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Abstract

Issue addressed: Despite the evidence showing the negative influences of food marketing on children's dietary beliefs and behaviours, and risk of adiposity, regulatory action to limit unhealthy food marketing has made little progress within Australia. Our aim was to describe and critically examine the Australian Food and Grocery Council's (AFGC) approach to self-regulate food marketing to Australian children through the Responsible Marketing to Children Initiative (Initiative). Methods: The Initiative's core principles and the commitments of the 16 signatory companies (as at December 2009) were assessed in terms of their capacity to limit unhealthy food advertising in media accessed by children. All information was publicly available from AFGC and signatory company websites (September-December 2009). Results: Limitations of the Initiative included inadequate definitions for when and where food marketing to children can occur, and permissive definitions of foods considered appropriate for advertising. The study also identified numerous examples of ongoing food marketing to children by AFGC companies that illustrate these limitations. Conclusions: Until one reads the fine print, the self-regulatory commitments of companies signed to the AFGC Initiative may appear to be responsible. However, this study shows that the commitments are permissive and allow companies to circumvent the stated intent of the Initiative. Key words: child, marketing, food, regulation, organisational policy.

Keywords

fine, reading, children, print, marketing, industry, food, regulation, self

Disciplines

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Industry self-regulation of food marketing to children: Reading the fine print

Lana Hebden, Lesley King, Bridget Kelly, Kathy Chapman and Christine Innes-Hughes

Introduction

It is well recognised that the marketing of energy-dense nutrient-poor foods to children influences their food and beverage beliefs, dietary intake, requests for foods and risk of adiposity.¹⁻³ Despite this, regulatory action to limit children's exposure to food advertising has not progressed within Australia. Internationally, the regulation of food marketing to children ranges from statutory regulations, such as government restrictions in the United Kingdom on advertising for foods high in fat, salt or sugar to children,⁴ to voluntary self-regulatory initiatives led by the food and advertising industries.⁵⁻⁷ Self-regulation has arisen as a preferred approach among food and advertising industries worldwide to address the concerns of health and consumer groups regarding the effects of unhealthy food advertising on children. This approach preserves the commercial interests of the food industry in promoting their food and beverage products to children and provides positive

publicity.⁸ In light of the various competing approaches and interests, and as part of the *Action Plan for the Global Strategy for the Prevention and Control of Non-communicable Diseases*, the World Health Organization recently undertook a series of actions, including dialogue with non-government organisations, private sector parties and technical experts, to develop a set of recommendations which guide policy development for regulating the marketing of foods and non-alcoholic beverages to children.²

Within the Australian context, the National Preventative Health Taskforce, convened by the Health Minister to provide evidence-based advice to government to reduce the burden of chronic disease in Australia, identified unhealthy food marketing to children as a key action area for obesity prevention.³ This occurred in the context of a vigorous debate regarding if and how restriction of unhealthy food marketing to children in Australia should occur, with health and consumer

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Methods: The Initiative's core principles and the commitments of the 16 signatory companies (as at December 2009) were assessed in terms of their capacity to limit unhealthy food advertising in media accessed by children. All information was publicly available from AFGC and signatory company websites (September-December 2009).

Results: Limitations of the Initiative included inadequate definitions for when and where food marketing to children can occur, and permissive definitions of foods considered appropriate for advertising. The study also identified numerous examples of ongoing food marketing to children by AFGC companies that illustrate these limitations.

Conclusions: Until one reads the fine print, the self-regulatory commitments of companies signed to the AFGC Initiative may appear to be responsible. However, this study shows that the commitments are permissive and allow companies to circumvent the stated intent of the Initiative.

Key words: child, marketing, food, regulation, organisational policy.

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So What

Due to the numerous limitations identified, a different policy arrangement is required to protect Australian children from the harmful effects of unhealthy food advertising. It is recommended that government take on the responsibility for developing the policy specifications for limiting children's exposure to unhealthy food advertising. These specifications should be devised in consultation with industry, health and consumer groups.

groups advocating government regulation and food and advertising industries promoting self-regulatory policies. These opposing views have been evident throughout the recent review of the Children's Television Standards (the statutory regulations covering advertising to children on television) conducted by the Australian Communications and Media Authority,⁹ the Senate Inquiry into protecting children from junk food advertising,¹⁰ and in submissions to the National Preventative Health Taskforce.¹¹

Prior to the release of the revised Children's Television Standards, the Australian Food and Grocery Council (AFGC) introduced its Responsible Marketing to Children Initiative (Initiative), with the stated purpose "... to provide a framework for food and beverage companies to promote healthy dietary choices and lifestyles to Australian children."⁷ The Initiative presents a set of core principles to guide signatory companies in preparing their own action plans.¹² Each company's action plan, therefore, publishes their own commitments to the Initiative's core principles. In the context of this Initiative, the final report of the National Preventative Health Taskforce (released in September 2009), recommended that monitoring and evaluating industry self-regulatory policies should form the initial focus for action on unhealthy food marketing to children.³ However, in its response to the Taskforce report, the government did not adopt any actions to address food marketing to children.¹³ The aim of this research was to describe and critically examine the AFGC approach to self-regulation, as represented by its Initiative and examine how signatory food companies have interpreted and operationalised the Initiative's core principles through their company action plans.

Methods

Data sources

The content and specifications of the AFGC Initiative and the actions plans of the 16 signatory companies (as at December 2009) were examined. These companies were: Cadbury Plc, Campbell Arnott's Australia/New Zealand, Cereal Partners Worldwide (Australia), Coca-Cola South Pacific, Ferrero Australia Pty Ltd, Fonterra Australia New Zealand, George Weston Foods Limited, Kellogg (Aust.) Pty Ltd, Kraft Foods Australia/New Zealand, Mars Snackfood Australia, Nestlé Australia Limited, Patties Foods Ltd, PepsiCo Australia, Sanitarium Health Food Company, Simplot Australia Pty Ltd and Unilever Australia Limited. All information was publicly available and sourced from AFGC and signatory company websites by two trained researchers during the period September to December 2009.

Analysis

The Initiative's core principles address the following parameters: the types of media to be covered; methods for defining child audiences; the content of advertising messaging, use of premium offers; popular personalities and licensed characters; and the use of product placement and advertising within interactive games and in schools.

These principles, and the interpretations and commitments of signatory food companies to these principles, were examined in terms of their capacity to limit Australian children's exposure to unhealthy food marketing. For each parameter, the analysis involved: considering the AFGC Initiative specifications; identifying the extent to which it restricted food marketing to children, based on publicly available information and recent research on current food marketing practices; and considering the range of interpretations of the Initiative's specifications made by signatory companies. In order to illustrate how each principle was interpreted, all companies' websites were examined, and their range of food products and website marketing approaches documented.

Results

Each of the parameters of the AFGC Initiative is described below. Table 1 presents a summary of how each company has interpreted these parameters. Examples of companies' food marketing practices have also been presented, to illustrate how companies have interpreted the Initiative.

Media

The Initiative's core principles refer to the following media: "... television, radio, print, cinema and third-party internet sites where the audience is predominantly children and/or the programs or media are directed primarily at children."⁷ While this principle covers a range of media, it excludes outdoor advertising, sports sponsorship, packaging and companies' own websites, all of which have been found to carry significant marketing for less-healthy foods.¹⁴⁻¹⁸ For example, during the study period, Cadbury had a number of product-specific websites, such as *The Adventures of Freddo and the Time Machine* website (<http://www.freddo.com.au>). However, some companies include in their action plan outdoor advertising (three companies), packaging (two companies) and Coca-Cola and Mars commit to not using branded messaging in sponsorship, and in the case of Mars, specifically sponsorship of children's sports events (Table 1).

Audience

The AFGC Initiative specifies that advertising restrictions apply only to "... advertising primarily directed to children under 12 (years of age)."⁷ The term "... primarily directed to children ..." is ambiguous, as there is no defined or agreed method for

Table 1: Key policy elements of the Australian Food and Grocery Council Responsible Children's Marketing Initiative framework, and commitments of signatory food companies to this policy framework.

AFCG key policy elements	1. Media	2. Audience	3. Advertising messaging	4. Popular personalities and licensed characters	5. Premium offers	6. Product placement	7. Interactive games	8. Advertising in schools
Specifications	Types of media: TV, radio, print, cinema, third party internet sites.	Audience: media where the audience is predominantly children and/or the media or communication activities are directed primarily to children. ²⁷	A. Product must be a HDC "..." consistent with established scientific or Australian government standards ²⁸ , or B. Advertisement messaging must encourage good dietary habits consistent with A), and/or physical activity.	Character from C or P program, other program or movie and all non-copyright cartoons. Characters may be used if consistent with advertising messaging (A & B).	May be used if premium is merely incidental to food product advertised.	May pay for and/or seek product placement if consistent with advertising messaging (A).	Products consistent with advertising messaging (A and B) may be incorporated into interactive games directed primarily to children.	Only if requested by/agreed with school administration for educational purposes AND, carried out under supervision of administration or appropriate adults.
Commitments of signatory food companies								
Cadbury Plc	Adopted AFCC specifications, in addition to: video, POS and packaging.	Adopted AFCC specifications.	A. NIMRC Dietary Guidelines for Children and Adolescents B. Adopted AFCC specifications	Adopted AFCC specifications.	Adopted AFCC specifications.	Adopted AFCC specifications.	Adopted AFCC specifications.	Adopted AFCC specifications.
Campbell Arnott's	Adopted AFCC specifications	Adopted AFCC specifications.	A. NSW Healthy Kids SCA nutrient criteria for Green and Amber foods B. Adopted AFCC specifications	Adopted AFCC specifications.	Adopted AFCC specifications.	Adopted AFCC specifications.	Adopted AFCC specifications.	Adopted AFCC specifications.
Cereal Partners Worldwide	Adopted AFCC specifications, in addition: outdoor and telephony.	Adopted AFCC specifications.	A. Cereal Partners Worldwide Nutrition Foundation. B. Extended to "..." clear limits to product size and ingredients such as sugar, salt and fat. ²⁹	Adopted AFCC specifications.	Must also be consistent with advertising messaging.	Adopted AFCC specifications.	Adopted AFCC specifications.	Adopted AFCC specifications, and must meet A for advertising messaging.
Coca-Cola	Adopted AFCC specifications, in addition: sponsorship and POS.	Children > 50% media audience.	None. No direct targeting of children aged < 12 years for brand messaging. Does not exclude advertising individual products.	Unspecified.	Unspecified.	Unspecified.	Unspecified.	Value added programs that encourage health and nutrition may be offered to schools without product branding.
Ferrero	Adopted AFCC specifications.	Children > 50% media audience.	None. Will abstain from advertising specific products, although brands permitted.	Adopted AFCC specifications.	Adopted AFCC specifications.	Adopted AFCC specifications.	Adopted AFCC specifications, only for advertising messaging A.	Adopted AFCC specifications
Fonterra	Adopted AFCC specifications.	Adopted AFCC specifications.	A. Fonterra Good Choice Guidelines B. Adopted AFCC specifications.	Adopted AFCC specifications.	Adopted AFCC specifications.	Unspecified.	Adopted AFCC specifications.	Adopted AFCC specifications.

Note: a) Cadbury Plc has since merged with Kraft Foods Australia/New Zealand.

AFCG key policy elements	1. Media	2. Audience	3. Advertising messaging	4. Popular personalities and licensed characters	5. Premium offers	6. Product placement	7. Interactive games	8. Advertising in schools
George Weston Foods	Adopted AFCC specifications	Adopted AFCC specifications	A. NSW Healthy Kids SCA nutrient criteria for Green and Amber foods, B. Adopted AFCC specifications	Adopted AFCC specifications	Adopted AFCC specifications	Adopted AFCC specifications	Adopted AFCC specifications	Adopted AFCC specifications
Kellogg's	Only TV, radio and third-party internet sites.	Children >50% media audience.	A. Kellogg's Global Nutrient Criteria, B. Extended to "... clear limits to product size and ingredients such as sugar, salt and fat."	Adopted AFCC specifications	Adopted AFCC specifications, but explicitly states program sponsorship will continue.	Adopted AFCC specifications, only for advertising messaging A.	Adopted AFCC specifications	Adopted AFCC specifications
Kraft	Only TV, radio, print, and third party internet sites.	Children >55% media audience.	A. Kraft Sensible Solutions, B. None	Restrictions only apply to 'new' characters.	Adopted AFCC specifications	Adopted AFCC specifications	Adopted AFCC specifications	In the process of eliminating advertising in schools.
Mars	Adopted AFCC specifications, in addition: outdoor and telephony.	Children >25% media audience for TV.	Inconsistent. States they will not undermine good dietary habits or physical activity.	Adopted AFCC specifications. Will continue to use M&Ms characters.	Only premiums primarily directed at children restricted.	Only commits to restricting product placement in media where children are primary audience.	Only commits to age screening and links to healthy lifestyle information.	Inconsistent. For primary school aged children, will not place vending machines in schools, use branded education materials, donate funds/products unless requested, sponsor sport events.
Patties	Adopted AFCC specifications	Only specify media targeted at children <12 years of age.	A. National Heart Foundation Tick Program, FOCIS, and SCA criteria for Vic and WA	Adopted AFCC specifications	Only premiums primarily directed at children restricted.	Adopted AFCC specifications	Adopted AFCC specifications	Adopted AFCC specifications
PepsiCo	Adopted AFCC specifications	Children >50% media audience and C or P programs	Unspecified	Adopted AFCC specifications	Only premiums primarily directed at children restricted.	Adopted AFCC specifications	Adopted AFCC specifications	Adopted AFCC specifications
Sanitarium	Adopted AFCC specifications, in addition: outdoor, packaging, in store promotions/events	Adopted AFCC specifications	A. Sanitarium Corporate Nutrition Policy, National Heart Foundation and FOCIS.	Adopted AFCC specifications. Will continue to use "aspirational heroes".	Adopted AFCC specifications	Adopted AFCC specifications	Adopted AFCC specifications	Adopted AFCC specifications
Simplot	Adopted AFCC specifications	Adopted AFCC specifications	A. National Heart Foundation Tick Program.	Adopted AFCC specifications	Adopted AFCC specifications	Adopted AFCC specifications	Adopted AFCC specifications	Adopted AFCC specifications
Unilever	Adopted AFCC specifications	Adopted AFCC specifications	A. Unilever Global Internal Nutrient Criteria, and Healthy Kids NSW SCA Criteria (Green and Amber foods).	Adopted AFCC specifications. Must also be consistent with advertising messaging A.	Adopted AFCC specifications	Adopted AFCC specifications	Adopted AFCC specifications	Adopted AFCC specifications

Abbreviations: A: Refers to point 'A' under AFCC Key policy element for advertising messaging, B: Refers to point 'B' under AFCC Key policy element for advertising messaging, C: program = Children's program as classified by the Advertising Standards Bureau, FOS = Point of Sale, SCA = School Canteens Association.

determining what this means in practice and children are widely exposed to messages even when they are not the primary audience for whom they were intended. On this basis, this clause has been widely criticised as an inappropriate basis for regulation.¹⁹ As shown in Table 1, a number of signatory companies have not provided any further specifications. Six companies set an audience threshold for television advertising: Coca-Cola South Pacific, Kellogg's, Ferrero Australia Pty Ltd and Pepsico Australia specify restrictions apply during programs where children comprise greater than 50% of the media audience, Kraft Foods Australia/New Zealand, where they comprise more than 35%, and Mars where they comprise more than 25% of the audience. Given that there are no regular time slots where children comprise greater than 50% or 35% of the audience on children's popular free-to-air television channels in Australia, this specification provides a loophole that makes it ineffectual, except for Mars.²⁰ While certain children's programs broadcast by the Australian Broadcasting Corporation (ABC) may contain sufficient child audiences for these restrictions to apply, it is ABC policy to not broadcast advertisements.²¹

These criteria are also open to interpretation in their application to other media, as illustrated by Kraft in relation to print media, where their action plan refers to "... *publications ... directed primarily to children 2 to 12 years, based on MRI-reported [Mediamark Research & Intelligence] readership data.*" It should be noted that the company referred to here is an American media audience measurement company, which does not provide the Australian readership data required for Kraft to adequately address this core principle in Australia.

Advertising messaging

The AFGC principle on the content of advertising messaging requires that signatory companies

*"... will not advertise food and beverage products to children under 12 in media unless, (1) those products represent healthy dietary choices, consistent with established scientific or Australian government standards, and (2) the advertising and/or marketing communication activities reference, or are in the context of a healthy lifestyle, designed to appeal to the intended audience through messaging that encourages: (a) good dietary habits, consistent with established scientific or government criteria, and (b) physical activity."*⁷

This principle invites companies to apply scientific or professionally acceptable criteria for determining "healthy dietary choices". Twelve AFGC signatory companies responded by developing their own or applying existing nutrient criteria for determining "healthy dietary choices". However, as discussed in detail elsewhere,²² these company-developed nutrient criteria vary between companies, and set higher thresholds for negative nutrients, including total energy,

saturated fats, sodium and added sugars, compared with existing professional nutrient profiling methods and criteria. For example, the following foods would be deemed appropriate for marketing to children according to the companies' own criteria, but not by independently developed nutrient profiling methods: Kellogg's Nutri-Grain breakfast cereal, of which 32% of the kilojoule content is from added sugars; Nestlé's Kit Kat chocolate, containing 31% of the kilojoule content as saturated fats and just under 40% from sugars; and Kraft's Cream Cheese Spread, containing 58% of the kilojoule content from saturated fats, and >1,200 mg sodium/100 g weight. This permissive approach allows food companies to advertise a wide range of energy-dense, nutrient-poor foods to children. Setting clear definitions for the types of foods deemed appropriate for marketing to children is recognised as a fundamental aspect of any regulatory system.^{2,19} In the UK, restrictions on advertising for foods and non-alcoholic beverages high in fat, salt or sugar to children are based on a nutrient profiling tool developed by Rayner and colleagues, on behalf of the UK Food Standards Agency.²³

Popular personalities and licensed characters

The AFGC Initiative specifies that restrictions on the use of popular personalities and licensed characters in food and beverage advertising are only required if the advertisement does not meet the advertising messaging requirements noted above. The AFGC has defined 'Popular Personality or Licensed Character' as "... a personality or character from a C (Children's) program or P (Pre-school) program (based on definitions from the 2009 Children's Television Standards), a popular program or movie character or a non-proprietary cartoon, animated or computer generated character."⁷ Thus, this principle freely permits the use of 'characters' where they are company-owned or copyright characters, such as Cadbury's 'Freddo Frog', Kellogg's 'Coco the Monkey' and M&M's 'Red' and 'Yellow' characters.

Premium offers

Premium offers refer to "... anything offered with or without additional cost that is intended to induce the purchase of an advertised product or service."²⁴ Items on offer may include competitions, giveaways, rebates or vouchers.²⁵ This principle of the Initiative states that signatory companies are to avoid advertising foods and beverages with premium offers, "... unless the reference to the premium is merely incidental to [the] product being advertised ..."⁷ This statement permits premium offers as long as they and the food being offered are a single package,¹⁹ although this remains ambiguous for advertisers and consumers. During the study period, the following premium offers were identified on the websites of signatory food companies:

- Cadbury advertised a 'Score a freebie bar promotion' (08/06/2009-06/12/2009) and a 'Win a Family Adventure Holiday' (18/05/2009-30/11/2009).
- PepsiCo offered the chance to win a Navman GPS with purchase of its PepsiMax soft drink (20/04/09-07/09/09) and featured a 'Do us a flavour' competition for its Smith's brand of potato crisps that closed in July 2009, with the winner receiving \$30,000 plus a commission from sales of the new flavour of crisps.
- Kellogg (Aust.) Pty Ltd advertised an 'Ultimate finals pack promotion' with Nutri-Grain breakfast cereal (15/07/09-02/09/09).
- Unilever Australia Limited offered a 'Lick-a-prize' competition with its Paddle Pop ice-creams (11/08/09-31/01/10).

Product placement

Product placement is defined by the AFGC Initiative as the placement of "... food or beverage products in the program/ editorial content of any medium primarily directed to children under 12 for the purpose of promoting the sale of those products."²⁷ This principle requires that signatory companies only pay and/or seek product placement if the advertisement meets the requirements of advertising messaging. Under these specifications, placement of food products that did not meet companies' nutrient criteria may be permitted. For example, the principle does not exclude the use of energy-dense foods within recipes within children's magazines, which is a form of product placement (and not considered to be advertising or editorial content) that is widely used as a marketing practice in Australia.^{26,27} Also, the principle does not exclude product placement on television, except during times when the audience is predominantly children.

Interactive games

The AFGC Initiative provides no definition for 'interactive games'. A comparable self-regulatory initiative from the US defined interactive games as "... free or at nominal charge games in disk, cartridge or online format."²⁸ The AFGC principle allows product placement in interactive games if the product meets the company's specifications for 'healthy dietary choices'. However, during the study period, the following signatory companies used their brands in interactive games as a promotional technique: Campbell Arnott's for its Arnott's Shapes biscuits (<http://www.arnottsshapes.com.au/game.aspx>), Unilever for its Streets Paddle Pop ice cream (<http://www.paddlepop.com.au>), and Cadbury Plc for its Freddo Frog chocolate (<http://www.freddo.com.au>). These foods are high in negative nutrients such as saturated fats, sodium and total sugar. Arnott's Shapes biscuits contain >600mg sodium per 100g of product, and 19% of the kilojoule content is from saturated fats. Cadbury's Freddo chocolate contains approximately 30% of the kilojoule content

as saturated fat and 40% as sugars, and just under 50% of the kilojoule content of a Streets Paddle Pop comes from sugars. While these foods contain relatively high levels of negative nutrients, it is recognised that Streets Paddle Pops contribute dietary calcium for children and although Freddo chocolates are sold in small package sizes, with the sale of 'share packs' it cannot be assumed only one is consumed in a sitting.

Advertising in schools

The AFGC Initiative states that companies should refrain from advertising their brands in schools unless "... requested by/ agreed with school administration for educational purposes, and carried out under supervision of administration or appropriate adults."²⁷ This principle makes no commitment to the types of foods that may be marketed to children in schools, as it does not require products to be 'healthy dietary choices' in line with the advertising messaging specification. Also, it does not restrict the placement of a company's brands (healthy or unhealthy) in educational resources.

Conclusion

This research provides insights into the content of the AFGC Initiative and the commitments of signatory companies, and examples of how the Initiative has been interpreted. It is not intended as a complete evaluation of the companies' actual food marketing practices. As described, the principles of the Initiative are poorly defined and there is a high degree of variation between companies in their interpretations. There are also limitations or 'loopholes' in companies' interpretations of the principles, such as the use of company-developed nutrition criteria. This ambiguity and variation in company commitments makes any process of monitoring companies' compliance with their action plans detailed and complex. While consumers are provided the opportunity to make complaints about the products advertised, the messaging content (i.e. what is communicated in the advertisement) and the placement of advertisements within media, the ambiguity of the companies' commitments makes it difficult for consumers (including parents), to know if a complaint about an advertisement was justified.

While the company action plans present strong rhetorical statements for 'responsible marketing to children', the fine print permits a wide range of foods to be marketed through media that are frequently accessed and viewed by children. By allowing for individual company interpretations, the AFGC principles are not just flexible, but weak; and it is evident from the varying interpretations and examples that this has allowed companies to circumvent the stated intent of the Initiative. This is consistent with a study on the *Children's Food and Beverage Advertising Initiative*, a comparable self-regulatory industry initiative in the US.²⁹

Weak standards, ambiguous definitions for core principles, limited company participation and the inability to transparently monitor company practices means that these self-regulatory arrangements are likely to be ineffectual in terms of public health.³⁰

As a result of international consultations on food marketing to children, the World Health Organization has recommended that governments play a leading role in limiting children's exposure, by developing a consistent framework that sets clear definitions for all key policy components and for monitoring industry compliance.² Importantly, this would allow an equal footing for all food and non-alcoholic beverage manufacturers in their advertising commitments, provide consistent and objective measures for monitoring industry compliance, and promote public accountability for advertising practices. In its current state, the AFGC Initiative is unlikely to impact children's overall exposure to unhealthy food advertising although it may nevertheless generate positive publicity for the food industry.

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