

FAEP Comments on the Green Paper
**“Promoting healthy diets and physical activity: a European dimension for
the prevention of overweight, obesity and chronic diseases”**

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Summary

- FAEP strongly opposes any further EU legislation as regards restricting the advertising of consumer goods.
- FAEP does not believe there is robust evidence that advertising bans and restrictions have previously been proven to change consumption habits.
- FAEP shares the Commission's analysis that obesity is largely due to changing lifestyle habits and a lack of physical activity among the younger generations in particular.
- Publishers have noted that obesity is a major concern amongst their readership, and are responding to the demand for information healthy lifestyles and balanced diets.
- Magazine publishers are actively engaged in education and the promotion of literacy at national level in the EU, in many cases in partnership with public authorities.
- Advertising has been subject to growing levels of EU regulation which is threatening the sustainability of the magazine sector, and national self-regulatory structures supported by the Commission.

- FAEP is concerned that further regulation could impact upon the separation of editorial from commercial activity to the detriment of consumers.

Introduction

The **European Federation of Magazine Publishers (FAEP)** welcomes the opportunity to make input to the Commission's Green Paper. Europe's periodical press sector share the concerns of the Commission regarding the rising levels of obesity in Europe and its consequences on health. We also share the Commission's analysis this growing problem is largely due to changing societal and lifestyle habits and is more directly the result of unhealthy diets and lack of physical activity, in particular among the younger generations.

We would, however, not necessarily share the Commission's view that the growing problem is an 'epidemic', though we do believe that tackling the multi-causal character of obesity in Europe needs more than one response.

Europe's periodical press

The magazine publishing sector in Europe is multi-faceted in nature. From large media companies to (often very small) SME publishers, the sector produces written and visual content that encompasses every aspect of human life and that caters for every conceivable human interest. From well-known general-interest consumer titles to popular niche consumer titles to general B2B titles to very specific professional and specialised titles, **each year 360 million EU citizens read 20 billion magazines on a regular and consistent basis.**

In the EU today, there are more than **50.000 magazines titles produced** by over **15.000 publishing companies**, with combined annual revenues of **40 billion Euro** and directly **employing 200.000 EU citizens**, with a multiple of that figure involved in the related advertising, distribution, printing, design and paper manufacturing industries.

Green Paper Consultation

In order to help the European Commission in its ongoing analysis of the obesity question in Europe, FAEP will respond to the questions raised in points V.1 and V.2. of the green paper, relating to consumer information, advertising, marketing and consumer education.

Section V.1 Consumer information, advertising and marketing

FAEP will limit its comments in this section to those relating to consumer information and advertising. The marketing activities of food manufacturers beyond advertising in the print media are not relevant. The periodical press fully agrees that advertising should never mislead consumers nor abuse the credulity and lack of media literacy of young people.

In that sense, throughout Europe, the press has subscribed to advertising self-regulation codes which allow for quick and flexible consumer redress as regards offending advertising. Further, the press works within the limits of additional national legislation and EU directives. As regards misleading advertising, EU laws (the Unfair Commercial Practices Directive adopted in 2005, amending previous similar directives going back to 1984) have for years provided more than adequate consumer protection in this regard alongside national self-regulatory schemes. Other instruments such as the Television without Frontiers Directive as well as the Directive related to the Labelling, Presentation and Advertising of Foodstuffs etc. set out very clear rules for advertising practices.

Therefore, we consider that, in addition to existing statutory rules, voluntary codes as regards advertising self-regulation are a perfectly adequate tool in providing protection and redress for consumers.

Indeed, one could say that EU consumers are now amongst the most protected in the world when it comes to matters of misleading and other such advertising. FAEP believes that further regulation at EU level in this respect is unwarranted.

Further, we would question the use of the word 'limiting' in relation to the advertising and marketing of certain foodstuffs. As a responsible business sector heavily reliant on advertising income to maintain high production and journalistic standards as well as independence, the periodical press is of course sensitive to the need for high standards in advertising, but we consider limitations on the ability of the press to carry advertising for legally available goods and services to be a disproportionate response.

For FAEP, an inherent part of the freedom of expression and of the freedom of the press is also the freedom of commercial communication.

It should also be borne in mind that advertising restrictions or bans in Europe will not have a global effect. In the internet age, and with increasing international audiovisual media offer, preventing European advertisers and media from carrying certain kinds of advertising will simply push jobs and advertising expenditure out of Europe.

FAEP understands that no relation between the advertising of products high in fat, salt or sugar and obesity has ever been determined. On the contrary, there is no apparent evidence advertising bans have never proven to be effective. In Sweden, where

television advertising to children under 12 has been prohibited for years, the percentage of overweight children is similar to the one in countries where no such bans are in place, just as the Loi Evin in France has had no real effect on alcohol consumption rates in France over the last two decades.

We firmly believe that such health problems are more a reflection of the changing nature of society. FAEP is critical, therefore, of the allusion in the Green Paper to “other options” in the case that self-regulation fails to deliver satisfactory results, as there is neither evidence that bans will work, nor that all individuals exercising lifestyle choices will wish to heed information on the risks associated with obesity.

As regards the effectiveness of advertising self-regulation, we fully support and participate in the work being carried out by the European Advertising Standards Alliance (EASA) in the promotion of advertising self-regulation throughout the EU25. Together with our colleagues in EASA, we firmly believe that public policy objectives can be met through effective advertising self-regulation.

EASA is better placed in this regard to address the question on monitoring effectiveness.

Section V.2 Consumer education

Obviously, clear, consistent information to consumers regarding healthy diet and the need for physical activity is a crucial element to influence the obesity question.

The periodical press plays a huge role in providing information, news and ideas on these subjects to its readers. Apart from the numerous special interest titles relating to physical activity and healthy living/balanced diet (“Healthy Living”, “Men’s Health”, “Good Cooking”, “Food Guide”, “Top santé”, “Family Circle” to name a few titles available throughout the EU), there are hundreds of very popular general interest magazine titles read by millions of men, women and children every week and month in Europe, which carry articles encouraging increased physical activity and eating a balanced diet.

FAEP is currently carrying out a survey amongst its membership about the number of such articles carried by the periodical press in the EU in the last year. Receiving and consolidating such information takes time and we would be grateful if the Commission would accept an additional input to this Green Paper once the data has been compiled.

As regards the contributions of public/private partnerships in improving consumer knowledge and education, we would refer to the widespread collaboration between magazine publishers and education ministries at national level in promoting reading and media literacy in schools throughout the EU. Almost every FAEP member association is involved in a “Reading Day” or even “Reading Week” at national level, where publishers provide free magazine titles to hundreds of thousands of schools, accompanied by teacher-guidance packs, reaching millions of students each year. In most cases, these initiatives are facilitated by national postal operators and relevant ministries or authorities.



In the above respects, it should also be noted that advertising revenue funds much of this editorial output. Restrictions to advertising possibilities can only lead to reduced or worse quality editorial content. If revenues are squeezed, apart from reducing journalistic and other editorial expenses, publishers with more limited revenues will be less likely to engage in awareness raising campaigns, such as school education campaigns or encouraging healthy lifestyles in general (through sponsorship of events, participation in health-promotion campaigns etc.).

This paper represents the views of its author on the subject. These views have not been adopted or in any way approved by the Commission and should not be relied upon as a statement of the Commission's or Health & Consumer Protection DG's views. The European Commission does not guarantee the accuracy of the data included in this paper, nor does it accept responsibility for any use made thereof.