

Statement to the European Commission

GREEN PAPER

Promoting healthy diets and physical activity: a European dimension for the prevention of overweight, obesity and chronic diseases

The Commission has called on all interested organisations to submit responses to the issues raised in this Green Paper. The Finnish Consumer Agency submits the following concerning advertising and marketing.

Questions on which the Commission invites contributions include:

- *Are voluntary codes ("self-regulation") an adequate tool for limiting the advertising and marketing of energy-dense and micronutrient-poor foods?*
- *Which measures should be taken towards ensuring that the credulity and lacking media literacy of vulnerable consumers are not exploited by advertising, marketing and promotional activities?*

1. General

The spread of obesity, especially in children, is a growing concern throughout Europe. Overweight has increased markedly among Finnish children as well in the last 20 years. Environment, availability, parents, friends and school in turn influence the factors that regulate the development of children's weight, i.e. dietary choices and exercise. Research indicates that the volume and content of advertising aimed at children also shape consumer habits. Most foods marketed for children contain high levels of fat, sugar and salt. This is in conflict with public health goals and the WHO's global strategy to promote healthy diet and physical activity.

On 12.10.2005, the Consumer Agency, the Consumer Ombudsman and the National Public Health Institute published a recommendation on Children and Foodstuffs Marketing as a guide for advertisers to use when planning food marketing. The National Food Administration and the National Board of Education participated in their expert capacity. In addition to the ground rules of marketing on which consumer protection is based, the recommendation also gives examples of rulings by the Market Court and cases which have been examined by the Consumer Ombudsman.

2. Self-regulation by the industry

The Consumer Agency felt that it was necessary to draw up a recommendation on foodstuffs marketing because self-regulation by the industry has not so far proved to be a sufficiently effective tool. The Consumer Ombudsman has had to intervene in cases of marketing contrary to good practice and misleading. According to the Consumer Agency, however, the industry should shoulder greater social responsibility with regard to any food advertising aimed at children and adolescents. The recommendation issued by the CIAA, the Confederation of the Food and Drink Industries of the EU, is on the right lines, but at the moment it is not a sufficiently concrete and effective tool for ensuring that marketing moves in the right direction.

It is difficult for parents to develop healthy eating habits in their children if at the same time contrary messages are being given in marketing directed at children. Marketing should support the interest of consumers in their own health and encourage the consumption of healthy alternatives. In general, to help encourage children's health education, it is important to avoid advertising "unhealthy" products for children and that advertising should not rely heavily on familiar appealing images. Instead, it would be better if the proportion of advertising of "healthy" foods were increased and there were more emphasis on advertising healthy lifestyles, such as physical activity.

3. Marketing

The Consumer Agency believes that the principles set out below should be taken into account in particular in marketing, to ensure that children's credulity and lack of media literacy are not exploited to promote the sale of foods.

3.1. Children as a target group

The content and volume of advertising influence consumer habits, particularly in children and adolescents. Research has shown that advertising influences not only preferences for certain brands (which chocolate bar to choose) in general, but also the choices that young people make with respect to food (whether to choose sweets or fruit). Dietary habits are learned and become ingrained in early childhood. The majority of food advertising aimed at or reaching children and adolescents is for sugary cereals, soft drinks, sweets, crisps and hamburgers. A typical feature of marketing for these products is that they are associated with children's heroes and cartoon characters, fun, free gifts and competitions. The more children and adolescents see this advertising, the more of the products they consume.

Minors are more susceptible to the influence of advertising than adults. Children believe that the advertising message is real and they do not yet have sufficient knowledge of the adverse health effects of over-consumption of products containing high levels of sugar, salt or fat. Children are also capable of having a considerable influence on their parents' purchasing behaviour. Appealing to children in advertising puts pressure on parents, even though it is they who should have the first say in what to buy for their family. Through advertising images of trendy choices and ways of life are created in the minds of children and adolescents, which the advertiser hopes will stay with them into adulthood. However, advertising can also be used to make healthy products and lifestyles appealing to children and adolescents.

3.2 Parents' power of decision

Parents bringing up children have the right to decide what to buy for the family without pressure being imposed on them by appealing directly to children.

- Advertising should not call parents' power of decision into question nor give a child a false conception of its own power.
- An advert should not encourage children to persuade their parent to purchase a product.
- Marketing should also not appeal forcefully to children. This means that an advert should not for example contain direct invitations to buy such as "buy, try, own, test"...
- It should also be borne in mind that advertising can reach children even though it is not directly aimed at them. The times when adverts are broadcast and the programmes in conjunction with which this is done must be taken into consideration in television and radio advertising. Children are also exposed to advertising presented in cinemas before children's film or on children's videos.

3.3 Misleading advertising

Information on the nutritional effects of foods affects consumers' decisions about what to buy. Marketing is assessed on the basis of the overall impression it conveys. Marketing containing correct information can also be misleading if information which is important for the product as a whole is not included in the consumer information or it is presented unclearly.

- An advert must not give a misleading impression of the healthiness of the product or encourage unhealthy eating habits. If a claim relating to some healthy property is made in marketing, any other "more unhealthy" property that it may possess should also be made clear. For example, fat-free foods may have a very high sugar content. In emphasising that a product is fat-free, care must be taken not to give a misleading impression that the product is healthy in other respects as well.
- Information about a product's composition must be stated clearly and unambiguously in terms which the consumer understands. General and ambiguous expressions are to be avoided. For example, the marketing claim "contains less sugar" does not give any information on the actual sugar content of the product. The claim can also be misleading if the product does not contain any less sugar than other products in the same category. For this reason, in general, only information which is significant and relevant to the nutritional content of a product should be mentioned in marketing.
- When assessing the use of nutritional claims, other products in the same product group should also be taken into account. For example, using the word "fat-free" in marketing is misleading if the products in question do not generally contain fat.

3.4 Good marketing practice

Marketing should not use procedures which are contrary to good practice or otherwise unfair to the consumer. In accordance with the prevailing values in our society, the health and wellbeing of children

is considered to be an important goal, about which parents are often concerned. Marketing which is contrary to these generally accepted principles is always also contrary to good practice.

- It is not acceptable in advertising to invoke parental responsibility for upbringing by arousing feelings of guilt. Advertising should not give the impression that by buying a particular product a parent will be successful in bringing up a child.
- Advertising should also not appeal to children's emotions by exploiting their inexperience and gullibility. Advertising must not create the impression in the minds of children that human dignity, quality of life and good social relations can be compensated for or obtained through food.
- Children generally trust their parents' expertise and an advertising message presented by a parent easily carries a lot of weight in children's eyes.
- Children and adolescents also easily identify with their idols and follow their consumer habits. Because of this, attention should be paid in advertising to the kinds of dietary habits that are promoted with the aid of idols.

3.5 Recognisability of advertising

The commercial purpose of marketing must always be clear, regardless of whether the target group is adults or minors. Small children are quite unable to distinguish marketing from other information. It is not until around eight years old that children understand that the purpose of advertising is to sell. When the inability of children to understand advertising is taken into account, the requirements with regard to the recognisability of marketing become stricter than usual.

- Hidden or disguised advertising is never acceptable. For this reason, advertising messages may not be included in pastime material or programmes. Marketing becomes less recognisable if it is dressed up as editorial material, such as a comic strip or an article. Marketing may also not use cartoon or other figures familiar to children in another context, because a child cannot immediately recognise it as marketing.
- In addition, it must be taken into consideration that messages presented by familiar figures from comics and cartoons have a special appeal for children. For this reason, when these are used in marketing, attention must be paid to the kinds of dietary habits presented with the aid of these figures.
- The importance of recognisability in the case of Internet advertising must be stressed. The Internet uses powerful tools: moving pictures, sound and interaction, with the aid of which children are drawn directly into the action, by getting them to participate in marketing games. Combining advertising with entertainment (such as "advergames"), often means that marketing is not recognisable as such.

3.6 Free gifts

Children are unable to assess the value of a free gift in the same way as adults. Since a free gift of little value can be more enticing to a child than the actual product, it is easy to influence the purchasing decision by offering a free gift.

- When marketing products of interest to children, particular care must be taken to ensure that the presentation of the free gift is not the main thing that interests a child in an advertisement or on the packaging.
- Toys generally appeal strongly to children and tempt them to buy. Collector's series and competitions associated with sweets and soft drinks encourage the excessive consumption of these products. Toys associated with burger meals tempt children to eat in these restaurants and get children used to becoming customers from an early age.
- If collector's series are associated with the product, collecting the series can easily become the most important thing for a child. Marketing must not create situations in which minors pressure their parents to purchase a particular product just because of the collector's items that come with it.
Parents have the right to decide what to buy for their family without a child's eagerness to collect being exploited in marketing the main product. Consequently, collector's series which can only be acquired by buying a product must not be associated with foods.
- Marketing of various kinds of bulk discount and extra large sweet and crisp packets also easily encourage over-consumption. Promoting the sale of sweets, soft drinks and hamburgers by means of toys which appeal to children and forceful marketing of bulk discount are contrary to the goals of public health.

3.7 Marketing lotteries

The basic rule regarding marketing lotteries and competitions is that it must be possible to participate in lotteries and competitions without buying the product.

- The presentation of lotteries may not dominate marketing to the extent that the product itself remains secondary. Nor may an unrealistic impression of the chance of winning be given.
- Competitions and lotteries aimed at children are subject to stricter regulation. Children are not as capable as adolescents and adults of making a realistic assessment of the improbability of winning a prize. They easily base their decision to purchase purely on the basis of the temptation of winning a prize. For these reasons, lotteries and competitions in which one can only participate by buying a product should not be aimed at children.
These means of sales promotion may also not be presented on a package in a way which appeals to children.

4. Schools as a marketing channel

The Consumer Agency believes that the purpose of schools and educational establishments is not to function as a marketing channel but rather as an educator and impartial distributor of information. It is difficult for minors to understand the commercial nature of advertising, and marketing material distributed by teachers or other authorities can easily carry a lot of weight with pupils and students. Parents should have the right to decide on what kind of marketing minors should be exposed to in

schools and educational establishments. For this reason, marketing materials such as adverts and product samples should not be distributed to minors through schools or educational establishments, nor should marketing events be organised, without the consent of parents.

Vending machines for soft drinks and sweets in schools are contrary to the health education given by schools. Vending machines maintained by student bodies are justified in the light of these bodies' need to earn revenue, but must not override the health perspective. It should be possible to replace the products with more healthy alternatives. There are good examples of this already in some schools.

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