

Briefing Paper: Unfinished Business from the Government's Childhood Obesity Plan

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Children's Food Campaign aims to improve children and young people's health by campaigning for policy changes in our schools, in our communities and throughout our society that would promote healthy and sustainable food environments. It is a project of charity Sustain: the alliance for better food and farming. Children's Food Campaign is supported by over 100 UK-wide and national organisations. www.childrensfood.org.uk

The Government's Childhood Obesity Plan was published in August 2016. Six months on, these are the key areas which we are working on to ensure that companies and the Government itself are keeping to their commitments, and to maintain the pressure for further improvements, including action on areas missing from the final Plan.

Parents' Voice – setting our priorities:

After the Childhood Obesity Plan was published, we surveyed our individual supporters – parents, as well as some health professionals and teachers – about the Plan. The 250+ responses fell into five areas:

1. The government had its priorities wrong: they didn't take into account the cost to taxpayers; nor to parents of seeing their children suffer diet-related ill health.
2. The missing action on marketing and promotions.
3. The lack of 'teeth' in the report – i.e. the implementation side.
4. Criticisms of the lack of a plan B if sugar consumption didn't fall sufficiently.
5. Support for the Soft Drinks Industry Levy.

Parents' expressed particular enthusiasm for extending the Childhood Obesity Plan to ensure tighter restrictions on junk food marketing. The specific areas mentioned included not only online, but brand characters and product packing, as well as junk food adverts on family-orientated TV shows.

The other area the parents surveyed were particularly keen to see further action on was schools. Their number one concern was to see proper government investment to support food education and cooking skills. And beyond that was to ensure that whatever school their child goes to, it is subject to mandatory school food standards and that those standards are properly monitored and inspected.

The overall message we received from parents was: "*we want to take back control!*" They understood that their children were exposed to an obesogenic environment. They knew they had to take responsibility for navigating their children through that. But they also felt that – even despite the advances potentially resulting from the Childhood Obesity Plan – there weren't enough of the right tools or protections in place from Government to assist them

AREAS FOR ACTION:

1) Soft Drinks Industry Levy

We fully support the Government's introduction of a Soft Drinks Industry Levy, as a bold and important first step to protect the future health of children. And we have been impressed with the Treasury's resolve so far to push the measure through, despite initial vociferous industry opposition.

The impending levy is already having a positive effect on driving reformulation: both Tesco and Ribena-Luozade have announced that they will reduce all of their products below the 5 grams sugar per 100ml tax threshold by 2018.

Consultation outcome:

The Treasury has always been keen that this levy is aimed at tackling the worst offenders and the most popular forms of sugary drinks. That means we haven't got all we wanted in terms of the range of products and drinks included – most sugary dairy drinks will be exempt for example, as well as powdered drinks and syrups. But we did win arguments on getting promotional giveaways included in the levy, as well as commitments from the Treasury on monitoring the levy once it has been introduced.

Unresolved matters:

We still await confirmation of the actual tax rates themselves, which should be announced by the Chancellor in the Budget next year. That is an area of concern given that we know the industry spend £100,000s between August and November 2016 trying to get the Treasury to drop the Levy, and now is focusing their considerable lobbying might on attempting to have the rates set as low as possible, and to weaken other areas in their implementation.

The levy also needs to be accompanied with a range of government-led measures – including protecting children from exposure to sugary food marketing and promotions – similar in ambition and regulatory force in order for the levy to have maximum effect.

The expenditure of the levy's revenue:

Some of the money earmarked in England for the provision of after-school activities and extending the school day should be spent on activities at that time which support pupils' food education, increase their cooking skills and build on the sugar reduction messages and actions of the School Food Standards and the levy itself. We would also welcome some of this money going to pay for holiday provision, including food, which benefits children from lower income families, both in health terms, but also in subsequent educational achievement following holidays.

2) Reformulation

The positives:

We support the setting of targets to reduce sugar by 2020 in the 9 largest contributors of sugar in children's diets, with a view to extending this to all categories, alongside a sugar-sweetened drinks levy and the introduction of a calorie (fat) reduction programme in 2017. Both the target and timeframe in which to achieve it are realistic, taking into account reductions already made in 2016.

Scaling up the ambition:

However, based on data researched by Action on Sugar, plus the huge range in the variation of sugar in the different categories shown by PHE, it can be demonstrated that reductions of at least 30% can be made without technical issues, and that manufacturers should gradually, incrementally, work towards a reduction of at least 20% (sales weighted average) from PHE's baseline (either by total category or by sub category) across the board, by 2020.

We challenge all manufacturers to provide evidence to back up any assertions that any lesser reductions cannot be achieved for 'technical reasons'. Claims that less sugar will make their product less palatable, or that people will 'switch' to higher sugar products should not be accepted, as taste preferences will change over time, as they did for salt. We recommend to PHE that if technical claims refuting these figures cannot be justified with evidence, that they be dismissed.

Additional measures:

There must be a strong emphasis on gradual and incremental reduction in sugar content of products so that consumer's sweet taste preference gradually adjusts. The overall sweetness of the product should be reduced, even when sugar is replaced with artificial sweeteners. We also encourage all manufacturers to reduce sugar and calories in all of their product categories, even if they fall outside of the current reformulation programme, if we are to have the maximum benefits on our health.

3) Schools

The Childhood Obesity Plan acknowledged but did not close the gap in legislation which means mandatory school food standards do not apply to academies and free schools created between 2010-2014.

The Save our School Food Standards campaign has identified a series of opportunities for the Department for Education to close this gap so that all schools can benefit from the 'nutritional safety-net' offered by the school food standards:

- By making compliance a criterion of the Healthy Schools rating scheme, the DfE would be able to recruit more schools in the regulation gap to the school food standards.
- The DfE should introduce compliance to the standards as a new condition on the annual grants for Universal Infant Free School Meals, thus ensuring that taxpayers' money is spent on healthy school food.
- Inclusion of a representative sample of academies in the promised Ofsted thematic review on obesity. This will give Ofsted the opportunity to gather evidence of both good and poor practice which would support a call for legislation should academies be found to be underperforming in this area.
- By making compliance a criterion of a school's receipt of Soft Drinks Industry Levy revenue for its breakfast club.

The Childhood Obesity Plan has set clear dates for evaluating progress of manufacturers' reformulation efforts. In a similar way, there should be a timetable for measuring how many academies have signed up. We recommend that the Department set a date of April 2018 to review progress and to have drawn up a plan to resort to legislation if the voluntary approach proves not to have been successful.

4) Marketing

The Committee of Advertising Practice's new rules, which prohibit less healthy food and drink being advertised across all forms of non-broadcast children's media, are better than nothing and may go some way to removing the most blatant forms of such advertising to under 16s. However

Loopholes:

But CAP has failed to learn the lessons from industry's exploitation of loopholes in TV advertising regulations. Just as many of the TV programmes most watched by children aren't covered by the rules, so it looks like many of children's favourite social media sites and Youtubers may not be either. That's because the restrictions only kick in when the advert is placed somewhere with an audience of over 25% children.

Despite several conversations with CAP since the rules were announced, we are unable to ascertain whether food industry created apps targeted at kids (eg the Magic Kinder app) will be covered. The impression is that they may not be. Billboards near schools are another big question mark on how the rules may apply. And we know they certainly won't apply to product packaging itself. Nor will they apply to sponsorship, or industry produced food education materials in schools – two loopholes which Cadbury's is exploiting with its new partnership with the Premier League, which has a particular child-targeted element to it.

It is also hugely disappointing that CAP has taken no action to restrict the use of children's favourite cartoon or film characters or other child-friendly brand characters on the packaging of sugary food and drink. But at least it now becomes harder for companies to promote such products directly to children in other locations beyond the supermarket aisle.

Implementation:

Unfortunately, the power still seems to be very much in the hands of manufacturers and advertisers, not parents. Instead of a comprehensive and transparent definition of what constitutes marketing 'directly appealing to children', which Children's Food Campaign proposed, CAP will only apply the restrictions when children are over 25% of the audience. This figure provides insufficient protection to children, whilst giving parents little knowledge of what is and isn't covered.

Ultimately, the new rules are only as good as the body which enforces them. Whilst we hope that from July 2017 the Advertising Standards Authority will ensure companies follow both the letter and the spirit of these new rules, our experience of the ASA's lax and wholly reactive approach over the last 5 years under the existing rules does not augur well. It will be reliant on civil society and parents to put in complaints and test the scope and strength of the new rules, and push for closing of any loopholes which arise.

In addition, the Government needs to examine how to reduce children's exposure to HFSS advertising whilst they watch their favourite ITV, C4, E4 and Sky shows.

5) Role of Government in marketing and promotions

The Government's decision to say nothing about marketing and promotions in the Childhood Obesity Strategy, and cede that ground to industry voluntary efforts (eg CAP rules and what CAP counts within its remit) goes against the lessons the Government should have learnt from the failure of the Responsibility Deal to address these issues.

The Children's Food Campaign analysed briefing papers and minutes from the 2010-2015 Responsibility Deal Food Network's own high level steering group to reveal what lay behind the failure to make any real progress on reducing the marketing and promotion of foods high in fat, sugar or salt, despite it being envisaged as one of the four pillars of the Deal.

Key lessons of the Responsibility Deal:

- Don't delay implementing measures on marketing and promotions
- Don't let industry set the terms of its own commitments
- Introduce mandatory measures, and also penalties for inaction
- Don't rely on voluntary self-regulation
- Don't offer any further 'last chances' for industry to self-regulate

These should now be the basis of renewed efforts by the Government to make progress on reducing the exposure of children to HFSS advertising and on radically changing the balance of promotions in the retail environment.

Joined-up Government approach

There is now a committee of civil servants from across relevant departments which meets quarterly to look at the progress on implementing the Childhood Obesity Plan. Although this is a good start, this is very different from the high level ministerial – and indeed prime ministerial – leadership and co-ordination of policy that was originally envisaged. The downgrading of the no:10 Strategy to a Plan put out by the Department of Health has weakened the joined-up approach and has allowed recalcitrant departments, such as DCMS, to not do their bit. This is something which would better be managed either through the re-introduction of a Cabinet level Committee, or through the Cabinet Office or No:10 Policy Unit being put back in overall charge of the policy.

Addressing health inequalities and food poverty

Other measures the Government should implement which will have an impact on tackling diet-related ill health and on people's ability to live healthy lifestyles, including introducing a national measurement of household food insecurity, and other recommendations of the End Hunger UK coalition.

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