others working in the field of alcohol abuse argue that the purpose of the Portman Group is to satisfy a perceived demand for responsibility on the part of the alcohol industry, but without actually harming sales in a significant way.⁹⁹ In this light, the Portman Group is seen as an attempt to ward off tougher regulation by presenting the industry as corporately responsible.

An IAS press release in March 2001 introducing a new report entitled, '*Marketing alcohol to young people*'¹⁰⁰ claims that "corporate greed lies at the heart of the drink industry's cynical manipulation of their voluntary codes of advertising practice".⁸³ The report explains that although the alcohol industry publicly accepts the need for codes of practice, alcohol producers breach the spirit of the codes by targeting many of their advertisements at the adolescent market. The IAS maintains that this exposure to extensive marketing reinforces underage drinkers' perception of alcohol as "glamorous, fashionable and amusing",⁹⁸ whilst Alcohol Concern explains that marketing presents alcohol as a "non-risky substance".⁹⁴ The IAS report gives examples of the multitude of ways in which the industry circumvents voluntary codes across Europe to entice young people into a culture of drinking:

- although voluntary agreements state that alcohol use should not be portrayed as integral to social acceptance, popularity or sexual success, underage drinkers are bombarded by images of alcohol that portray people who drink as successful, glamorous, sexy and accepted by their peers;
- although voluntary agreements state that promotions should not be directed to under 18s, numerous websites promoting alcohol brands use interactive games, competitions and other strategies to capture underage drinkers' attention, thereby circumventing not only the codes but also parental control;
- although voluntary agreements state that promotions should not claim to enhance physical capabilities or sporting prowess, sports sponsorship is widespread, linking particular brands of alcohol with sporting events, sports clubs, teams, sports idols and supporters clubs and materials, including clothes and toys.

Accordingly, the IAS recommends that the Government should introduce a statutory code of advertising practice to be monitored by an independent body with the power to apply sanctions against those who infringe the code. Meanwhile Alcohol Concern states that "there are better, more independent, ways of regulating the marketing of drinks than leaving it to the people whose profits rely on selling as much alcohol as possible".¹⁰¹



An Ethiopian mother watches anxiously as her baby receives rehydration treatment for diarrhoea, brought on by bottle feeding.

Marketing breastmilk substitutes

"Industry has lobbied governments to adopt weak voluntary agreements to implement the Code and Resolutions rather than strong legislation, and to include the industry in all discussions and monitoring bodies."

International Baby Food Action Network (IBFAN), January 2004¹⁰²

The International Code of Marketing of Breastmilk Substitutes (the Code) was adopted by the World Health Assembly in 1981 in recognition of the damage to infant health of the promotion of artificial breastmilk formulae. The Assembly acknowledged that baby food companies' marketing practices misled mothers and discouraged them from breastfeeding, an essential safeguard to an infant's immediate and long-term health. According to the WHO and the UN Children's Fund (UNICEF), 1.5 million infants die worldwide each year because they are not adequately breastfed.¹⁰³

The Code aims to "contribute to the provision of safe and adequate nutrition for infants, by the protection and promotion of breast-feeding and by ensuring the proper use of breastmilk substitutes, when these are necessary, on the basis of adequate information and through appropriate marketing and distribution". The provisions of the Code include a prohibition on the advertising and promotion of breastmilk substitutes to the general public and within the country's health care system, as well as containing rules for the responsible dissemination of information.

Although Member States of the World Health Organisation agreed to translate the Code "into national legislation, regulations or otherwise suitable measures", industry opposition to the Code was evident from its inception. Whilst the International Confederation of Infant Formula Industry described it as "irrelevant and unworkable", the International Baby Food Action Network (IBFAN) note that they later promised to abide by it and today claim that they are doing so.¹⁰² Much evidence from countries around the world suggests otherwise.

For more than twenty years, IBFAN has lobbied for the adoption of tough regulations in individual countries to uphold the letter and spirit of the International Code and the ten World Health Assembly Resolutions which have been adopted since 1981. In some countries, such as India and Brazil, robust laws regulating the marketing of breastmilk substitutes have been implemented and are enforced. However, IBFAN reports that as a result of industry lobbying, many other Governments have adopted much weaker industry voluntary codes of conduct, rather than binding legislation. Even in countries where legislation has been passed, IBFAN explains that constant pressure on governments and industry is needed to ensure that all marketing practices are tackled.

The importance of effective and comprehensive regulations which are independently monitored and enforced is highlighted by increases in breastfeeding rates and reduced sales of breastmilk substitutes, achieved in countries, such as Brazil, Ghana and India.^{104, 105} In countries with voluntary codes of conduct agreed with industry or those where legislation is limited or not enforced, families are exposed to promotional activities which undermine initiatives by governments, health workers and NGOs to protect breastfeeding. In the UK, for example, where promotion is permitted in the health care system, breastfeeding rates remain static.

Prior to the adoption of EU Directives, campaigning within the UK prompted industry to devise a voluntary code, which described current marketing practices but did little to halt promotion. IBFAN explains that the existence of the voluntary code diverted policy makers' attention and delayed

legislation. During this time, a broad coalition of organisations, including the British Medical Association and the Maternity Alliance, maintained pressure for better protection of UK infants, including a ban on advertising. However, fierce industry lobbying persuaded the Government to adopt minimal regulation which permits advertising of infant formula within the health care system, for instance in health care journals.

Although to date only some aspects of the code have been introduced into legislation, Article 11.3 of the international Code requires companies to ensure that their practices at every level comply with the Code's provisions, independently of the UK law. However, a 2004 survey conducted by Baby Milk Action demonstrates many violations of the Code in the UK, including:¹⁰⁶

- widespread media advertising of 'follow-on' formulas, carrying the same brand name as infant formula;
- misleading use of health claims, suggesting that added substances function in a similar way to those found in breastmilk;
- aggressive marketing of feeding bottles and teats with advertisements suggesting bottle-feeding is equivalent to breastfeeding;
- promotion to mothers in hospitals, including samples, leaflets and company branding;
- inappropriate use of promotional images and text in information materials for health workers;
- ignoring the direct ban on contact with pregnant women and mothers of infants, by running telephone 'carelines' and websites, promoted in leaflets, magazines, direct mail and on labels.

Where infringements of the Code are illegal, it is possible for companies to be taken to court. In July 2003, Wyeth/SMA was convicted and fined for a "cynical and deliberate" breach of UK law for advertising infant formula. But as the examples above demonstrate, as there are no enforceable sanctions for voluntary codes, breaches of the Code which are not enshrined in law go unchecked.

Meanwhile, IBFAN concludes that although industry's responsibilities are clearly defined, the evidence shows that companies will comply only if compelled to do so. It states, "The baby food industry never sleeps in its attempts to find new ways to build its market".

Using pesticides and antibiotics in farming

"We are forced to conclude that the Voluntary Initiative does not appear to have, within itself, sufficient 'carrots' to offer to farmers. Nor can it enforce its recommendations with 'sticks' while remaining on a voluntary basis."

House of Commons Environmental Audit Committee Report, November 2002¹⁰⁷

In the 1980s the Pesticides Safety Precaution Scheme, a voluntary agreement on the approval of pesticides, failed to ensure that dangerous pesticides were removed from the market. Although the British Agrochemicals Association claimed that the voluntary scheme led to high standards and a cost-effective way of regulating the use of pesticides, Friends of the Earth report that, by 1984, there were

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41 active ingredients which were banned or severely restricted in other countries around the world but cleared for use in the UK.¹⁰⁸ As a consequence, the Government replaced the voluntary scheme by statutory provision under the Food and Environmental Protection Act 1985.

An earlier industry code, the Voluntary Code of Conduct on Pesticide Use, had been equally ineffective. The failure of this "code of conduct" was highlighted in a 1979 Royal Commission on Environmental Pollution, which expressed serious concerns about the potential environmental effects resulting from everyday pesticide use.¹⁰⁹ For instance, it noted that in spite of the code, as many as 43 individual pesticides had been recorded on glasshouse lettuce.¹⁰⁸

More recently, in 1997, the Government opted for a voluntary approach with industry rather than introducing a pesticide tax to reduce pesticide use in farming. The UK Pesticide Voluntary Initiative, representing a commitment by the agrochemicals industry and farming unions to reduce the environmental damage from pesticides, was approved by the Government in April 2001. The Voluntary Initiative is a package of voluntary measures, developed by industry, which focuses on training, research and communication of 'best practice' in the use of pesticides, with a stated goal of avoiding a pesticides tax.¹¹⁰

In November 2002, the House of Commons Environmental Audit Committee issued a critical report of the Voluntary Initiative, stating that it did not clearly prescribe a commitment to reducing pesticide use.¹⁰⁷ In pointing to the lack of a clear implementation strategy to provide incentives for farmers to alter their behaviour, the Committee stated, "we doubt whether the Voluntary Initiative can deliver the high levels of take up which will be needed for success". It also concluded that the Voluntary Initiative would not be able to enforce its recommendations whilst remaining on a voluntary basis. In its formal response to the Committee's report, the Government conceded that being voluntary, the 'initiative' could not require farmers to change their behaviour.¹¹¹

In 2005, the House of Commons Environment, Food and Rural Affairs (EFRA) Committee undertook an inquiry into the success of the Voluntary Initiative in minimising environmental damage from pesticides.¹¹² Evidence from Friends of the Earth and Pesticides Action Network (PAN-UK) presented in the Committee's report, explains that environmental improvements were not occurring because the Voluntary Initiative:

- contains weak targets and that some of its targets may have been weakened to make them easier to meet;
- still makes no attempt to reduce overall pesticide use, concentrating instead on how farmers use pesticides, rather than how much they used;
- does not include the principle of substitution, whereby more hazardous pesticides are avoided if safer chemical or non-chemical alternatives are available;
- includes indicators, for instance for Crop Management Protection Plans, which measure only the number of participating farmers, rather than the effectiveness of the plans. So participating farmers, who are totally dependent on chemical pesticides, have no safe storage for pesticides and spray too close to water courses, still count as a 'success'.

In the summary to its report, the EFRA Committee confirms that there is "little irrefutable evidence of the environmental benefits of the Voluntary Initiative". Although noting that the Government "did not

seem particularly anxious to make any of the Voluntary Initiative measures mandatory" (para 100), the Committee recommended legislation to make some elements mandatory in order to force pesticide users not already participating in the schemes to take action (para 101).

Friends of the Earth, Pesticides Action Network and the Soil Association continue to support the introduction of a pesticide tax, revenues from which should be reserved ('hypothecated') to pay exclusively for pesticide mitigation measures. However, the Government maintains its preference for a voluntary approach.

In response to growing concerns about the spread of antibiotic-resistant bacteria from farm animals to people, the Government developed a similar voluntary strategy in 1999 to reduce the use of antibiotics and other similar drugs on farms. This strategy is also heavily reliant on a voluntary industry initiative, the Responsible Use of Medicines in Agriculture Alliance (RUMA), an alliance of the National Farmers Union, drug companies, animal feed manufacturers and veterinary organisations.

The Soil Association uses the Government's own figures to demonstrate RUMA's ineffectiveness. It explains that between 1999 and 2003, the total weight of animals slaughtered for meat production fell by 0.46 million tonnes, but that during the same period the combined total use of antibiotic growth promoters and therapeutic antibiotics in food producing animals increased from 437 to 462 tonnes.¹¹³ RUMA has already been running for more years than the Voluntary Initiative, thus providing more evidence that voluntary approaches are unlikely to work over time.

The ineffectiveness of RUMA is especially concerning because overuse of antibiotics in farming increases the development of antibiotic-resistant strains of pathogenic bacteria. For example, the World Health Organisation has observed the transmission of antibiotic-resistant strains of *Salmonella*, *Campylobacter*, and enterococci to humans from animals.¹¹⁴ Strains of the MRSA hospital 'superbug' which have been found to be vancomycin-resistant - one of the few antibiotics which still work against it - may also have resulted from the overuse of antibiotic growth promoters in farm animals.¹¹⁵

Controlling supermarket power

"The OFT's review of the Supermarkets Code of Practice found a widespread belief among suppliers that the Code is not working effectively.... The OFT has no evidence from the supermarkets that their relationships with suppliers had changed significantly since the introduction of the Code."

Office of Fair Trading, 20 February 2004¹¹⁶

In 2000, a Competition Commission inquiry reported that undue exercise of buyer power by supermarkets resulted in unfair trading practices which adversely affected the competitiveness of some of their suppliers. The report explained that this was not in the public interest as it meant that suppliers were likely to invest less on new product development and innovation, resulting in lower quality and less consumer choice.¹¹⁷ The Commission recommended that a code of practice be introduced to put relations between supermarkets and their suppliers on a clearer, more predictable basis.

The details of the Supermarket Code of Practice were negotiated between the major supermarkets and the Office of Fair Trading (OFT) and in 2002 Asda, Safeway, Sainsbury and Tesco undertook to be bound by its provisions. Although the Competition Commission stated that it hoped that the principles in the

code would also be adopted voluntarily by other smaller supermarkets, an OFT review published in February 2004 established that operation of the Code had failed even to redress the balance between the big supermarkets and their suppliers.¹¹⁶

Only one out of the 40 suppliers responding to the OFT review said that the behaviour of the supermarkets had improved since the introduction of the code. A remarkable 85% indicated that the behaviour of the supermarkets had not improved and that the code had therefore not remedied or prevented the adverse effects specified in the 2000 Competition Commission report. None of the responding suppliers said that there had been no breaches of the code, with suppliers listing examples of unfair practice such as demands for contributions to marketing costs, demands for lump sum payments for being a supplier, and retrospective reductions in price without reasonable notice.

The main reason given by respondents for the lack of effectiveness of the code was the fear among suppliers that complaining to the supermarkets would lead to worse contract conditions or delisting (i.e. suppliers being taken off the list of companies from which supermarkets will buy). In its 2004 report, the OFT explains that the perceived vagueness in the wording of the code, including repeated references to "reasonable" practices, added to this fear, as "the supermarkets appear to be left to decide, with little interference from suppliers, what is reasonable in a trading relationship".¹¹⁶ Demonstrating the failure of the Code, the OFT concludes, "On balance, the indication from grocery suppliers' organisations, both to us and to the Competition Commission, is that adverse effects arising from supermarket-supplier relations recorded in the 2000 Competition Commission monopoly report continue".

In March 2005, the OFT published the results of a compliance audit of each of the top four supermarkets' (Asda, Sainsbury, Tesco and Morrison) dealings with suppliers.¹¹⁸ Although the report says that the breaches of the Code it identified did not suggest that non-compliance was widespread, it also noted that non-compliance could be more common than indicated by the audit. The OFT acknowledged that its conclusion of general compliance would not "allay the concerns" expressed by stakeholders about the Code's effectiveness. It also noted that the code could not be effective in dealing with allegations of breaches unless suppliers felt at ease in providing appropriate evidence.

Having identified the inequality in bargaining power between the supermarkets and many of their suppliers, an alliance of 15 farming and public interest organisations led by Friends of the Earth (FoE) has called repeatedly for a strengthened statutory code. This would include adequate definitions of 'reasonableness' and would be imposed on the supermarkets. The alliance also calls for the appointment of an independent regulator to enforce compliance.¹¹⁹ A survey published by FoE in March 2003 found strong support from farmers for "new legislation to prohibit unfair trading practices of supermarkets".¹²⁰

Fairness of supermarket trading was also one of the themes of the Race to the Top (RTTT) project set up in 2000, funded by DEFRA (among others) and co-ordinated by the International Institute for Environment and Development (IIED).¹²¹ The project was backed by an alliance of 24 farming, conservation, labour, animal welfare, health and sustainable development organisations, representing the most powerful stakeholder alliance ever to engage the supermarkets on issues of accountability and sustainability.

The project aimed to establish incentives, by creating a voluntary framework of accountability and transparency, to encourage supermarkets to tackle a range of social and environmental issues, rather than only those that they perceived to add consumer value. The intention was to publish the results of annual measurements of key social, environmental and ethical indicators for the top ten UK supermarkets over a period of at least five years.

Voluntary approaches do not work

Although six of the top 10 supermarkets signed a memorandum of understanding with the project, committing themselves to the process of data collection, only three (the Co-operative Group, Safeway and Somerfield) submitted data in 2003, the first 'public' year of the project. Given the shortage of participating supermarkets, the project was forced to terminate in January 2004. The final RTTT project report, published in November 2004, states that although the sector prides itself on being customer-orientated, some supermarkets are unwilling to voluntarily engage with broader notions of stakeholder accountability.¹²²



Why are voluntary approaches ineffective?

"We are also aware that the food and beverage industry strongly supports the concept of self-regulation. My message to you today, is that WHO, and many others concerned with public health, believe that self-regulation has not worked in the past, and will not be sufficient in the future."

Dr Catherine Le Gales-Camus, WHO Assistant Director-General Noncommunicable Diseases, speaking at the World Federation of Advertisers 4th Global Advertising Summit, 30 November 2004

That voluntary approaches do not provide the effective regulatory solution often claimed by the Government is highlighted in a 1996 Office of Fair Trading consultation paper, which states, "our experience of voluntary codes of practice has been decidedly mixed. Some were ineffectual, and may even have misled consumers into believing they were better protected than they were."¹²³

We agree with the analysis of the World Health Organisation, the Office of Fair Trading and many others: voluntary approaches in the context of a highly competitive marketplace simply do not work. The case studies outlined above have made this clear, in the following ways.

Voluntary codes are weak

Where those with commercial interests are involved in the development and wording of voluntary codes, the resulting provisions are often so weak or unclear that they are meaningless. The "commitments" they contain, for instance, are often expressed as weak targets or goals, with thresholds so low that companies can reach them without much effort and they routinely include imprecise wording which is open to interpretation.

Thus, supermarkets are left to determine what is meant by the repeated references to "reasonableness" in the code which purports to control their relationships with suppliers. To reduce the risk of failure, the agri-chemical industry sets weak pesticide control targets, and voluntary agreements on tobacco advertising acknowledged that children needed to be protected from billboard advertisements near their school, but not near their homes.

The Food and Drink Federation's (FDF) *Manifesto for Food and Health*, published in September 2004, is another good example of weakness in a voluntary code. It contains voluntary "commitments" which lack targets and time limits for implementation, and is peppered with vague terms such as "encourage its members", "exploring new approaches", and "discussing with Ofcom and Government the whole range of concerns relating to advertising to children".

Even the specific-looking commitments are weak. For example, the manifesto appears to commit FDF members to remove vending machines from primary schools. However, the vast majority of primary schools do not have vending machines and the commitment does not extend to secondary schools where almost all vending machine revenues are generated. Worse still, vending machines in primary schools will not be removed if "their provision is specifically requested by the school / LEA." As the machines can only be in the schools with specific permission, the consequence is that no action is required by FDF members.

Although the manifesto states that FDF members are committed to reducing levels of fat, sugar or salt in processed food products, no assurance is given that all these companies will comply with FSA and

Department of Health current targets for salt reduction, or that members will adhere to any similar targets for fat and sugar levels that are likely to be developed in future. By avoiding action which is specific, measurable, and time bound, it is close to impossible to monitor compliance or assess the effectiveness of the FDF's proposals.

There are commercial incentives not to comply

Voluntary codes are particularly susceptible to breaches of all or some of their provisions when companies see commercial advantages in breaking the rules. Prior to legislation prohibiting tobacco advertising, the limits of voluntary codes were constantly tested by marketing professionals, who were responsible for finding new and creative ways of increasing cigarette sales. In a similar way, organisations concerned about alcohol abuse report that voluntary codes are commonly circumvented by alcoholic drink manufacturers keen to increase sales. And the routine violation of the International Code of Breastmilk Substitutes demonstrates that manufacturers put commercial success above voluntary rules.

Given the size and disparate nature of the food manufacturing industry and the extremely competitive environment within which it operates, it is highly unlikely that a voluntary code could be effective in restricting the selective and targeted marketing of fatty, sugary and salty foods to children. Because it has an explicit social remit, the Co-op, for example, voluntarily ended any promotion of junk food to children in 2000 as part of its commitment, as a consumer-owned co-op, to being a responsible retailer.⁵⁴ Although the Co-op called upon other retailers to follow its lead, to date none has done so.

In the manufacturing sector, while the food industry claims to be making efforts to reduce unacceptably high levels of salt in processed food products, the Salt Manufacturer's Association (SMA) has forcefully refuted the link between salt consumption and ill-health.¹²⁴ Similarly, the British Sugar Bureau has questioned whether the 'commitments' detailed in the FDF's voluntary Food and Drink Health Manifesto will achieve any health objectives.¹²⁵

Companies have also ignored voluntary rules to protect children from commercial activities in school. In 1996 the National Consumer Council (NCC) produced guidelines for commercial activities in schools which made explicit reference to the need to consider whether commercial food and drink promotions were appropriate in the school context.¹²⁶ This guidance was changed in 2001 by a team which included the Consumers' Association (now Which?) and the Incorporated Society of British Advertisers (ISBA). The resulting report did not make specific reference to the special care needed when dealing with commercial food promotions in school and stated simply that, "materials should not encourage unhealthy, unsafe or unlawful activities".¹²⁷ These voluntary rules have not prevented the food industry from promoting junk foods to children in school.

The Walker's crisps *Books for Schools* initiative, for example, has been running for several years and was indirectly criticised in the National Audit Office report on obesity. Despite this criticism, and the voluntary guidelines, another major scheme was launched. Cadbury's *Get Active* encouraged children to collect vouchers from chocolate bars in exchange for sports equipment. It was calculated that a ten year old child eating enough chocolate to "earn" a basketball through this scheme would need to play basketball for 90 hours to burn off the calories consumed.¹²⁸ Meanwhile, a recent National Union of Teacher's guidance entitled, '*Education not Exploitation*', states that teachers and schools should not be pressurised into using commercial materials which undermine efforts to encourage children to follow a healthy lifestyle.¹²⁹

There are no meaningful sanctions for non-compliance

Voluntary codes do not, by definition, include meaningful sanctions for those who contravene their measures. Our case studies show that the Portman Group has no powers to force alcoholic drink manufacturers to follow its rulings; and the Crop Protection Association and the Responsible Use of Medicines Alliance are unable to control which or how many farmers opt in to their schemes. Meanwhile, because suppliers fear commercial reprisal, they are too frightened to complain about infringements of the Supermarket Code, which was supposed to end supermarket bullying.

There are many other examples of voluntary codes that have failed because of a lack of effective penalties for non-compliance. The National Farmers' Union was forced to admit in the 1980s that many of its members were ignoring its voluntary code of practice on straw and stubble burning, which was meant to reduce fire damage to hedges, trees and property, and control air pollution.¹³⁰ As a result, straw and stubble burning was eventually banned by legislation in 1993, except for in specific circumstances.¹³¹

More recently, the Parliamentary Environment Food and Rural Affairs committee has heard how the people most irresponsible in their use of chemical sprays are also those who it will be most difficult to involve in the industry's Voluntary Initiative to reduce pesticide use in farming. A major weakness therefore is that the initiative is unlikely to influence those who are the least concerned about the environmental impact of their activities.

Friends of the Earth point to many other voluntary programmes, ranging from habitat protection to the use of ozone depleting chemicals which have failed because interested parties choose not to comply, and can do so with impunity.¹³⁰ They report that in the early 1990s, the Government responded to public concern over the excessive pollution caused by the packaging industry, by calling for voluntary action to reduce unnecessary packaging. However, following in-fighting, the industry's own Producer Responsibility Group (PRG) conceded that not all companies would comply with its voluntary scheme and it asked the Government to regulate accordingly.¹³⁰

A 2002 briefing demonstrates Friends of the Earth's continuing frustration with the government's preference for voluntary measures in spite of the evidence of widespread non-compliance:¹³² "The advocates of the voluntary approach are big on asserting that it is a good policy measure but rarely attempt to justify why they believe this. Prime Minister Tony Blair and the Labour Government are keen supporters of the voluntary approach for corporate accountability but in response to questioning by Friends of the Earth, they can only say that some companies are taking action."

Independent operation and monitoring is rare

When self-regulation relies upon industry for its operation, monitoring and control, this effectively makes the industry police, judge and jury - a recipe for failure. The lack of independent systems of regulation highlights the conflict between the role of industry in promoting its interests whilst simultaneously claiming effective regulatory authority. For instance, Alcohol Concern explains that the Portman Group confuses its roles by acting both as a defender of the drinks industry and as a watchdog.⁹⁴

Industry ownership of the British Code of Advertising, Sales Promotion and Direct Marketing (the 'CAP Code'), for example, has meant that over many years the self-regulatory rules for non-broadcast

advertising have not restricted industry's efforts to promote unhealthy foods to children. As industry funds the Advertising Standards Authority (ASA) to administer the Code, it is difficult to imagine how it can adopt an impartial approach to the regulation of food advertising to children.

As long ago as 1996, the Government's Nutrition Task Force asked the ASA to consider a review of their codes of practice in light of concerns about children and food advertising.¹³³ However, the ASA - in a closed industry process - decided no changes to the Code were necessary. More than a decade later, the restrictions on the promotion of unhealthy foods to children are still lacking from the CAP Code.

The real purpose of voluntary approaches?

The tobacco and alcohol industries have both been criticised for developing voluntary measures that do not compromise their business interests, but which give the impression that they are taking effective action. Recent research for the United Nations Research Institute for Social Development concluded, "there is a danger that [voluntary] codes may be seen as something more than they really are. They can be used to deflect criticism and reduce demands for external regulation."¹³⁴

Unsurprisingly the food industry is also keen to look as if it is taking effective and responsible action of its own accord, but behind its rhetoric, commitments are often designed to maintain the status quo and allow 'business as usual'.

In 2000, the National Consumer Council (NCC) published a checklist for credible self-regulation. Among other principles designed to ensure that schemes command public confidence, the checklist states that schemes should be separate from industry institutions and that there should be meaningful and commercially significant sanctions for non-observance.¹³⁵ In contrast to the weaknesses inherent in voluntary approaches, the NCC describe some advantages of legislation, including that:¹³⁶

- business cannot choose whether to follow the rules or not
- there is universal application, applying to every business or activity within its scope
- there is credibility by virtue of its status, allowing the achievement of objectives which would not result from voluntary action.

If the food and advertising industries were serious about making voluntary approaches work, they would be using such checklists to ensure the independence of any scheme and developing sanctions that would mean the majority of the industry complied. The fact that they are doing neither of these indicates that, far from being a serious attempt to contribute to solving the problem of children's unhealthy diets, the food and advertising industries are using voluntary initiatives as a delaying tactic to avoid the approach that really would work: legislation.

3. Arguments used against the Children's Food Bill

Food companies and advertisers that promote unhealthy food to children do not simply rely on the diversionary tactic of promoting voluntary codes, agreements and negotiations. Whilst stating disingenuously that policy should be based on sound evidence, industry seeks to discredit authentic peer-reviewed scientific findings and to promote unsound research that suits its interests.³² They also present a number of different arguments to avoid taking action - or being forced to take action - that would protect children's health.

There is no problem

Denying there is a problem at all is rare in this policy area, but is still sometimes used. The Social Issues Research Council (SIRC) published a report '*Obesity and the facts*' in February 2005 which claims that the reported scale of childhood obesity and related illness is "no more than unsupported speculation".¹³⁷ SIRC is part-funded by food industry interests, including Kellogg's, Cadbury Schweppes and the Sugar Bureau.

Similarly, the Food and Drink Federation, in its responses to a Food Standards Agency consultation, ignored the rapid increase in rates of childhood obesity and suggested as "80% of children are normal weight, or underweight, [that] therefore focusing on getting calorie density down overall is unnecessary".¹³⁸ Sustain is more inclined to accept the evidence of the entire community of health professionals, who are deeply concerned about the current and future health impact of children's poor quality diets.

There is a problem, but it is all down to physical inactivity

Food industry representatives routinely link the obesity crisis to sedentary lifestyles and insufficient physical activity, whilst placing much less emphasis on the foods consumed by children.¹³⁹ In a document submitted to the Medical Research Council in July 2003, the Advertising Association boldly states, "The FAU considers that the primary cause of the recent increase in overweight in children specifically is a decline in physical activity".¹⁴⁰

There is no doubt that obesity develops when people consume more energy (calories) than they use up in everyday life. Clearly therefore both diet and physical activity are important in determining a person's weight. It is disingenuous of the food and advertising industries to imply that the types of food eaten by people have little impact upon weight gain. Indeed, the impact of an unhealthy food environment on people's choices is acknowledged by the House of Commons Health Committee's Obesity report: "It is clear that people are overeating in relation to their energy needs, and that the cheapness, availability and heavy marketing of energy-dense foods makes this very easy to do."¹⁴¹

While it is true that regular physical activity is vital for good health, increased physical activity does not make an unhealthy diet any less unhealthy. The 2000 National Diet and Nutrition Survey demonstrates that 92% of children consume more saturated fat, 83% of children consume more sugar, and more than 50% of children consume more salt than the maximum recommended intakes for adults. Even if children are a healthy weight, saturated fat still causes premature hardening of the arteries, frequent sugar consumption causes dental decay and salt intake increases the risk of stroke in later life, no matter how active they are.

Not content with trying to divert attention away from junk food and onto physical activity, some large national food companies have even attempted to turn the increasing concern about obesity into promotional opportunities, for instance by linking sales of energy dense products to school sports equipment¹²⁸ and free pedometers.¹⁴²

Indeed, the FDF appears to view physically active children as an opportunity to sell more food. Referring to school vending machines, the FDF explains that, "Choice should certainly be offered, but should include some higher energy dense foods which may be desirable for those children who are especially active".¹³⁸ The FDF seems to have forgotten that previous more active generations of school children have thrived without vending machines selling sugary and fatty drinks, confectionery and snacks.

All foods can be healthy

The food and advertising industries continue to argue that all foods can be part of a healthy diet. For example, Advertising Association evidence submitted to the Department of Health states, "The Food Advertising Unit disagrees with the widespread practice of demonising legally available foods, as every food that conforms to food safety legislation, can play a role in a healthy, balanced diet."¹⁴³ And the FDF similarly notes, "Foods high in fat, salt and/or sugar are not harmful per se. Fat, salt and carbohydrates are essential macronutrients. It is the balance of them that is important. All foods can fit into a balanced diet, which involves appropriate intake of all nutrients over a period of days."¹⁴⁴

This is tantamount to saying that all foods, however bad their nutritional quality, can fit into a balanced diet, provided that you hardly ever eat them. Unfortunately, children eat large amounts of junk food all too frequently. Moreover, the case for "balance" is spurious. If people eat a diet of healthy foods - a wide range of fruit and vegetables, plenty of a variety of whole grain cereals, pulses, nuts and seeds, and (if they are not vegetarian or vegan) small amounts of fish, dairy products and meat - there is no need to "balance" this with junk food.

If, however, children are eating unhealthy foods - and all the evidence shows that they are - then what "balancing" their diet means is eating less of them, and more healthy food. Yet the foods children should eat more of receive little or no promotion.

Food marketing has no, or only a minor effect on children's diets

For decades, the food and advertising industries have been trying to convince people that their multimillion budgets have no effect on what children eat.¹⁴⁵ Since the Food Standards Agency's announcement in November 2000 that it would develop and implement a voluntary code of practice on the promotion of food to children,¹⁴⁶ the food and advertising industries have increased the volume of their protests that food marketing has no share of the responsibility for the crisis in children's diet-related health.

The food and advertising industries still do not publicly accept the findings of the FSA's systematic review which found that food promotions to children has a "significant" effect on children's food behaviour, food preferences and food consumption.¹⁴⁷ The findings of the systematic review have been upheld after repeated peer reviews¹⁴⁸ and the FSA Board has accepted and adopted the research. Still, though, the industry argues that food marketing has only a minor influence on children's food choices.¹⁴⁹

Research conducted by Ofcom not only upholds findings of the FSA of a direct effect of marketing, but also notes indirect effects of advertising, for example affecting the views of the child's parents and peers about diet. Ofcom states that the indirect effects of marketing can have a "powerful" influence on young people's food preferences, consumption and behaviour.

This series of thorough research reports confirms what parents already know. If food advertising did not influence children's food choices, manufacturers would not spend millions of pounds a year creating advertisements and promotions aimed at children.¹⁵⁰ It is simply not credible that an industry that spends such vast sums of money each year advertising food to children does so with no effect on children's food consumption. The industry's claim that this advertising only affects brand-switching has been shown to be false; by not only the experience with tobacco advertising, but also by the evidence presented in the FSA's systematic review, which states that the significant effects of food promotion are "independent of other influences and operate at both brand and category level".³⁰

The dilemma for the advertising industry is that on one hand it is trying to convince food companies that advertising really does work, while on the other it is telling the government that advertising has very little effect. Paradoxically, some in the industry simultaneously claim that advertising *can* play a role in promoting healthy eating, behavioural change and balanced diets,¹⁵¹ but not apparently, in promoting unhealthy eating.

Media literacy is the solution

The Food and Drink Federation places great emphasis on children's education, stating "It is far more important for children to be educated on how to eat a balanced diet and to be empowered to make their own informed food choices".¹³⁸ This presumes that providing children with appropriate information is sufficient to enable them to make appropriate choices. However, in a report on food advertising to children commissioned by Ofcom in 2004 the author, Professor Livingstone from the London School of Economics (LSE), explains that, "Children may know what constitutes a good diet yet continue to make high fat, sugar and salt food choices".¹⁵² This observation supports Ofcom's findings that children choosing 'high fat, sugar and salt foods' as snacks or lunch meals, are influenced more by a range of factors including taste, habit, peer group and price than the food's nutritional qualities.

Industry takes the education theme a step further by sponsoring 'educational' materials, which they claim are designed to improve children's media literacy. For instance, the industry-funded Media Smart programme states that its objective is to "provide children with the tools to help them understand and interpret advertising, so that they are able to make informed choices".¹⁵³ However, Professor Livingstone's report questions why, if developing media literacy undermines the effects of advertising, advertisers bother advertising to adults, who are presumably media literate. In conclusion, Professor Livingstone states that there is "little empirical support for the assumption that media literacy (or active and critical viewing) weakens or undermines the effects of advertising and behaviour".¹⁵² The effectiveness of the Media Smart programme has, to date, not been evaluated.

There is no doubt that food education and skills are vital for children. That is why the Children's Food Bill includes a clause that ensures that, from an early age, all children develop essential practical food skills which will enable them to choose, grow and prepare healthy food. However, education and skills - though necessary - are not sufficient; hence the Bill's other clauses, including protecting children from junk food marketing.

Voluntary codes are more flexible

In support of its position that legislation to regulate food advertising to children is unnecessary, the Advertising Association claims voluntary codes can provide "more effective protection" than legislation because they can adapt to "changing environments" more quickly.¹⁵⁴ Similarly, in a response to the Government's Public Health White Paper, the Food and Drink Federation argues that current advertising codes "can react quickly to specific issues and are more flexible than legislation".¹⁵⁵

This emphasis on flexibility and quick response is curious, as the codes have clearly not adapted over recent years to provide effective protection for children's health in line with growing public and professional concern about children's food, and the growing understanding of nutrition's role in promoting health and preventing disease. The provisions governing food advertising to children in the British Code of Advertising, Sales Promotion and Direct Marketing and Ofcom's Broadcast Television Advertising Standards Code (formerly the Independent Television Commission's Code of Advertising Standards and Practice¹⁵⁶) have not been strengthened for nearly a decade. Indeed, in September 2003, the Minister of State for Culture, Media and Sport observed in response to "the growing crisis of obesity in children", that the current statutory broadcast advertising code was "inadequate".¹⁵⁷ However, although she called upon Ofcom to revise its Code of Advertising Standards and Practice,¹⁵⁶ nearly two years later, the code remains unchanged.

Marketing is already heavily regulated

The Advertising Association states that controls on children's advertising are the strictest in Europe and that the record of compliance with codes of practice is "exemplary".¹⁵⁸ It suggests that UK broadcast and advertising codes contain "comprehensive and effective safeguards which acknowledge children's natural credulity and gullibility"¹⁵⁸ and, in a 2003 consultation document, the Independent Television Commission acknowledged that young viewers "may not have the knowledge or experience to make reasoned decisions for themselves".¹⁵⁹

At first sight, the Ofcom code seems to acknowledge that the effect of food advertising on children's diets may be detrimental to their health. For example, it states "advertising should not undermine progress towards national dietary improvement by misleading or confusing consumers or by setting bad examples, particularly to children." The Code also states that "advertisements must not encourage or condone excessive consumption of any food" and that "advertisements must not disparage good dietary practice".

However, the code is only applied to individual advertisements. It does not recognise any potential for the cumulative effect of advertising and does not specify any foods, or categories of food, which should not be advertised to children. In addition, it does not address the notion of nutritional balance on the range of food messages promoted to children. Although more than 95% of the food advertisements on children's television are for fatty, sugary or salty foods,²⁸ very few of these advertisements are judged to contravene the Code's provisions. Thus, while the code claims that "the protection of young viewers is always a priority", it fails to offer adequate protection.

While controls on advertising in print and broadcast media are weak, in other media, the situation is even worse. In its voluntary Action Plan on Food Promotion and Children's Diets, the FSA has recognised that food companies have invested substantially in dedicated websites, which attract tens of thousands of children each week. Sustain has repeatedly criticised the Advertising Standards Authority for refusing to accept complaints about misleading company websites even where these are promoted via newspaper,

magazine or billboard advertisements which direct readers to visit them.¹⁶⁰ The internet, representing one of the most powerful forms of promotional activity with its capacity to engage and influence children, remains effectively unregulated.

It is parents' responsibility, not the "nanny" state

Everyone agrees that parents take the main responsibility for bringing up their children, including making sure they eat a healthy diet. However, responsibility is not a finite commodity; there is plenty to go round. Parents do have responsibility for their children, but so do others in society. The food and advertising industries, for example, have a responsibility to ensure that they do not make a difficult job - bringing up children in the modern world - even harder. In fact, research commissioned by Ofcom notes that parents feel less than effective in tackling the commercial influences that encourage their children to eat junk food.¹⁶¹

Government also has a responsibility to help parents fulfil their responsibilities. Nannies, of course, provide exactly that service - helping parents to bring up children and protect them from harm. So the "nanny" state is entirely appropriate in this instance. Government should introduce legal protection for children from junk food marketing so that parents can be supported - free from undue commercial interference - in their efforts to encourage children to eat a healthy diet.

An ad ban would be:

- **Anti-competitive**

In fact, the Office of Fair Trading regards voluntary controls - rather than legislation - on advertising as potentially anti-competitive. The Food Commission reports an extraordinary letter to the Food and Drink Federation in which the OFT warns that food industry self-regulation of food content, portion sizes or advertising may be contrary to competition laws.¹⁶² Referring advertising to children, the OFT explains "The ability of manufacturers to advertise is an important aspect of competition. An agreement between manufacturers to limit that aspect of their activities is therefore likely to be of concern. A blanket prohibition on advertising to children, for example, would seem likely to give rise to concerns".

Potential voluntary restrictions on advertising of unhealthy foods to children are therefore likely to be unacceptable to the OFT. Far from undermining the call for legislation, this in fact provides a further argument for statutory controls.

- **Disproportionate**

The food and advertising industries are quick to jump on one of the conclusions of Ofcom's research which states that a total ban on all food advertising to children would be "disproportionate". However, as far as we are aware, no organisation is campaigning for such a sweeping prohibition. Sustain and its supporting organisations are calling for a ban on the advertising of unhealthy food and drinks when large numbers of children are viewing. To date, Ofcom has still not made any policy decisions specifically about protecting children from the advertising of unhealthy food.

There have also been claims that a ban on television advertising for certain foods before the 9pm watershed would be a disproportionate response.¹⁶³ However, if it is proportionate to prohibit unhealthy food advertising during children's programmes, it must also be appropriate to restrict these adverts at other times when large numbers of children are watching TV. This has been acknowledged by both Ofcom and the Food Standards Agency in their respective research.

● **A short-term, simplistic and populist measure**

It is not clear why the food advertising industry considers that a ban on unhealthy food advertising to children is a 'short-term' response.¹⁶⁴ Indeed, advantages of legislation include their long-term, mandatory and universal application to every business within its scope until such time as the law is repealed. This provides much stronger protection than an ephemeral voluntary code of practice which companies can opt into and out of as and when it suits them. In responding to the Health Select Committee report on obesity, the Advertising Association stated that "if it is to be successfully tackled, effective, long-term solutions that get to the heart of the problem are necessary".¹⁶⁵ By these criteria, it too should lobby the Government to introduce legislation.

The Children's Food Bill is far from simplistic. It offers a comprehensive range of common-sense approaches which ensure that children's food environments encourage healthy eating and do not encourage unhealthy diets, both in and out of school. The Bill will not only restrict TV advertising, but also all forms of marketing of unhealthy foods to children, including preventing manufacturers from developing unhealthy foods for the children's market. The Bill's provisions will also improve the quality of food in schools, and make sure that all children leave school with the knowledge and skills to obtain and prepare good food.

It is perhaps because of this well-balanced approach that support for the Children's Food Bill continues to grow. It is not 'populist' - claiming widespread support but lacking it - but genuinely popular. Thousands of people have registered their support for the Children's Food Bill campaign (see www.childrensfoodbill.org.uk), the number of national supporting organisations is 137 at time of writing and continues to grow, and numerous independently conducted surveys and polls show, time and again, that the measures in the Children's Food Bill command widespread public support (see Support for the Children's Food Bill in Section 1).

● **A problem for children's TV**

If there are compelling reasons why TV advertising should not be targeted at children, then arguments about how advertising income is spent should not be relevant. Quite simply, if TV advertising has negative effects on children, then it should not be permitted. Clearly it is important that there is appropriate funding for high quality children's programming on both publicly funded and commercial television, but this funding should not be obtained at the expense of children's health.

In early 2004, BBC Worldwide, the commercial arm of the BBC, published a food and nutrition policy for specifying the sorts of foods that can be promoted to children using its licensed pre-school characters such as the Teletubbies, Tweenies, Fimbles and Bill & Ben.¹⁶⁶ Reflecting its public-service role, the policy will improve children's diets by restricting the use of BBC character licensing on fast food deals, by setting fat, sugar and salt guidelines with the Food Standards Agency and using its children's characters to promote healthier eating.

In the commercial sector, the potential for cross-subsidising the cost of children's television should be explored. We are not aware of any requirement that children's programming should be funded only by advertising revenue which is generated during children's programmes themselves. In any case, it is likely that, following a ban on unhealthy food advertising, advertisers of other healthy food and non-food products would fill any gap. This is, after all, what happened in Formula 1 racing, where concerns about the demise of the sport following the ban on tobacco sponsorship were unfounded, as new sponsors stepped in.

In any case, as a link exists between television viewing and childhood obesity,^{167, 168, 169} and industry are keen to emphasise the importance of physical activity, it is contradictory for industry to argue that children should watch the same amount of TV - or more - as they do now. Indeed, many would argue that children's well-being would improve if they watched less TV.

Children's programming should always reflect the needs and interests of children, not the value that they have for advertisers. The current system means that children, effectively, must pay for their television programmes with their own health.

● Ineffective

Concerns over the effects of TV advertising on children are shared by a number of other European countries which have already introduced a range of restrictions on marketing to children.^{170, 171} Most notably, Sweden has the strictest controls in Europe and in 1991 a ban on television and radio advertising targeted at children under the age of 12 years was introduced. The Swedish Government takes the view that advertising to children is morally and ethically unacceptable.¹⁷² This is also a generally accepted view within Swedish society and the ban has even received support from the Swedish Advertising Association.¹⁷³

The introduction of the Swedish ban on all product advertising to children (not just food and soft drinks) coincided with the introduction of commercial television in Sweden, and it is seen as a general child protection measure in recognition of research which identified children's vulnerabilities.^{174, 175} It was not designed to reduce levels of obesity nor to encourage children to eat more healthily, and applies only to TV ads. It is also being undermined by advertising on cable and satellite channels broadcast from outside Sweden. Given that this ad ban is not part of a comprehensive package of measures designed to reduce childhood obesity, no-one would expect obesity rates in Sweden to be falling due to this measure.

Prohibitions on television advertising to children in Norway (since 1992) and in Quebec, Canada (since 1980) are also undermined by advertisements targeted at children broadcast on satellite and cable channels. In common with Sweden, such cross-border advertising combined with the use of alternative food marketing techniques erodes the potential beneficial effects of the bans in these countries. That this is the case is demonstrated by a study undertaken in the Quebec city of Montreal which compared sugary cereal consumption in English- and French-speaking children.¹⁷⁶ The English-speaking children were exposed to cross-border American television advertisements and were found to have significantly more of the advertised cereals in their homes than their French-speaking peers.

A 2004 WHO report entitled, 'Marketing Food to Children: the Global Regulatory Environment', concludes that such regulatory gaps make it difficult to assess the efficacy of advertising bans.¹⁷⁷ As no country has yet tried a comprehensive ban on food marketing to children, it is misleading of



industry to imply that the incomplete restrictions in Sweden, Norway and Quebec indicate ineffectiveness. Furthermore, the investment bankers JP Morgan have stated that obesity rates are rising more slowly in countries with regulated markets compared to those with relatively unregulated economies.¹⁷⁸

We agree that unless all forms of promotion and marketing of unhealthy foods to children are prohibited, children will not be effectively protected. That is why the Children's Food Bill aims to end all commercial activities, not just advertising, which present unhealthy foods to children as positive and desirable choices. Moreover, this protection from junk food marketing is only part of a broader range of measures in the Bill to improve food in schools and the quality of food education and skills provided in schools.

● Too costly

It is true that improving children's health by improving the food they eat will cost money. Government has already announced a package of measures costing £280 million to improve school meals. It is not yet clear if this will be enough to achieve the kind of improvements needed to promote children's health, and many countries already spend more. For instance, the recently publicised Government commitment to ensure that 50p is spent on ingredients for each primary school meal and 60p for secondary school meals¹⁷⁹ is less than is already being spent in Scotland¹⁸⁰ and much less than in France, where depending on the region, a school lunch can reportedly cost anything between £1.50 and £4.00 per head.¹⁸¹

It is also true that companies making unhealthy food will lose sales if the Children's Food Bill is introduced. However, children still need to eat. One of the positive elements of this call for legislation is that there is a positive and profitable way forward. We believe that the Children's Food Bill will create the conditions within which a market for healthy products could be encouraged to flourish.

Innovative and successful companies should react to the law - and indeed socially responsible companies are anticipating it - by developing new and healthier products for children. Sales of fruit and vegetables should also increase and, given Government's commitment to sustainable development, this should favour the UK suppliers that farm to higher environmental standards, and whose produce clocks up fewer food miles. Fruit and vegetables, and healthier food products will all need marketing and promotion, so there is no reason why advertising companies should lose business.

There will also, of course, be savings for Government in the long-term, since if children eat a healthier diet now, their future health problems - and the associated costs to the National Health Service and the economy - will be much reduced. The House of Commons Health Committee conservatively estimates the economic costs based on the current levels of population overweight and obesity at £6.6 to £7.4 billion per year.⁹

Whatever the merits of these arguments, it comes down to this question. Is it worth investing in children's health? The answer is surely, yes.

References

- 1 House of Commons Health Committee, (2004), Obesity - Third Report of Session 2003-04, TSO, London
- 2 Royal College of Physicians: www.rcplondon.ac.uk/college/statements/response_choosehealth_obesity.asp.
- 3 Chief Medical Officer, (2003), Health Check: On the state of public health - Annual Report 2002, Department of Health.
- 4 Dietz W., (2001), The obesity epidemic in young children, *British Medical Journal*, 322, 313-4.
- 5 'Official: fat epidemic will cut life expectancy', *The Observer*, 9 November 2003.
- 6 International Obesity Task Force estimate is based on Health Survey for England 2002 figures, using UK definitions of overweight & obesity.
- 7 Jotangia et al., (2005), Obesity among children under 11 - prepared for Department of Health in collaboration with the Health and Social Care Information Centre, Department of Health, London.
- 8 National Audit Office, (2001), Tackling Obesity in England, TSO, London
- 9 House of Commons Health Committee, (2004), Obesity - Third Report of Session 2003-04, TSO, London.
- 10 Janssen I., (2004), Associations between obesity and bullying behaviours in school children, *Pediatrics*, 113, 5, 1187-94
- 11 Woo K. et al., (2004), Overweight in children is associated with arterial endothelial dysfunction and intima-media thickening, *International Journal of Obesity*, 28, 7, 852-7.
- 12 'Unhealthy lifestyles are threatening children's hearts', World Heart Federation Press Release, 20 September 2004.
- 13 Drake et al., (2002), Type II diabetes in obese white children, *British Medical Journal*, 322, 313-4.
- 14 Department of Health, (2004), Summary of Intelligence on Obesity: www.dh.gov.uk/assetRoot/04/09/49/76/04094976.pdf
- 15 Hu F. et al., (2004), Adiposity as compared with physical activity in predicting mortality among women, *The New England Journal of Medicine*, 351, 26, 2694-2703.
- 16 Food Standards Agency, (2000), National Diet and Nutrition Survey of Young People 4-18 years, TSO, London.
- 17 Berenson G., (1998), Atherosclerosis: a nutritional disease of childhood, *American Journal of Cardiology*, 82, 22-29.
- 18 Wiss S. & Schwartz J., (1990), Dietary factors and their relation to respiratory symptoms, *American Journal of Epidemiology*, 132, 1, 67-76.
- 19 MacGregor G. & He F., (2003), How far should salt intake be reduced?, *Hypertension*, 42, 6, 1093-9
- 20 Rowe K. & Jowe J., (1994), Synthetic food colouring and behaviour: a dose response effect in a double-blind, placebo-controlled repeated measures study, *The Journal of Paediatrics*, 125, 691-8.
- 21 Boris M. & Mandel S., (1994), Foods and additives are common causes of Attention Deficit / Hyperactive disorder in children, *Annals of Allergy*, Vol 72.
- 22 Pesticide Action Network UK, (2004), People's Pesticide Exposures - Poisons we are exposed to every day without knowing it, PAN UK, London.
- 23 'Children eat themselves ill', BBC News, 30 May 2002: <http://news.bbc.co.uk/1/hi/uk/2015792.stm>
- 24 'Obesity could delete a generation', BBC News, 27 December 2004: <http://news.bbc.co.uk/1/hi/health/4127843.stm>.
- 25 'Obesity Report Published', House of Commons Health Committee Press Notice, 26 May 2004.
- 26 Food Commission, (2000), Children's Food Examined: Analysis of 358 products targeted at children, Food Commission, London.
- 27 Organix Brands, (2002), Carrots or Chemistry? The Future of Children's Food, Organix Brands, Christchurch.
- 28 Sustain, (2001), 'TV Dinners - What's being served up by the advertisers?', Sustain, London.
- 29 Dalmeny K., (2003), Food marketing: the role of advertising in child health, *Consumer Policy Review*, 13, 1
- 30 Food Standards Agency, (2003), Review of research on the effects of food promotion to children, FSA, London.
- 31 House of Commons Health Committee, (2004), Obesity - Third Report of Session 2003-04, TSO, London, Para 196 states, "Children are subject to an onslaught of food promotion in their daily lives, and the school environment appears to be no exception....".
- 32 'Academic panel examines food promotion and children reviews', Food Standards Agency, 26 November 2003: www.food.gov.uk/news/newsarchive/2003/nov/foodpromotionpanel.
- 33 Office of Communications, (2004), Childhood Obesity - Food Advertising in Context, Ofcom, London.
- 34 James W. et al., (1997), Socioeconomic determinants of health: The contribution of nutrition to inequalities in health, *British Medical Journal*, 314, 1997, 1545-9.
- 35 See a number of references cited in Choosing a Better Diet: a food and health action plan (2005), Department of Health, London.
- 36 Watson, A et al., (2002), Hunger from the Inside: The experience of food poverty in the UK, Sustain, London.
- 37 Dibb S., (2004), Rating Retailers for Health - How supermarkets can affect your chances of a healthy diet, National Consumer Council, London.
- 38 Department for Education and Skills: www.dfes.gov.uk/schoollunches/default.shtml.
- 39 Nelson M. et al., (2004), School Meals in Secondary Schools in England, Food Standards Agency / Department for Education and Skills, London.
- 40 Department of Education and Skills, (2000), National Curriculum, DfES, London.
- 41 Personal communication with Sustain (2002).
- 42 Personal correspondence with the Food Commission (2002).
- 43 Dalmeny K., Lobstein T., & Hanna E., (2003), Broadcasting Bad Health: Why food marketing to children needs to be controlled, International Association of Consumer Food Organisations (IACFO), London.
- 44 The Parent's Jury: www.parentsjury.org.uk.
- 45 Ludvigsen A. & Sharma N., (2004), Burger boy and sporty girl: children and young people's attitudes towards food in school, Barnardo's, London.
- 46 HM Government, (2005), Securing the Future - UK Government Sustainable Development Strategy, HMSO, London: www.sustainable-development.gov.uk/.
- 47 Jamie Oliver's Feed Me Better Petition: www.feedmebetter.com/getinvolved/signexplain.php
- 48 'Majority back public smoking ban', BBC News, 24 March 2004: <http://news.bbc.co.uk/1/hi/health/3561483.stm>.
- 49 'Stop selling junk food to our children', Times Educational Supplement, 23 April 2004.
- 50 The Women's Institute, Campaigns: www.womens-institute.org.uk/campaigns/.

References

- 51 Developing Patient Partnerships: www.dpp.org.uk/.
- 52 'Call for cut-price fruit and veg', BBC News, 9 September 2004, <http://news.bbc.co.uk/1/hi/health/3638714.stm>.
- 53 Health Warning to Government: Consumers' Associations twelve demands to government and industry to tackle obesity and diet related disease, (2004), Consumers' Association, London.
- 54 Co-operative Wholesale Society Ltd., (2000), Blackmail - The first in a series of inquiries into consumer concerns about the ethics of modern food production and advertising, CWS Ltd., Manchester.
- 55 Stimulating World & Market Tools, (2004), Research into obesity - causes and solutions, Food Advertising Unit, Advertising Association, Unpublished.
- 56 Department of Health, Choosing a Better Diet: a food and health action plan (2005), Department of Health, London.
- 57 Just Eat More (fruit and veg): www.5aday.nhs.uk.
- 58 Hull City Council, 'Eat Well Do Well': www.hullcc.gov.uk/eatwelldowell/index.php
- 59 'Kelly serves up 50p pledge on school meals', The Guardian, 30 March 2005: <http://education.guardian.co.uk/schools/story/0,,1448160,00.html>.
- 60 'Hungry for Success': www.scotland.gov.uk/Topics/Education/School-Education/18922/15872.
- 61 Department of Health, Choosing a better diet: a food and health action plan, (March 2005) p.24, states only that the introduction of nutrient-based standards will be "strongly considered".
- 62 National Food Alliance, (1993), Get Cooking!, NFA (now Sustain), London.
- 63 Department of Health Food in Schools Programme: www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/FoodInSchools/fs/en.
- 64 'Food Standards Agency agrees action on promotion of foods to children', FSA Press Release, 6 July 2004.
- 65 Food Standards Agency Board paper 04/03/02, 'Promotional Activity and Children's (para 14).
- 66 'Code of Practice on the Promotion of Foods to Children', FSA notes of industry meeting on 13/12/00 (unpublished).
- 67 Choosing Health: making health choices easier, (Public Health White Paper), November 2004, Department of Health.
- 68 'Junk food ads banned to fight fat epidemic', The Observer, 14 November 2004 (lead article).
- 69 'Junk food TV adverts to be banned', Sunday Times, 14 November 2004 (lead article).
- 70 'Move to ban junk food ads for children on television', The Independent on Sunday, 14 November 2004 (lead article).
- 71 International Obesity Task Force estimate is based on Health Survey for England 2002 figures, using UK definitions of overweight & obesity.
- 72 House of Commons Health Committee, (2000), The Tobacco Industry and the Health Risks of Smoking, Second Report.
- 73 Directive 89/552/EEC of 3 October 1989, see: <http://europa.eu.int/scadplus/leg/en/lvb/l24101.htm>.
- 74 British Medical Association Coalition, (1997), Tobacco advertising, sponsorship and promotion: the case for a comprehensive ban, BMA, London.
- 75 Action on Smoking and Health: www.ash.org.uk.
- 76 'Indiscreet stock analyst reveals truth about tobacco companies new international marketing code - it's a sham', Action on Smoking and Health Press Release, 1 November 2001.
- 77 Hastings G. & MacFadyen L., (2000), Keep Smiling - No One's Going to Die: An analysis of internal documents from the tobacco industry's main UK advertising agencies, CTCRC & TCRC.
- 78 Smee, C., (1992), Effect of Tobacco Advertising on Tobacco Consumption: a discussion document reviewing the evidence, Economic and Operational Research Division, Department of Health, London.
- 79 Saffer H. & Chaloupka, 2000, The effect of tobacco advertising bans on tobacco consumption, Journal of Health Economics, 19, 1117-37.
- 80 The Government's response to the Health Select Committee's Second Report on the Tobacco Industry and the Health Risks of Smoking, September 2000.
- 81 Action on Smoking and Health Policy Recommendations, September 2003: www.ash.org.uk.
- 82 'Tobacco advertising ban is a huge victory for public health', Action on Smoking and Health Press Release, 22 October 2002.
- 83 'Marketing Alcohol to Young People - An Industry out of control', Institute of Alcohol Studies Press Release, 29 March 2001.
- 84 Cooke E. et al. (2002), 'Actions speak louder than words - social responsibility in the alcohol industry', in Drinking it in, WHO targets alcohol marketing, The Globe, Issue No. 2, Global Alcohol Policy Alliance.
- 85 'WHO challenges drink industry', Alcohol Alert, (2001), Issue 1, The Institute of Alcohol Studies, London.
- 86 'Alcohol and Advertising', Institute of Alcohol Studies Factsheet, November 2004.
- 87 Barbor T. et al., (2003), Alcohol: No Ordinary Commodity - Research and Public Policy, Oxford University Press, Oxford.
- 88 The Portman Group: www.portman-group.org.uk.
- 89 'Demand for ban on television alcohol advertising', Alcohol Alert, (2003), Issue 2, The Institute of Alcohol Studies, London.
- 90 'Girls outstrip boys on alcohol', BBC News, 26 November 2004: <http://news.bbc.co.uk/1/hi/health/4044641.stm>.
- 91 'Alcopops' are alcoholic soft drinks containing upto 5% alcohol. Alcohol Concern reports that alcopops are the fastest growing drinks of all time, with sales tripling in 1995-1996: www.alcoholconcern.org.uk. In the alcohol industry, alcopops are known as 'RTDs' (ready to drink) or 'FABs' (Flavoured Alcoholic Beverages).
- 92 The Portman Group, 'Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks', Third Edition, September 2002: www.portmangroup.org.uk.
- 93 Figures from Datamonitor, reported at: <http://news.bbc.co.uk/1/hi/business/3937381.stm>.
- 94 'Alcopops', Alcohol Concern Factsheet, January 2001: www.alcoholconcern.org.uk.
- 95 Portman Panel Code Complain Decisions: www.portman-group.org.uk/codeofpractice/62.asp
- 96 Dooley's Original Vodka & Toffee website: www.dooleystoffee.com, repeatedly accessed in June 2005
- 97 'Code makers - Adam Withington reports on the Portman Group's Independent Complaints Panel', The Publican, 25 April 2005, www.thepublican.com.
- 98 'Industry Targets the Young', Alcohol Alert, Issue 1, 2001, The Institute of Alcohol Studies, London
- 99 Varley A., (2001), 'Let me run this up the flagpole....a personal view of the Portman Group's new campaign', in Alcohol Alert, Issue 1, 2001, The Institute of Alcohol Studies, London.

References

- 100 Eurocare, (2001), Marketing alcohol to young people, Belgium: www.eurocare.org/pdf/pubs/mkt_alcoholyp.pdf
- 101 'Advertising Alcohol', Alcohol Concern Factsheet, revised April 2004: www.alcoholconcern.org.uk.
- 102 International Baby Food Action Network, (2004), 'Using international tools to stop corporate malpractice - does it work?', Baby Milk Action, Cambridge.
- 103 'Global Strategy for Infant and Young Child Feeding', (2002), adopted under World Health Assembly Resolution 55.25, states, "Improved breastfeeding practices and reduction of artificial feeding could save and estimated 1.5 million children a year".
- 104 Rea M., (2003), Rethinking breastfeeding in Brazil: How we reached 10 months of duration, *Cadernos de Saude Publica*, 19, Suppl 1, 37-45.
- 105 Ghana Demographic and Health Survey Report (GDHS), 2003.
- 106 Baby Milk Action, (2004), "United Kingdom Code Violations: A survey of the state of the International Code of Marketing of Breastmilk Substitutes and subsequent WHA Resolutions", BMA, Cambridge.
- 107 Environmental Audit Committee, (2002), First Report - Pesticides: The Voluntary Initiative, House of Commons, London.
- 108 Friends of the Earth, (2001), The SCIMAC Code of Practice and Guidelines for Growing Genetically Modified Crops: A Critique by Friends of the Earth, Paragraph 15: Failure of past voluntary codes, FOE - www.foe.co.uk/resource/briefings/simac.html.
- 109 Royal Commission on Environmental Pollution, (1979), Seventh report: Agriculture and Pollution, HMSO, London.
- 110 The Voluntary Initiative website homepage, www.voluntaryinitiative.org.uk, states "Following best practice protects the environment and helps stop a pesticide tax", (as at 21.05.05).
- 111 Government Response to the House of Commons Environmental Audit Committee - Report "Pesticides: The Voluntary Initiative", 24 February 2003.
- 112 Environment, Food and Rural Affairs Committee, (2005), Progress on the use of pesticides: the Voluntary Initiative, Eight Report of Session 2004-05, The Stationary Office, London.
- 113 Soil Association, (2005), Soil Association evidence to the EFRA Select Committee - progress on pesticides: www.soilassociation.org/web/sa/saweb.nsf/printable_library/NT00033446.
- 114 World Health Organization, (2002), 'Use of antimicrobials outside human medicine and resultant antimicrobial resistance in humans', Fact Sheet 268: www.who.int/mediacentre/factsheets/fs268/en/.
- 115 'Farm antibiotics real cause of new MRSA strain', Soil Association Press Release, 18 June 1999.
- 116 Office of Fair Trading, (2004), The supermarkets code of practice - Report on the review of the operation of the code of practice in the undertakings given by Tesco, Asda, Sainsbury and Safeway to the Secretary of State for Trade and Industry on 18 December 2001, OFT, London.
- 117 Competition Commission, (2000), Supermarkets: A report on the supply of groceries from multiple stores in the United Kingdom, CC, London: www.competition-commission.org.uk.
- 118 Office of Fair Trading, (2005), Supermarkets: The code of practice and other competition issues, OFT, London.
- 119 'Alliance Demands Action Now on Supermarket Power', Friends of the Earth Press Release, 16 March 2004.
- 120 'Farmers and the Supermarket Code of Practice', Friends of the Earth Press Briefing, 17 March 2003.
- 121 Race to the Top: www.racetothetop.org/.
- 122 International Institute for Environment and Development, (2004), Stakeholder accountability in the UK supermarket sector - Final report of the 'Race to the Top' project, IIED, London.
- 123 Office of Fair Trading, (1996), Voluntary Codes of Practice - A consultation paper, OFT, London.
- 124 'Salt firms complain over campaign', BBC News, 20 September 2004: <http://news.bbc.co.uk/1/hi/health/3674082.stm>.
- 125 Confectionery News, 40, September 2004.
- 126 National Consumer Council, (1996), Sponsorship in Schools: Good Practice Guidelines, NCC, London.
- 127 Consumers Association, (2001), Commercial Activities in Schools: Best Practice Principles, DfES / Consumers Association / Incorporated Society of British Advertisers, London.
- 128 'Cadbury's wants children to eat two million kg of fat - to get fit', *The Food Magazine* 61, April/June 2003, The Food Commission, London.
- 129 National Union of Teachers, (2004), Education not Exploitation - Guidance on using commercial materials in schools, NUT, London.
- 130 Friends of the Earth, (1995), A Superficial Attraction - the voluntary approach and sustainable development, FOE, London.
- 131 Crop Residues Burning Regulations SI 1366/93.
- 132 'Undemocratic, ineffective & inherently weak - the voluntary approach', Friends of the Earth Briefing, August 2002.
- 133 Department of Health, (1996), Eat Well: An action plan from the nutrition task force to achieve the Health of the Nation targets on diet and nutrition, HMSO, London.
- 134 Jenkins R., (2000), Corporate Codes of Conduct: Self-Regulation in a Global Economy, Technical, Business & Society Programme Paper 2, referenced in: "Undemocratic, ineffective & inherently weak - the voluntary approach" Friends of the Earth Briefing, August 2002.
- 135 National Consumer Council, 2000, 'Better business practice - How to make self-regulation work for consumers and business, NCC, London
- 136 National Consumer Council, (1999), Models of self-regulation: an overview of models in business and the professions, NCC, London.
- 137 Social Issues Research Centre, (2005), Obesity and the facts - An analysis of data from the Health Survey for England 2003, SIRC, Oxford.
- 138 Food and Drink Federation response to Food Standards Agency Action Plan on the Promotion of Food to Children, 21 June 2004.
- 139 For example, in Carlisle D., (2002), Do children need a commercial break?, *Health Development Today*, 7 March 2002.
- 140 'Food Advertising Unit / Advertising Association submission to the Medical Research Council Human Nutrition Research on "A Leaner Fitter Future: Options for Action"', July 2003.
- 141 House of Commons Health Committee, (2004), Obesity - Third Report of Session 2003-04, TSO, London, Para 68.

References

- 142 For instance, Walker's crisps 'free walk-o-meter' offer - www.walkers.co.uk states at the time of writing: "This offer is now closed. We're delighted to have given away over 2 million Walk-O-Meters during the campaign" (as at 22.05.05).
- 143 Food Advertising Unit submission to the Department of Health Choosing a Better Diet: a consultation on priorities for a food and health action plan, June 2004.
- 144 Food and Drink Federation Response to the Department of Health's Choosing Health Consultation, 9 June 2004.
- 145 Sustain's first report on this issue Children: Advertisers' dream, nutrition nightmare? was published in 1993 (by Sustain, formerly the National Food Alliance). The Advertising Association's Food Advertising Unit was established shortly afterwards, specifically to refute the argument that junk food advertising encourages children to eat more junk food. Similar arguments have been raging in the USA since an attempt in the 1970s to protect American children from junk food advertising.
- 146 Food Standards Agency, Food Labelling Forum, Summary Report, November 2000.
- 147 Advertising Association, (2004), Food Advertising Unit submission to Food Standards Agency consultation paper "Action Plan on Food Promotions and Children's Diets".
- 148 For instance: 'Outcome of academic seminar to review recent research on food promotion to children', Food Standards Agency, 26 November 2003: www.food.gov.uk/news/newsarchive/2003/nov/foodpromotionpanel.
- 149 Advertising Association, (2004), Food Advertising Unit response to the Department of Health Consultation Choosing Health.
- 150 The UK food industry spends more than £0.6 billion a year advertising food products. Source: Advertising Association's Yearbook 2000.
- 151 'FAU expresses concerns about advertising recommendations in Health Committee Report', Food Advertising Unit press release, 28 May 2004: www.fau.org.uk.
- 152 Livingstone S. & Helsper E., (2004), Advertising Foods to Children: Understanding Promotion in the Context of Children's Daily Lives - A review of the literature prepared for the Research Department of the Office of Communications, Ofcom, London.
- 153 Media Smart: www.mediasmart.org.uk/media_smart/index.html.
- 154 Advertising Association, (2005), 'White Paper on Public Health: Food Advertising Unit Position Paper'.
- 155 'Health Committee Inquiry: The Government's Public Health White Paper' Joint Food & Drink Federation / National Farmers' Union Response, 1 February 2005.
- 156 Independent Television Commission, (1998), Code of Advertising Standards and Practice, ITC, London.
- 157 'Curb on junk food adverts to combat child obesity', The Guardian, 1 December 2003: www.guardian.co.uk/medicine/story/0,11381,1096818,00.html.
- 158 Advertising Association Position Paper, 'Food Advertising to Children', November 1997.
- 159 Independent Television Commission, (2002), Advertising Standards Code: draft for consultation, ITC, London.
- 160 Referred to in unpublished letter from Director General ASA to Sustain, dated 17 May 2004.
- 161 Livingstone S., (2004), Commentary on research evidence regarding the effects of food promotion to children, Ofcom.
- 162 'Industry self-regulation is illegal', The Food Magazine, 67, Oct 2004, The Food Commission, London.
- 163 'Banning "junk food" advertising on television won't solve obesity, says FAU', Food Advertising Unit Press Release, 14 November 2004.
- 164 'Response to Sustain Report: "Children's Food and Health"', Food Advertising Unit Press Release, 3 March 2004.
- 165 'Food Advertising Unit Response to Health Select Committee Report on Obesity, Food Advertising Unit Press Release, 27 May 2004.
- 166 'Parent power works!, BBC publishes nutrition policy...and Bob the Builder is shamed into action', The Food Magazine, April / June 2004.
- 167 Dietz W., (2001), The obesity epidemic in young children - reduce television and promote playing, British Medical Journal, 322, 313-4.
- 168 Dietz W. & Gortmaker S., (1985), Do we fatten our children at the television set? Obesity and television viewing in children and adolescents, Pediatrics, 75, 807-811.
- 169 Robinson T., (1999), Reducing Children's Television Viewing to Prevent Obesity - A randomized controlled trial, Journal of the American Medical Association, 282, 16, 1561-1567.
- 170 Consumers International, (1996), A Spoonful of Sugar - Television food advertising aimed at children: An international comparative study, Consumers International Programme for Developed Economies, London.
- 171 European Heart Network, (2005), The marketing of unhealthy food to children in Europe - A report of Phase 1 of the 'Children, obesity and associated avoidable chronic diseases' project, EHN, Brussels.
- 172 AIG-Lobby in 'Notices', Advertising Information Group fortnightly report, 20 February 2001, Advertising Association, London.
- 173 The Swedish Consumer Agency, Press Release, 14 March 2001, "Sweden has an explicit ban on TV advertising targeted at children": www.konsumentverket.se.
- 174 Bjurström E., (1994), Children and television advertising: A critical study of international research concerning the effects of TV-commercials on children, Swedish Consumer Agency, Stockholm.
- 175 Jarlbro G., (2001), Children and television advertising: The players, the arguments and the research during the period 1994-2000, Swedish Consumer Agency, Stockholm.
- 176 Goldberg M., (1990), A quasi-experiment assessing the effectiveness of TV advertising directed to children, Journal of Marketing Research, 27, 445-454.
- 177 Hawkes C., (2004), Marketing to Children: the Global Regulatory Environment, World Health Organisation, Geneva.
- 178 JP Morgan, (2003), Food Manufacturing - Obesity: the big issue, European Equity Research, JP Morgan, London.
- 179 'Healthy food in schools - Transforming school meals', Department for Education and Skills Press Release, 30 March 2005.
- 180 'Ministers hail schools meal deal', BBC News, 30 March 2005: <http://news.bbc.co.uk/1/hi/scotland/4393263.stm>.
- 181 'School dinners around the world', BBC News, 12 March 2005: <http://news.bbc.co.uk/1/hi/education/4298245.stm>.

Appendix I

National organisations supporting the Children's Food Bill (30.06.05)

Academy of Culinary Arts
Action Against Allergy
Active Citizens Transform (ACT)
Allergy Alliance
Allotments & Gardens Council UK
Alliance for Childhood
Arid Lands Initiative
Association for the Study of Obesity
Association of Teachers and Lecturers
Autism Unravelling
Baby Milk Action
Barnardo's
Biodynamic Agricultural Association
Blood Pressure Association
British Allergy Foundation
British Association for Community Child Health
British Association for the Study of Community Dentistry
British Cardiac Society
British Dental Association
British Dental Health Foundation
British Dental Hygienists' Association
British Dietetic Association
British Heart Foundation
British Heart Foundation Health Promotion Research Group
British Hypertension Society
British Institute for Allergy & Environmental Therapy
British Medical Association
British Vascular Foundation
Cancer Research UK
Caritas-Social Action
Centre for Food Policy
Chartered Institute of Environmental Health
Child Growth Foundation
Child Poverty Action Group
Children's Society
Christian Ecology Link
Coeliac UK
Co-operative Group (CWS) Ltd
Communications Workers Union (CWU)
Community Health UK
Community Nutrition Group
Community Practitioners' and Health Visitors' Association
Compassion in World Farming (CIWF)
Consensus Action on Salt and Health (CASH)
Coronary Artery Disease Research Association
Coronary Prevention Group
Day Care Trust
Diabetes UK
Digestive Disorders Foundation
Eating Disorders Association
Ecological Foundation
Elm Farm Research Centre
Faculty of Public Health
Family Welfare Association
Fareshare
Farmers' Link
FARM
Federation of City Farms and Community Gardens
Food Additives Campaign Team
Food and Chemical Allergy Association
Food Commission
Food and Health Research
Food Justice Campaign
Food Matters
Foundation for Local Food Initiatives
Foundations UK
Forum for the Future
Friends of the Earth
General Consumer Council for Northern Ireland
Gingerbread
Good Gardeners' Association
Guild of Food Writers
Hands Up For
Haemolytic Uraemic Syndrome Help (HUSH)
Health Education Trust
Heart UK
Homeopathic Medical Association
Human Scale Education
Hyperactive Children's Support Group
International Society for Food Ecology and Culture
Institute of Health Promotion and Education
Land Heritage
Latex Allergy Support Group
Magic Breakfast
Maternity Alliance
McCarrison Society for Nutrition and Health
Migraine Action Association
NASUWT
National Association of School Governors
National Children's Bureau
National Council of Women
National Consumer Council
National Consumer Federation
National Family and Parenting Institute
National Federation of Women's Institutes
National Governors' Council
National Heart Forum
National Obesity Forum
National Oral Health Promotion Group
National Union of Teachers
The National Youth Agency
Netmums
New Economics Foundation
Northern Ireland Chest, Heart and Stroke Association
Organix Brands
Parent Organisation Ltd
Permaculture Association
Positive Parenting
Realfood
Royal College of General Practitioners
Royal College of Physicians
Royal College of Surgeons
Royal Institute of Public Health
Royal Society for the Promotion of Health
Save the Children UK
Scottish Consumer Council
Scottish Heart and Arterial Disease Risk Prevention
Small and Family Farms Alliance
Social Equity in Environmental Decisions (SEEDS)
Society of Health Education and Promotion Specialists
Soil Association
Soroptimist International of Great Britain
Stroke Association
TOAST (The Obesity Awareness & Solutions Trust)
Trading Standards Institute
UK Public Health Association
UNISON
Vega Research
Vegetarian and Vegan Foundation
Viva! (Vegetarians International Voice for Animals)
Weight Concern
Welsh Consumer Council
Welsh Food Alliance
Woodcraft Folk
World Wide Opportunities on Organic Farms
World Cancer Research Fund
Young Minds
(137)

Appendix II

MPs who signed Early Day Motion 1256 in support of the Children's Food Bill (30.11.04)

That this House notes that there is a crisis in children's diet-related health, demonstrated by alarming increases in childhood obesity and the appearance of adult-onset diseases, such as type II diabetes, in schoolchildren, which the Food Standards Agency has described as a timebomb which needs to be defused; further notes that the 2000 National Diet and Nutrition Survey shows that nine in 10 children consume more saturated fat and eight in 10 children consume more sugar and five in 10 children consume more salt than levels recommended for adults; recognises that this situation is caused by a number of factors, including marketing to children of foods containing high levels of fat, sugar and salt, the poor composition of foods on sale in schools, the lack of practical cooking skills in the national curriculum and insufficient promotion to children of healthy foods; and therefore supports in principle the Children's Food Bill which will result in the implementation of a range of measures which will improve children's diets and future health.

Diane Abbott	David Chidgey	Ian Gibson	Andrew Mackinlay	Clare Short
Richard Allan	Michael Clapham	Sandra Gidley	Alice Mahon	Sion Simon
Graham Allen	James Clappison	Parmjit Singh Gill	Rob Marris	Alan Simpson
David Amess	Helen Clark	Roger Godsiff	Paul Marsden	Marsha Singh
Donald Anderson	Tony Clarke	Matthew Green	Robert Marshall-	Dennis Skinner
Candy Atherton	Ann Clwyd	Win Griffiths	Andrews	Martin Slater
David Atkinson	Harry Cohen	John Grogan	David Marshall	Geraldine Smith
John Austin	Tony Colman	Patrick Hall	Eric Martlew	Llew Smith
Adrian Bailey	Iain Coleman	Fabian Hamilton	Michael Mates	Martin Smyth
Vera Baird	Michael Connarty	Mike Hancock	Chris McCafferty	Gerry Steinberg
Norman Baker	Frank Cook	Evan Harris	John McDonnell	Paul Stinchcombe
Harry Barnes	Jeremy Corbyn	Dai Havard	Ann McKechin	Gavin Strang
John Barrett	Brian Cotter	Nick Harvey	Rosemary McKenna	Gisela Stuart
Hugh Bayley	David Crausby	Doug Henderson	Tony McWalter	Andrew Stunell
Nigel Beard	Ann Cryer	Stephen Hepburn	John McWilliam	Mark Tami
Anne Begg	John Cryer	Sylvia Hermon	Alan Meale	David Taylor
Roy Beggs	Jim Cunningham	David Heyes	Austin Mitchell	John Taylor
Alan Beith	Tony Cunningham	Kate Hoey	Laura Moffatt	Matthew Taylor
Andrew Bennett	Claire Curtis-Thomas	Paul Holmes	Michael Moore	Richard Taylor
Joe Benton	Tam Dalyell	John Horam	Julie Morgan	Teddy Taylor
John Bercow	Edward Davey	Alan Howarth	Denis Murphy	Simon Thomas
Roger Berry	Valerie Davey	George Howarth	Doug Naysmith	John Thurso
Harold Best	Wayne David	Lindsay Hoyle	Bill Oler	Jenny Tonge
Clive Betts	Geraint Davies	Kevin Hughes	Martin O'Neill	Dennis Turner
Bob Blizzard	Janet Dean	Simon Hughes	Diana Organ	Desmond Turner
Peter Bottomley	Parmjit Dhanda	Joan Humble	Albert Owen	Paul Tyler
Keith Bradley	Andrew Dismore	John Hume	Kerry Pollard	Bill Tynan
Peter Bradley	Jim Dobbin	Andrew Hunter	Adam Price	Rudi Vis
Tom Brake	Frank Dobson	Brian Iddon	John Pugh	Joan Walley
Colin Breed	Nigel Dodds	Eric Illsley	Joyce Quin	Robert Walter
Kevin Brennan	Jeffrey Donaldson	Glenda Jackson	Syd Rapson	Robert N Wareing
Annette Brooke	Brian H Donohue	Robert Jackson	Andy Reed	Angela Watkinson
Nicholas Brown	Sue Doughty	Brian Jenkins	Alan Reid	Michael Weir
Malcolm Bruce	Jim Dowd	Jon Owen Jones	Geoffrey Robinson	Brian White
Chris Bryant	David Drew	Lynne Jones	Iris Robinson	John Wilkinson
Karen Buck	Julia Drown	Nigel Jones	Peter Robinson	Betty Williams
Colin Burgon	Angela Eagle	Sally Keeble	Andrew Rosindell	Hywel Williams
John Burnett	Huw Edwards	Alan Keen	Ernie Ross	Roger Williams
Paul Burstow	Jeff Ennis	Paul Keetch	Chris Ruane	Phil Willis
Vincent Cable	Bill Etherington	Robert Key	Joan Ruddock	Ann Winiterton
Patsy Calton	Annabelle Ewing	Piara S Khabra	Bob Russell	Pete Wishart
Anne Campbell	Paul Farrelly	David Kidney	Christine Russell	Mike Wood
Gregory Campbell	Mark Fisher	Andy King	Alex Salmond	Tony Worthington
Menzies Campbell	Paul Flynn	Archy Kirkwood	Adrian Sanders	Derek Wyatt
Ronnie Campbell	Barbara Follett	Mark Lazarowicz	Mohammad Sarwar	Richard Younger-Ross
Alistair Carmichael	Derek Foster	David Lepper	Phil Sawford	(248)
Roger Casale	Don Foster	Tony Lloyd	Brian Sedgemore	
Martin Caton	Hywel Francis	Elfyn Llwyd	Jonathan Shaw	
Colin Challen	Mike Gapes	John Lyons	Barry Sheerman	
Sydney Chapman	Andrew George	Calum Macdonald	Jim Sheridan	
David Chaytor	Neil Gerrard	John MacDougall	Debra Shipley	

Support the Children's Food Bill

For better food and a healthier future

www.childrensfoodbill.org.uk

About Sustain

Sustain: The alliance for better food and farming is a registered charity which advocates food and agriculture policies and practices that enhance the health and welfare of people and animals, improve the living and working environment, enrich society and culture, and promote equity. We represent around 100 national public interest organisations working at international, national, regional and local level.



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