

The Voice of Advertisers Worldwide



WFA submission to European Commission (DG SANCO) Green Paper:
“Promoting healthy diets and physical activity: Towards a European strategy
for the prevention of overweight, obesity and chronic diseases”

10 March 2006



The World Federation of Advertisers (WFA) is the voice of advertisers worldwide representing 90% of global ad spend, roughly US\$ 400 billion ad spend per annum, through a unique, global network: 50 national advertiser associations on five continents as well as direct multi-national corporate members. Through the network, WFA represents more than 10,000 businesses operating in a broad spectrum of sectors at national, regional and global levels.

WFA has a dual mission: to defend and promote responsible commercial communications and to facilitate a media environment which stimulates maximum effectiveness of ad spend.

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INTRODUCTION

On 8 December 2005, the European Commission presented a Green Paper on *Promoting healthy diets and physical activity: a European dimension for the prevention of overweight, obesity and chronic diseases*. The European Commission requested input from interested parties by 15 March 2006. WFA is pleased to have the opportunity to communicate the point of view of the European and global advertising industry to the questions raised in the Green Paper. The present response deals exclusively with those questions that pertain directly to advertising, leaving other questions for individual members and sectoral associations to respond to.

Accordingly, WFA will seek to respond to the following questions posed in the Green Paper:

- *Are voluntary codes (“self-regulation”) an adequate tool for limiting the advertising and marketing of energy-dense and micronutrient-poor foods? What would be the alternatives to be considered if self-regulation fails?*
- *How can effectiveness in self-regulation be defined, implemented and monitored? Which measures should be taken towards ensuring that the credulity and lacking media literacy of vulnerable consumers are not exploited by advertising, marketing and promotion activities?*

GENERAL COMMENTS

As a background to the above questions, the Green Paper postulates the following:

“As far as advertising and marketing is concerned, it has to be ensured that consumers are not misled, and that especially the credulity and lacking media literacy of vulnerable consumers and, in particular children, are not exploited. This regards in particular advertising for foods high in fat, salt and sugars, such as energy-dense snacks and sugar-sweetened soft drinks, and the marketing of such products in schools. Industry self-regulation could be the means of choice in this field, as it has a number of advantages over regulation in terms of speed and flexibility. However, other options would need to be considered should self-regulation fail to deliver satisfactory results.”

WFA agrees with the fundamental objective of ensuring that advertising and marketing are legal, decent, honest and truthful. This is particularly pertinent in the case of children so as to ensure that they are not misled. WFA has and will continue to support a solid legal framework in this respect, embodied at EU level in key legislation such as the Television Without Frontiers (TWF) Directive, the Misleading Advertising Directive and the Unfair Commercial Practices Directive.

This strong legal framework, transposed into national legislation, is complemented by advertising standards (commonly known as ‘advertising self-regulation’), which also operate at national level and set more detailed rules for responsible advertising and marketing, in accordance with the national legal frameworks, customs, traditions and cultural sensitivities. WFA does not believe that advertising self-regulation should be a substitute for legislation, but that it is a necessary complementary instrument to ensure a high level of consumer protection.

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WFA recognises that particular attention should be paid to responsibility in food and beverage advertising and marketing, in response to significant concern about imbalances in Europeans' diets and lifestyles, contributing to the public health problem of overweight / obesity and a range of non-communicable diseases.

WFA believes that food and beverage advertising and marketing should not promote excessive or imbalanced consumption or unhealthy lifestyles. Responding to consumer concern, the advertising industry has developed and is now implementing codes of conduct on food and beverage commercial communications, which include a number of provisions relating specifically to communications with children.

WFA is pleased that the European Commission, in line with the Better Law-making agenda, is considering self-regulation as a possible "means of choice" in this field, in the light of its advantages over regulatory intervention in terms of "speed and flexibility". In addition to these recognised qualities of the self-regulatory option, WFA would point out the following additional advantages:

Self-regulation is free to the taxpayer and the consumer: It is funded in all aspects of its operation by the advertising industry, placing no additional burden on public administrations or on consumers, for whom it is free to use.

Self-regulation effectively reverses the burden of proof: Under regulatory systems it is for the consumer to prove that his interests have been prejudiced by a commercial practice. Under the complaints system of self-regulation it is the advertiser who must prove that he was in compliance with the rules.

WFA believes that advertising self-regulation offers an effective response to legitimate societal concerns about diet, physical activity and health. WFA is encouraged in this respect by the increasing recognition of the effectiveness of self-regulation by authoritative and independent studies¹, most recently the study commissioned from the Hans Bredow Institut for Media Research by the European Commission²:

- ***"There is no reason to assume that co-regulatory models as defined within this study³ are generally insufficient to implement European directives (neither with regard to the effectiveness of regulation nor legal requirements)."***

1 See 'Study on the impact of advertising and teleshopping on minors', INRA / Bird&Bird 2001. Also, see a "Study to identify best practice in the use of soft law and to analyse how this best practice can be made to work for consumers in the European Union", by Lex Fori for the European Commission (DG SANCO - Public Health and Consumer Affairs), published in October 2002.

2 Final Report, Study on Co-Regulation Measures in the Media Sector, Study for the European Commission, Hans Bredow Institut.

3 **It is important to highlight that the Hans Bredow Institut study uses a different and more appropriate definition of 'co-regulation' than the EU's Interinstitutional Agreement on Better Law-Making. The European Advertising Standards Alliance's (and indeed the European ad industry's) definition of advertising self-regulation would fall within the Hans Bredow Institut's definition of 'co-regulation'. Accordingly, most of the systems commonly known as Self-Regulatory Organisations (e.g. in France, Germany, Greece, Netherlands, Portugal or UK, etc.) are, by analogy, 'co-regulatory organisations.'**

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- “Most of the co-regulatory systems in place are established to protect minors or to regulate advertising. **Theoretical findings which are backed by our empirical assessment show that both objectives are especially suitable for co-regulatory measures.**”

WFA is conscious that further work is needed to ensure effective advertising self-regulation across the EU. The enlargement of the European Union from 15 to 25 members states constituted a particular challenge. Nevertheless, WFA is confident that the commitments which the industry made in the context of the *EU Platform for Action on Diet, Physical Activity and Health* will make a difference.

In conclusion, WFA welcomes the opportunity to discuss the benefits of self-regulation to ensure responsible food and beverage advertising and marketing, is willing to engage with the European Commission and all interested stakeholders to flesh out how the effectiveness of self-regulation can be maximised, and looks forward to continuing the dialogue initiated in the EU Platform on Diet Physical Activity and Health and the Advertising Round Table.

“How can effectiveness in self-regulation be defined, implemented and monitored?”

Our vision for effective self-regulation

In 1991 Sir Leon Brittan, Commissioner for Competition Policy, challenged the advertising industry⁴ to consider ways of solving problems raised by the creation of the Single Market by means of self-regulation, already well established in some Member States. The advertising industry responded by setting up, in 1992, a European association of self-regulatory organisations (SROs) – the European Advertising Standards Alliance (EASA) – whose task it was to promote self-regulation and demonstrate that, within a framework of legislation, SR was an effective way of regulating advertising. One of EASA’s first actions was to set up a credible system for handling cross-border complaints about advertising, which was subsequently recognised by Commissioner David Byrne.⁵

In 2002, EASA was restructured to become a partnership between the SROs already in membership and European industry associations representing advertisers, agencies and media, making it the single, authoritative voice of advertising self-regulation in Europe. EASA’s mission is now to promote responsible advertising through best practice in self-regulation across the Single Market, for the benefit of consumers and business alike. EASA renewed its advocacy role for self-regulation, and has driven the establishment of a best practice programme across the self-regulatory network.

This programme has been widened and its implementation accelerated following the challenge by Commissioner Byrne and the extension of the EU in 2004, when advertisers, agencies and the media signed the EASA Advertising Self-Regulation Charter⁶, setting out the industry’s vision for effective self-re-

4 Sir Leon Brittan was speaking at Forum Europe in Brussels, 1991

5 In the foreword to the EASA publication *Advertising Self-Regulation in Europe*, 2001, Commissioner Byrne wrote: “**This is a fine example of how effective self-regulation can be when there is the will to find solutions.**”

6 www.easa-alliance.org

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gulation in Europe. The Charter establishes the following ten key principles for effective self-regulation:

1. Comprehensive coverage by self-regulatory systems of all forms of advertising and all practitioners.
2. Adequate and sustained funding by the advertising industry proportionate to advertising expenditure in each country.
3. Comprehensive and effective codes of advertising practice:
 - Based on the globally accepted codes of marketing and advertising practice of the International Chamber of Commerce (ICC)
 - Applicable to all forms of advertising
4. Broad consultation with interested parties during code development.
5. Due consideration of the involvement of independent, non-governmental lay persons in the complaint adjudication process.
6. Efficient and resourced administration of codes and handling of complaints thereon in an independent and impartial manner by a self-regulatory body set up for the purpose.
7. Prompt and efficient complaint handling at no cost to the consumer.
8. Provision of advice and training to industry practitioners in order to raise standards.
9. Effective sanctions and enforcement, including the publication of decisions, combined with efficient compliance work and monitoring of codes.
10. Effective awareness of the self-regulatory system by industry and consumers.

Since 2004, EASA members have invested significant effort and resources in implementing the Charter across the EU, so as to ensure that all national self-regulatory organisations operate to accepted high standards of effectiveness. WFA is playing a key role in this respect and, since the launch of the EU Platform for Action on Diet, Physical Activity and Health has formalised its commitments to strengthening advertising self-regulation in Europe.⁷ Under these commitments, industry has set itself ambitious and quantifiable targets in respect of each of the EASA Charter principles listed above.

Of course, engaging in a EU level debate about the role of advertising self-regulation in relation to regulatory instruments at the disposal of the European institutions requires that industry, regulators and civil society agree on a set of fundamental criteria for defining “effectiveness”. For instance, it is necessary to agree what constitutes independence in complaint handling, or what constitutes an effective sanction mechanisms.

In this respect, WFA welcomes the Commission’s initiative to establish the Advertising Round Table, where discussions to date have proven very constructive. Bringing together a range of stakeholders such as the European Consumers Organisation (BEUC), The European Public Health Alliance (EPHA), the Confederation of Family Organisations in the EU (COFACE) and the European Community of Consumer Cooperatives (Eurocoop) with industry

⁷ WFA’s voluntary commitments to the EU Platform for Action on Diet, Physical Activity and Health are posted on the Platform’s online database.

partners, WFA is confident that the Advertising Round Table will engender wider stakeholder trust and buy-in to our vision of effective advertising self-regulation. Through this process, we hope to ratify criteria for the definition, implementation and monitoring of effective advertising self-regulation that enjoys wide support and that will contribute to legitimising advertising standards as an established means to deliver a high level of consumer protection, in addition to a robust regulatory framework.

“Are voluntary codes (“self-regulation”) an adequate tool for limiting the advertising and marketing of energy-dense and micronutrient-poor foods?”

Self-regulation, food and beverage advertising and children

WFA members comply with the international advertising standards set by the International Chamber of Commerce (ICC) in its Code of Advertising Practice⁸, which are implemented, enforced and monitored at national level.

Recognising the need to ensure particular care in food and beverage communications, WFA members drove the adoption of the *ICC Framework for Responsible Food and Beverage Communications*⁹ in 2004, which sets minimum standards internationally. National standards often go further than the ICC requirements, reflecting local needs and sensitivities. WFA promotes and supports the development of such standards worldwide, including with regard to food and beverage marketing and children.

With regard to the EU in particular, in 2005, the European food and beverage industry adopted a set of *Principles of Food and Beverage Product Marketing Communications*, which updated the ICC Framework and extended its scope to cover a range of marketing communications (such as Internet marketing, direct marketing, sales promotions, sponsorship etc).¹⁰ The Principles include provisions that oblige advertisers, for example: not to undermine healthy, balanced diets and healthy, active lifestyles; not to encourage or condone excessive consumption; not to represent snack food products as substitutes for meals; not to undermine the authority of parents.

Under its voluntary commitments to the EU Platform on Diet, Physical Activity and Health, industry aims to implement the *ICC Framework for Responsible Food and Beverage Communications* in 23 EU Member States by the end of 2006 and the *Marketing Communications Principles* in 20 Member States by the end of 2007. The voluntary commitments, in addition, set out comprehensive ideas for participative and transparent monitoring of these initiatives.

WFA believes that these ambitious targets are feasible because of the speed, flexibility and adaptability of self-regulatory mechanisms. Coupled with the programme for strengthening effective self-regulatory processes throughout

8 www.iccwbo.org

9 www.iccwbo.org

10 The Principles are posted on the online database of the EU Platform for Action on Diet, Physical Activity and Health.

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Europe, as described in the first part of this submission, WFA believes that these new provisions on food and beverage marketing will significantly strengthen the *content* of self-regulatory codes.

Together with the maintenance of a strong EU regulatory framework (the Misleading Advertising Directive, the Television Without Frontiers Directive (TWF), and the Unfair Commercial Practices Directive), WFA is confident that a proportionate and effective consumer protection system will be in place, which will ensure that food and beverage marketing does not mislead consumers or induce them to lead unhealthy lifestyles.

In some EU countries, statutory regulations and self-regulatory code provisions sometimes go beyond the requirements laid down in EU Regulations and Directives and the International Chamber of Commerce codes. These additional restrictions are implemented by state regulators or self-regulatory organizations on the basis that they are a proportionate response to the social and cultural specificities of the market in question. Of course, companies are free to go beyond industry-wide advertising self-regulation by implementing company-specific codes of conduct relative to their own commercial communications.

The programme to strengthen the processes and content of self-regulation described above will ensure, in WFA's view, that food and beverage advertising is carried out responsibly in Europe, in that clear rules are set, enforced and monitored.

Yet, WFA members contest the underlying assumption that the advertising and marketing of energy-dense and micronutrient-poor foods needs curtailing in order to fulfil public health objectives. WFA believes that further regulatory intervention would be both ineffective and disproportionate, for the reasons outlined below.

“What would be the alternatives to be considered if self-regulation fails?”

Our vision of proportionate regulation

‘Proportionality’ means that regulation must “*achieve the stated public policy objectives without imposing unnecessary or disproportionate regulatory burdens*”¹¹. Any measures taken to address public health issues (nutrition, obesity, healthy lifestyles, etc.) must therefore take into account the multi-factorial nature of the problem, while bearing in mind the relatively small influence of food and beverage advertising¹².

As stated above, WFA believes that proportionate public policy measures must include a regulatory framework that provides for fundamental rules against unfair and misleading advertising practices.¹³ In order to place specific

11 As defined in the White Paper on European Governance, Report of the Working Group on Better Regulation, May 2001.

12 Ofcom, *Childhood Obesity – Food Advertising in Context, 2004*; Hastings et al, *Review of research on the effects of food promotion to children, 2003*.

13 The EU Unfair Commercial Practices Directive already forbids under misleading practice 28: “a direct exhortation to children to buy advertised products or persuade their parents or other adults to buy advertised products for them.”

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regulatory limits on “the advertising and marketing of energy-dense and micronutrient-poor foods”, the European Commission would probably have two possible regulatory options:

- Measures to restrict all advertising/marketing to a certain population group, e.g. a ban on advertising to children; and/or
- Measures to restrict the advertising/marketing of a certain type of food/beverage product, e.g. a ban on advertising of energy-dense/micro-nutrient poor foods.

WFA believes that both types of measures would be ineffective and disproportionate, for the following reasons:

Advertising bans do not work as public health measures

Academic and empirical research¹⁴ compounds the evidence that advertising bans are ineffective in combating excessive or unbalanced consumption and unhealthy lifestyles. For example, empirical evidence shows that advertising bans do not affect obesity rates¹⁵. Furthermore, there is no correlation between food and beverage advertising spend or the number of food advertisements viewed by children and obesity rates.¹⁶ Independent data illustrates how in most mature markets the volume of food and beverage advertising and the number of ads viewed by children has been in decline or stagnation.¹⁷ Despite this obesity rates have risen inexorably in those very same markets. Often the data shows a mirror image of declining ad spend or food commercials viewed on the one hand and an increasing incidence of obesity rates on the other.

There is no scientific evidence to demonstrate that advertising restrictions could impact the incidence of obesity. The evidence clearly demonstrates that advertising bans could not fulfil public health policy objectives and would therefore be ineffective.

Furthermore, any such advertising ban would have serious social, cultural and economic ramifications. In Europe, research shows that as much as 94% of

14 Ofcom, *Childhood Obesity – Food Advertising in Context, 2004*; Hastings et al, *Review of research on the effects of food promotion to children, 2003*. The Ofcom and Hastings reports independently reviewed a wide range of literature available in English over the past twenty years, and can be considered the most comprehensive research ever done on this subject. The Ofcom report concludes that a ban would be “both ineffective and disproportionate in its wider impact.” These findings were confirmed most recently by German research (German Ministry of Consumer Protection, *Food Advertising for Children’s Products – Strategy Proposals for Preventative Consumer Protection, April 2005*), which also concluded that banning advertising to children would be inappropriate.

15 Despite bans on advertising to children in Sweden, Norway and Québec, childhood obesity rates in these countries/regions are not lower than in other, similar countries/regions where such advertising restrictions exist, and continue to rise inexorably.

16 Nielsen data on advertising compared and contrasted with International Obesity Task Force data on obesity levels.

17 Nielsen, 2004. In the US, children aged 2-11 saw 34% fewer ads on TV between 1977 and 2004 – meanwhile, childhood obesity has quadrupled (CDC, 2005). In the UK, the estimated number of food and restaurant commercials viewed per child aged 4-15 declined by over 50% between 1994 and 2004 – meanwhile childhood obesity increased by over 40% (UK National Office of Statistics, 2004). In Germany and Italy, the volume of food and drink advertising spend has stagnated over the past decade (Nielsen, 2004), while childhood obesity has risen dramatically.

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revenues from children's TV advertising is reinvested in children's programmes¹⁸. In the digital economy, there is no alternative regulatory method to ensure investment in original children's programming and in the acquisition of programme rights.

In addition to the impact on the broadcasting industry, advertising bans would have significant injurious consequences for the food industry and the economy in general. Reduced sales, job cuts, decreased consumer choice, stifled innovation and barriers to market entry are some of the likely repercussions of such restrictions.¹⁹

Nutrient profiling is not applicable to advertising

The second regulatory option postulated above – measures to restrict the advertising / marketing of a certain type of food/beverage product – e.g. a ban on advertising of energy-dense/micro-nutrient poor foods – would necessarily require the scientific definition of “energy-dense/micro-nutrient poor”, i.e. nutrition profiling.

Although aware that this is being attempted in the UK by the Food Standards Agency, WFA does not believe that nutrition profiling can form a scientifically sound basis for advertising regulation, for the following main reasons:²⁰

- *“Any attempt to assess the nutritional worth of a food using a universal nutrition profiling model conflicts with the basic nutritional principle that it is the combinations of foods eaten and the amounts consumed that is important, not the nutrient content of [e.g.] 100g of those individual foods. It is completely unscientific to use one model to create and compare the scores of such widely differing objects as individual ingredients, meals, composite foods and foods eaten in different quantities by consumers with different needs and lifestyles.*
- *The scheme makes nonsense of the established scientific view that the whole balance of the diet is what is important and not individual components thereof. Further, the scheme does not take into account all the elements of a balanced diet including micronutrients and antioxidants.*
- *No model can credibly address obesity, heart disease, blood pressure, fruit and vegetable intake, and take into account the balance of the diet, by according a particular score to individual foods.*
- *Cut-off points in the nutritional model schemes would prevent the advertising or highlighting of benefits for the continuum of products that can help people make small, achievable steps towards cutting down levels of fat, salt and/or sugar in their diet.”*

With regard to the relevance of the model in identifying foods which should be subjected to advertising restrictions when aimed at children:

18 egta- association of television and radio sales houses

19 Arnaud Langlois of JPMorgan Equity Research illustrated at the 1st Annual European Obesity Conference in Brussels on 14-15 June 2005, how a ban on advertising will result in lower sales growth and diminished brand equity. A worse case scenario could result in the creation of barriers to entry and the development of oligopolistic situations.

20 UK Food and Drink Federation, position on the Food Standards Agency's Nutrition Profiling Model, www.fdf.org.uk

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- *“The scheme takes no consideration of a child’s requirements as an individual, neither for various nutrients, nor of the portion size eaten or the frequency of consumption.*
- *Some of the foods which are deemed less healthy are valuable sources of nutrients for many children. Foods which have a high energy density, and therefore defined by the model as a poor nutritional choice, include dairy foods, cereal foods and meat dishes which provide valuable nutrients for growing children.*
- *If children are made aware of the categories in which certain foods are placed, this could increase the anxiety around foods already faced by certain vulnerable teenagers.”*

WFA agrees with the above assessment with the food industry that nutrition profiling for the purposes of restricting food and beverage advertising/marketing is an unscientific, disproportionate and ultimately ineffective approach.

Overall, WFA considers that both envisageable regulatory options for limiting “the advertising and marketing of energy-dense and micronutrient-poor foods” would therefore be inappropriate, because they are not substantiated by scientific evidence, would not achieve their stated public policy objectives and would entail a disproportionate regulatory burden. As such, they would go against the EU’s Better Regulation policy.

On the contrary, a proportionate and effective regulatory approach would consist of the following elements:

- Maintaining the already strong EU regulatory framework for advertising, while consolidating national implementation and enforcement.
- Encouraging further industry investment in effective self-regulation to complement the regulatory framework, which sets detailed rules for responsible advertising and marketing.
- Ensuring that appropriate mechanisms are in place for self-regulatory codes to be properly enforced and monitored.
- Encouraging the use of advertising to promote balanced diets and healthy lifestyles.
- Investing in public awareness raising, consumer information and educational programmes for children in particular.

This approach will encourage, rather than stifle, the food and beverage industry’s ongoing efforts in the field on diet and nutrition: companies are already listening to changing consumer demand and are adapting not only their marketing practices, but their overall business strategies – from research and development and product reformulation, to marketing and community-based initiatives – to reflect consumers’ increasing health awareness.²¹

It is clear from the number and content of company initiatives in this field that consumer demand is already having a profound impact on the supply chain, and although the process requires time, progress to date is encouraging. Raising awareness of healthy diets and lifestyles and investing in consumer education will be crucial to accelerating the pace of change in both demand and supply.

²¹ http://www.responsible-advertising.org/news/onenews.php?Lib_ID=1669

“Which measures should be taken towards ensuring that the credulity and lacking media literacy of vulnerable consumers are not exploited by advertising, marketing and promotion activities?”

The role of media literacy education

Part of the answer to this question lies in the responses to the previous questions – our vision for proportionate regulation coupled with effective self-regulation. The other part, already alluded to above, is the need for a proactive approach to the problem, namely to invest in media literacy education. In this respect, WFA draws the Commission’s attention to the Media Smart programme²², supported by advertisers in the UK since 2002 and currently being launched in other EU Member States.

Media Smart is a non-profit media literacy programme for school children aged 6 to 11 years, focused on advertising. Media Smart develops and provides, free of charge, educational materials to primary schools that teach children to think critically about advertising in the context of their daily lives. Media Smart materials use real examples of advertising to teach core media literacy skills and include materials on food and beverage advertising.

Media Smart is funded by the advertising business in the UK and is supported by the UK and other European governments. The Media Smart Expert Group, consisting of leading academics and educationalists in the field of media literacy, ensures the quality and independence of the programme by writing, reviewing and approving the teaching materials.

Media Smart is now recognised by many as a world-class media literacy programme. It is the only programme in Europe that brings together the resources of the industry, expertise of leading academics and the advice of the government into one comprehensive national programme. In the UK, it is one of the few media literacy programmes in which Ofcom, the communications regulators, plays an active role.

RECENT ACHIEVEMENTS

- 1 million UK children have been taught with Media Smart materials so far
- Over 8,000 UK primary schools use Media Smart materials – 32% of all UK primary schools
- Over 80% of teachers surveyed by Media Smart “found lessons about the selling purpose of advertising extremely useful”
- Almost 90% “want more materials about advertising for children” Over £2.5 million of airtime has been donated by broadcasters to show Media Smart’s infomercial
- Over 50% of UK children know about Media Smart
- Media Smart is now also running in Germany, Netherlands and Belgium
- More European countries including the US will follow
- Supported by Rt Hon Tessa Jowell, Secretary of State for Culture, Media and Sport; Ofcom; the UK Department for Culture, Media and Sport; the UK Department for Education and Skills and the European Commission.

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Under its commitments to the EU Platform on Diet, Physical Activity and Health, WFA will aim to initiate media literacy education programmes in at least two more Member States in the course of 2006 and continue to seek support and funding in other EU member states with a view to rolling out similar programmes.

WFA calls on the Commission to recognise the importance of media literacy education and to encourage further investment in programmes such as Media Smart throughout the EU.

CONCLUSIONS

In conclusion, WFA and its members:

- Are committed to practising and promoting a responsible approach to food and beverage advertising to children.
- Recognise the need for a strong but proportionate regulatory framework.
- Believe that this delicate balance is best achieved by maintaining a regulatory framework such as that currently embodied in the major EU Directives mentioned in this paper, complemented by detailed and effective self-regulatory advertising standards.
- Are committed to full compliance with statutory regulation, but also to upholding, promoting and, where necessary, further strengthening effective advertising standards and their enforcement at national level.
- Are open to constructive dialogue with all stakeholders to identify and address sensitivities to which codes of conduct can be adapted.
- Are committed to a participatory approach in further developing advertising standards for food and beverage products and to accountability with regard to their implementation and enforcement.²³
- Are committed to invest in independently-run, academically validated media literacy education programmes, such as Media Smart.

And calls on the European Commission to:

- Carry forward the important initiative that is the EU Platform for Action on Diet, Physical Activity and Health.
- Continue with the constructive approach to the development of agreed criteria for the effective definition, enforcement and monitoring of advertising self-regulation, as currently taking place in the Advertising Round Table.
- Promote the use of effective self-regulation in EU legislation such as in the review of the forthcoming Television Without Frontiers Directive and, by having it recognised as a formal means of consumer protection, give incentives to industry to invest in advertising self-regulation.
- Encourage the use of advertising to promote balanced diets and healthy lifestyles among European consumers.
- Recognise the importance of media literacy education and encourage the uptake of reputable programmes across the EU.

²³ See: <http://www.responsibleadvertising.org/regulation/index.html>

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.