

**EVALUATION OF THE EUROPEAN
PLATFORM FOR ACTION ON DIET,
PHYSICAL ACTIVITY AND HEALTH**

European Commission

Directorate General Health and Consumers

Directorate C "Health and Risk Assessment"

Brussels, Belgium

Specific Contract No 2

Implementing Framework Contract SANCO/2008/01/055/Lot 1

Case Study report:

**Advertising and marketing to
children**

July 2010

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1 INTRODUCTION

In the past five to ten years there has been an increasing trend towards the self-regulation by industry of its advertising and marketing to children. One industry member, when asked why they began self-regulating at the time, stated: *“It was the result of joint factors: The maturing of the debate at industry level, the debate at EU legislative level and the creation of the Platform at the time, this all led to the commitments”*.

In light of this increasing trend and as stipulated in the Terms of Reference, the objective of the case study on advertising/marketing to children is to establish how well self-regulation in the area is being implemented and what effect it is having. In addition, it will seek to respond to the specific evaluation question: ‘What was the impact of self-regulation commitments on EU or national regulatory initiatives?’.

2 DESCRIPTIVE ANALYSIS OF PLATFORM MEMBERS COMMITMENTS IN THE AREA OF MARKETING / ADVERTISING TO CHILDREN

The objective of this case study is to establish how well self-regulation in the area of advertising / marketing to children is being implemented and what effect it is having.

As a first step to answering this question, the evaluation team undertook to carry out a descriptive analysis of all of the self-regulation commitments in the area of advertising / marketing to children. This analysis is presented below.

2.1 The commitments under review

A search of the database of commitments of the EU Platform for action on Diet, Physical Activity and Health was undertaken to identify all commitments classified under “Marketing & advertising to children”. A separate search was also carried out using keywords e.g.: Children, Adolescents, education, school to ensure that any commitments which are multi-faceted, but were not categorised by members as “Marketing & advertising to children”¹ were also included. Commitments where the commitment area was listed as “other” were reviewed to see if they contained information about marketing & advertising to children.

There are 22 commitments on the Commission’s database which relate to advertising/marketing to children, 14.5 of which can be categorised as self-regulation initiatives.² All of the self-regulation commitments in the area of advertising/marketing to children have been considered as part of the descriptive analysis element of the case study. The commitments to be considered (based on the database provided by the Commission in January 2010 and subsequent information provided in April and June 2010) are presented in the table below.

Table 1: Self-regulation Platform commitments in the area of marketing / advertising to children³

Actor	Number of actors	Platform member	Commitment	Action number	Timeframe	Geographical scope	Self-regulation?
Burger King, Coca-Cola, Danone, Ferrero, General Mills, Kellogg, Kraft, Mars, Nestlé, PepsiCo, Unilever	Multiple	World Federation of Advertisers (WFA)	The EU Pledge - Changing Food Advertising to Children	1075	2008 to 2020	27 countries	Yes

¹ On the Commission’s database, Platform members are only able to categorise their commitments as being within one of the action four areas. As some commitments are multi-faceted and may contain an advertising/marketing to children element (but not been categorised as such), the evaluation team wanted to ensure that all the relevant commitments were considered as part of this study.

² It should be noted that there are several other commitments by Platform members including CIAA, WFA and EGTA that relate to advertising and marketing, or have a component that relates to advertising and marketing. However, for this case study only commitments that were classified as self regulation (as opposed to e.g. recommendations) and that have a clear focus on children and/or adolescents were taken into account.

³ This table does not include all of the Platform’s marketing and advertising commitments, but only those which are self-regulation commitments targeted directly and specifically at children, i.e. those that are directly relevant to this case study.

UNESDA	Multiple	Confederation of the Food and Drink Industries of the EU (CIAA)	Advertising and Commercial Communications, including school vending	581	2006 to 2020	28 countries	Yes
UNESDA	Multiple	Confederation of the Food and Drink Industries of the EU (CIAA)	No advertising in cinemas during films aimed at children under 12 years (extension to 581)	1064	2008 to 2020	30 countries	Yes
The Co-operative Group Ltd	One	EUROCOOP member	The Co-op responsible advertising and marketing practices	818	2006 to 2007	1 country (GB)	Yes
Unilever	One	Confederation of the Food and Drink Industries of the EU (CIAA)	Responsible marketing and advertising	833	2006 to 2008	29 countries	Yes
Ferrero Group	One	World Federation of Advertisers (WFA)	Media literacy & Responsible Advertising to children	427	2005 to 2020	29 countries	No for media literacy; Yes for EU Pledge
Mars Inc	One	Confederation of the Food and Drink Industries of the EU (CIAA)	Mars Marketing Commitments (MMC)	1018	2008 to 2020	30 countries	Yes
Kraft Foods	One	Confederation of the Food and Drink Industries of the EU (CIAA)	Monitoring children's advertising	452	2005 to 2006	25 countries	Yes
United Biscuits (Part of European Snacks Association commitment)	One	Confederation of the Food and Drink Industries of the EU (CIAA)	UB's commitments in the areas of product development, consumer information and advertising to children	617	2006	2 countries (UK & Ireland)	Yes
Kraft Foods	One	Confederation of the Food and Drink Industries of the EU (CIAA)	Voluntary restriction on promoting certain products to children	453	2006	21 countries	Yes
KiMs A/S (Part of European Snacks Association commitment)	One	Confederation of the Food and Drink Industries of the EU	KiMs' commitments in the areas of consumer information, product development, physical exercise and advertising to children	618	2006	3 countries (UK, Ireland and Denmark)	Yes

		(CIAA)					
World Federation of Advertisers (WFA)	Multiple	World Federation of Advertisers (WFA)	Strengthening and expanding food and beverage advertising SR across the EU25	543	2006	27 countries	Yes
World Federation of Advertisers (WFA)	Multiple	World Federation of Advertisers (WFA)	Strengthening and expanding food and beverage advertising SR across the EU27	544	2006	27 countries	Yes
European Snacks Association (ESA)	Multiple	Confederation of the Food and Drink Industries of the EU (CIAA)	Savoury snacks industry commitments in the areas of consumer information, product development and commercial communication	604	2006	16 countries	Yes
PepsiCo Europe & UK	One	Confederation of the Food and Drink Industries of the EU (CIAA)	Product development, consumer information, marketing/advertising and the promotion of healthy lifestyles	619	2006	29 countries	Yes

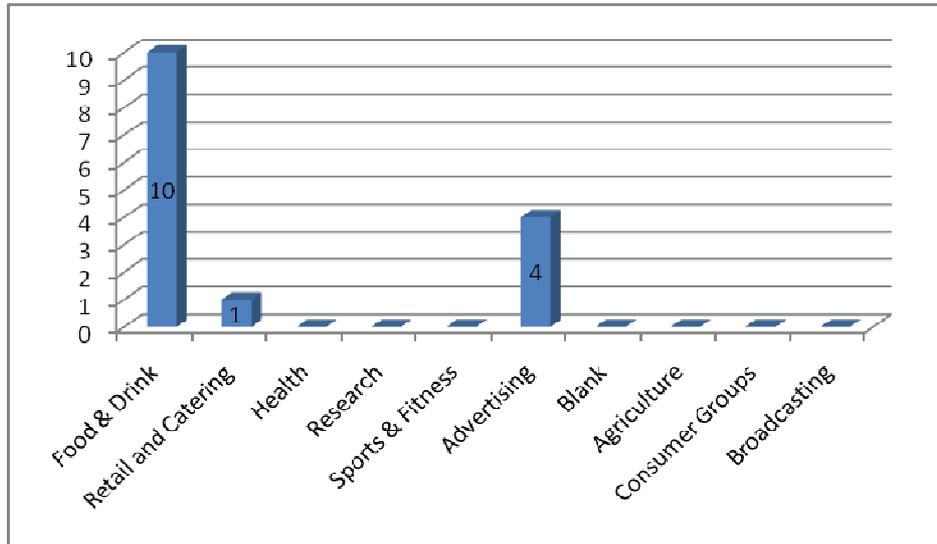
2.2 Descriptive Analysis

In order to establish the potential impact of the commitments, the following criteria have been considered:

- Different types of activity
- Geographical spread
- Number and size of actors involved
- Target group
- Duration of commitment
- Extent to which commitment has been extended over the years to include other areas (for example, adding cinema, vending machines etc)
- Compliance with monitoring requirements

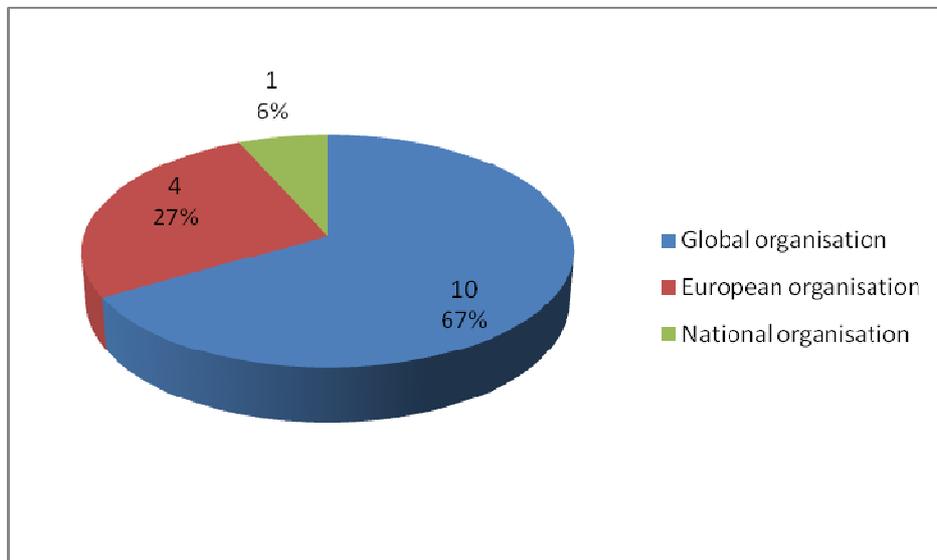
All 15 commitments considered in this case study are by for-profit organisations. Nine of the 15 commitments are single-actor commitments, i.e. only a single member company belonging to one of the 33 Platform members works on the commitment. Six commitments involve more than one organisation. In terms of sector, as shown in the graph below, 10 of the 15 commitments were undertaken by organisations in the Food & Drinks sector. The other commitments were made by organisations in the Advertising sector (four) and the Retail & Catering sector (one):

Figure 1: Commitments by Platform member sector



The size of the organisation can also be relevant with regard to the potential impact of the commitments, due to a broader geographical reach of global organisations. As shown below, 10 commitments are from global companies, showing that there is a large potential in terms of reach and impact (the only national commitment is also from the one nationally operating organisation). Four commitments are by European organisations, of which three commitments are by a pan-European umbrella organisation, and one commitment is by a European company also covering the whole of Europe:

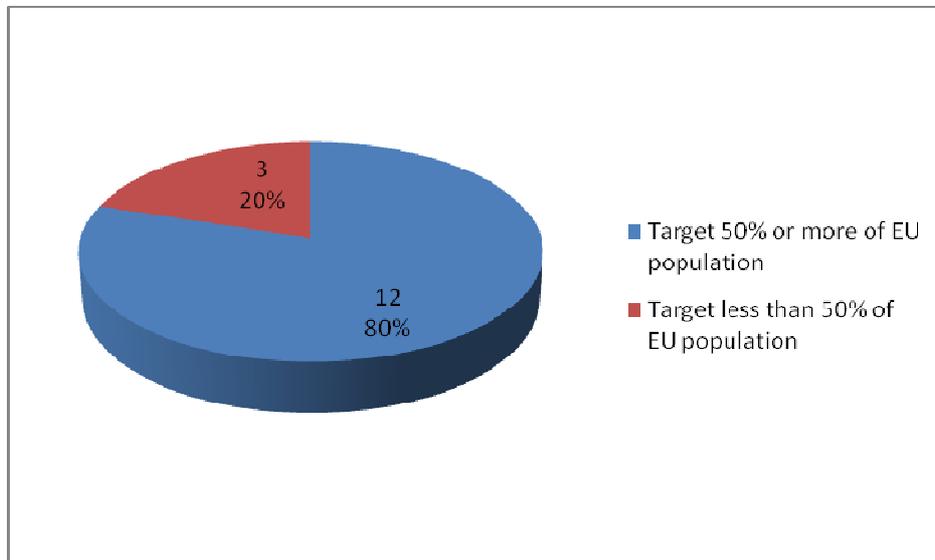
Figure 2: Commitments by geographical outreach of Platform member



In addition to the geographical presence of the organisations, the geographic target areas of the commitments, i.e. whether they are national or multi-national commitments and how many Member States are targeted is another relevant factor. Fourteen of the 15 commitments are multi-national, i.e. they target more than one Member State. Only one commitment is a national commitment, targeting one Member

State only. As the graph below shows, 12 of the 14 commitments that target more than one Member State also target Member States that represent 50% or more of the EU population:

Figure 3: Population covered by commitments

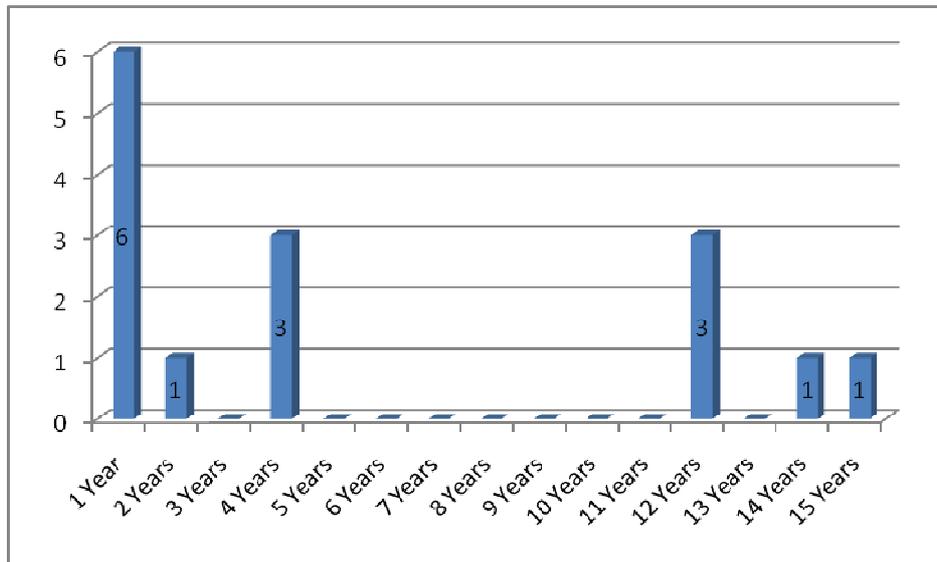


With regard to the type of activity, the majority of activities focus on one type of activity, i.e. Marketing & Advertising (10 commitments). Five commitments also partly focus on other activities such as media literacy, product development and consumer information. The majority of the commitments (10) target Children & Adolescents only, and only one commitment also targets a second target group (employees) in addition to this⁴. Four commitments target the general public as their main target group, and two of those also target industry as a second target group. The above shows that the majority of the 15 commitments considered in this case study have a clear focus in terms of both activity and target group, which could potentially support their impact due to an approach which is more tailored to the commitments' target group.

The commitments are split with regard to their planned duration, with seven commitments having a planned duration of one or two years, and five commitments having a planned duration of over 12 years, as shown below:

⁴ Information on additional target groups was not available for four of the commitments.

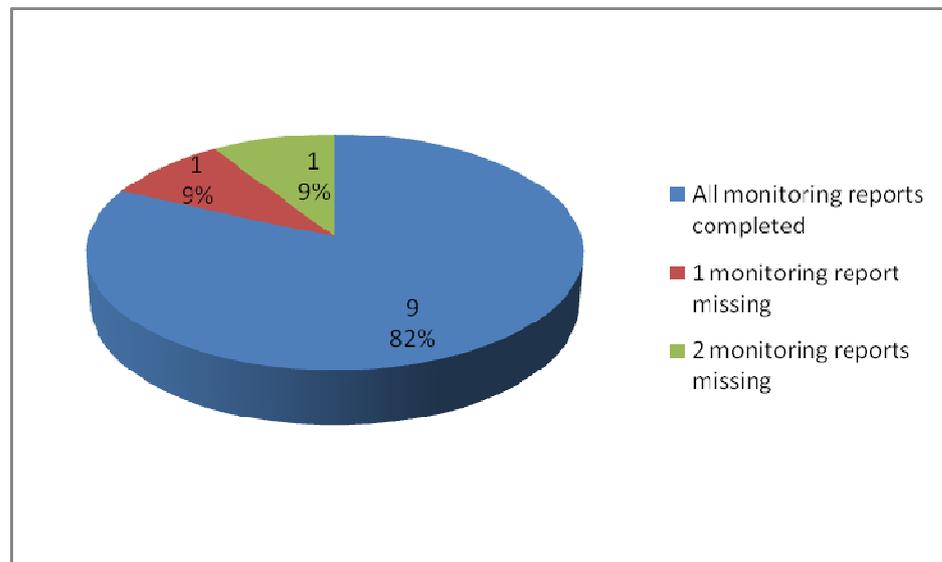
Figure 4: Duration of commitments



The planned duration of the commitments and the completion of monitoring reports can potentially be seen as factors contributing to the impact of the commitments. The impact of the five commitments with a planned duration of more than 12 years could potentially be bigger than the impact of the seven commitments with a duration of one or two years only, as a larger share of the population could be reached and the implementation of the commitments can be monitored, adjusted and approved over a longer period of time. Planned duration of commitments could also affect the sustainability of activities, as a commitment implemented over 12 years might have a more sustainable effect than a commitment implemented in one or two years.

Compliance with monitoring requirements was also looked at in the context of this case study (although data was only available for 11 of the 15 commitments). As shown below, nine of the seven commitments completed all their monitoring reports for the years they were running until 2008. One commitment had a monitoring report for one year missing and the monitoring reports for two years were missing for another commitment. A high level of compliance with monitoring requirements can be seen as potentially increasing the impact on the commitments, as monitoring essentially means that the activities carried out can be evaluated in terms of their effectiveness and adjusted if necessary. The graph below shows a good level of compliance for those commitments data was available for:

Figure 5: Commitments' compliance with monitoring requirements⁵



In order to judge potential impact of the commitments, the evaluation team also looked at whether commitments had been extended over the years to include other areas, e.g. from TV, print and radio to include the Internet. Commitments that have been extended to cover additional areas could be seen as an indicator for a successful implementation, as the organisation seems to be able to fulfil their commitments and look for ways to increase their activities in this field. An examination of the description of the 15 commitments in this case study showed that only two commitments have been extended beyond their initial scope.

⁵ Data on monitoring reports was not available for four of the commitments.

3 IN-DEPTH STUDY OF THREE COMMITMENTS

3.1 Key characteristics of the three commitments

Please refer to Annex 4 for a brief description of the commitments looked at for the in depth study, including details of their key characteristics, objectives, relevance and monitoring data.

The following table presents the **key characteristics** of the three commitments, allowing for comparison. Please note that certain EU Pledge companies' individual Pledges go beyond the minimum terms of the EU Pledge – these 'additions' are presented below.⁶

Table 2: Key characteristics of selected commitments

Category	Commitment: The EU Pledge - Changing Food Advertising to Children
Number of actors	<p>16 companies: Burger King, Coca-Cola, Danone, Ferrero, General Mills, Kellogg's, Kraft, Mars, Nestlé, PepsiCo, Unilever</p> <p>and</p> <p>Intersnack, Lorenz Snack-World, Procter & Gamble, Unichips – San Carlo and Zweifel Pomy-Chip⁷</p>
Age limit	<p>EU Pledge: Under 12s</p> <p>Additions: No signatory companies' commitments go any further than the EU Pledge on this point.</p>
Audience proportion / characteristics	<p>EU Pledge: Minimum of 50% of children under 12 (<i>Coca-Cola, Danone, Ferrero, PepsiCo and Unilever</i>)</p> <p>Additions: Kellogg's applies a minimum of 35% to 49% where they deem TV shows to be specifically targeted at or of appeal to children under 12 Kraft has a 35% minimum. Burger King has a 30% minimum. Mars has a 25% minimum.</p>
Number of products concerned	<p>EU Pledge: No advertising of products unless they fulfil specific nutrition criteria based on accepted scientific evidence and/or applicable national and international dietary guidelines (<i>Nestle, General Mills, Kellogg's, Kraft and Unilever for 6 to 11s; and Burger King, Danone, Ferrero - once nutritional criteria is established - for under 12s</i>)</p> <p>Additions: Blanket ban on advertising of all products to under 12s: <i>Mars, Ferrero until nutritional criteria is established</i> Blanket ban on advertising to children under 6: <i>Coca-Cola, Nestle, General Mills and Kellogg's, Kraft, Unilever.</i></p>
Areas concerned	<p>EU Pledge: TV, print, radio, internet, primary schools</p> <p>Additions: For some signatories (<i>Coca-Cola, Danone, Kellogg's, Mars and Unilever</i>), other forms of marketing are included.</p>

⁶ For further information on the EU Pledge, and the individual signatories' Pledges in particular, please consult the EU Pledge website: <http://www.eu-pledge.eu/pledges.html>

⁷ These five companies joined the Pledge in April 2010 via the European Snack Association – details of their individual commitments had not been published on the EU Pledge website at the time of writing, but were scheduled to be published by the end of 2010.

Areas not concerned	<p>(1) For some signatories, products that fulfil specific nutrition criteria based on accepted scientific evidence and/or applicable national and international dietary guidelines (<i>Nestle, General Mills, Kellogg's, Kraft and Unilever for 6 to 11s; and Burger King, Danone, Ferrero - once nutritional criteria is established - for under 12s</i>)</p> <p>2) Some companies commit to only advertising products that meet all their nutrient benchmarks (<i>e.g. Unilever</i>), while others commit to only advertising products that meet one or all of their nutritional criteria (<i>e.g. PepsiCo</i>).</p> <p>(3) For some signatories, communication related to products is possible in primary schools where specifically requested by, or agreed with, the school administration for educational purposes (<i>Coca-Cola, Burger King, Nestle and General Mills but only on programmes initiated before Jan 2009, Danone, Ferrero, Mars, PepsiCo and Unilever</i>). The companies that do not advertise in primary schools are <i>Kellogg's and Kraft</i>.</p> <p>(4) Although some signatories have built upon the EU Pledge Commitment or kept to previous commitments to cover certain other forms of marketing (e.g. point of sale, the use of third-party licensed characters or properties, viral marketing, product branded games and toys, product sponsorship, marketing to children's cell phones, interactive games, incentives or give-aways), these areas are not covered by the EU Pledge and not mentioned in a number of signatories' individual Pledges (<i>Burger King, Ferrero, General Mills, Kraft, Nestlé, PepsiCo</i>).</p> <p>(5) Campaigns aimed at promoting physical activity and sport (<i>Danone, Ferrero and Mars mention that this activity will continue in their individual Pledges</i>)</p>
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Category	Commitment: Mars Marketing Commitments (MMC)
Number of actors	1 company
Age limit	Under 12s
Audience proportion / characteristics	25% minimum
Number of products concerned	Blanket ban which applies to all products
Areas concerned	TV, print, radio, internet, cinemas, sponsoring of films or media programmes, incentives or give-aways, SMS and internet-based activities, use of brand characters, linking snack products to celebrity or animated characters, primary schools, showing children being physically inactive or eating snack products and promotional materials and activities generated by Mars Inc. such as branded websites, online communities, media advertising – broadcast, print and digital – advertorials, sponsorship, brand press releases and promotions,
Areas not concerned	1) Certain other forms of marketing are not covered by this commitment (e.g. point of sale, viral marketing, interactive games).

Category	Commitments: UNESDA - Advertising and Commercial Communication, including school vending (1) & UNESDA - No advertising in cinemas during films aimed at children under 12 years (2)
Number of actors	Multiple companies – UNESDA members: 36 in total, of which 25 are national associations and 11 are companies.
Age limit	Under 12s
Audience proportion / characteristics	50% minimum Movies with a U rating
Number of products concerned	Blanket ban which applies to all products.

Areas concerned	TV, print, radio, internet, cinemas, primary schools, secondary schools - unbranded vending machines and range of products on offer. ⁸
Areas not concerned	(1) Direct commercial activity in primary schools is possible if requested by the school authorities. (2) Certain other forms of marketing are not covered by this commitment (e.g. point of sale, the use of third-party licensed characters or properties, viral marketing, product branded games and toys, product sponsorship, marketing to children's cell phones, interactive games, incentives or

The following information, gleaned from a combination of industry's monitoring reports and the interviews, provides an overview of the amount of human and financial resources that have been dedicated to a give commitment (input indicators), the key tasks that have been undertaken and completed to implement the commitment (process/output indicators) and, where applicable, the most recent key outcome/impact indicators, which tend to focus on the broader impact a given commitment can have in terms of compliance rates, the number of spots viewed by a child under 12, often expressed over time, but also the impact on a company's sales, consumers' purchasing habits and, more widely, on consumers' health.

Table 3: Key data on inputs, outputs and outcomes of selected commitments

Category	Commitment: The EU Pledge - Changing Food Advertising to Children
Input indicators	The cost of running the EU Pledge secretariat and commissioning independent compliance monitoring programmes from external auditors has amounted to EUR 490,000 to date (2 years, of which EUR 298,000 in 2009). During the interview with a signatory, it was estimated that the cost for that company amounted to EUR 560,000 over 5 years for the monitoring, plus all the preparatory work involved in being able to participate, e.g. full assessment of the product portfolio by nutritionists; training of media buyers, brand developers. The HR resources would far outweigh the direct capital' they are operational in over 100 countries and selling products in over 150 countries.
Process/output indicators	<ul style="list-style-type: none"> Established a Secretariat (2008) Established a website (2008) Defined the compliance monitoring programme and choice of auditors and reviewers (2008) Informed company departments internally, and agencies and other subcontractors and stakeholders externally of changes in marketing strategy (2008) Trained company marketing managers (2008 and 2009) Carried out independent monitoring (2009) and reporting (2009) Communicated externally and with the EC/Platform (2008 and 2009)
Outcome/impact indicators	<p>Compliance rates (2009):</p> <ul style="list-style-type: none"> <u>TV advertising</u>: 99.8% <u>Print advertising</u>: Only two instances of advertising in children's titles were observed <u>Internet advertising</u>: On the websites monitored, Accenture reported only one instance of non-compliance. <u>In-school communications</u>: 93%. <p>Measurement of change in the balance of food advertising to children between 2005 and 2009:</p> <ul style="list-style-type: none"> Exposure of children <12 to TV ads for products that do not meet companies' nutritional criteria: - A 93% drop in programmes with an audience composed of a majority of children. - A 56% drop overall, i.e. in all programmes on all channels at all times. Exposure of children <12 to TV ads for all EU Pledge member companies' advertising across all products, regardless of nutritional criteria: - A 61% drop in programmes with an audience composed of a majority of children. - A 30% drop overall, i.e. in all programmes on all channels at all times. <p>Monitoring and reporting undertaken by third-parties PWC and Accenture – see 2009</p>

⁸ This commitment was further extended in 2010 to include the digital marketing sphere.

	Monitoring Report on http://www.eu-pledge.eu
Other relevant comments	<p>Scale: 11 companies are signatories to the EU Pledge and represent approximately two thirds of the food and beverage advertising spend in the EU. The European Snacks Association (ESA), comprising the bulk of the snack food industry in Europe joined the Pledge in April 2010 – five of its members (in addition to two Pledge founders) publically pledged to follow the Pledge's principles.</p> <p>Difficulties encountered during the monitoring:</p> <ul style="list-style-type: none"> • Diverse advertising and marketing media markets across Europe • Large-scale data processing • Challenge of compliance monitoring for online advertising • Difficulty in tracing product formulation data over time • Drafting a user-friendly and understandable questionnaire for schools and getting a good response rate to it

Category	Commitment: Mars Marketing Commitments (MMC)
Input indicators	According to the interview, there is the monitoring cost linked to the EU Pledge – of EUR14,000 per company per year, and the internal implementation cost which involves a huge amount of man hours from marketing, legal and corporate affairs employees, and external experts. They set up training as part of their marketing curriculum and someone is carrying out the training globally.
Process/output indicators	<p>Revised the Mars Marketing Commitments internally and with the help of external advisers and advertising experts (2007)</p> <p>Developed internal communication tools (2007)</p> <p>Developed training tools and supports (2007)</p> <p>Set up a team and a procedure to answer internal questions about compliance of planned activities (2007/2008)</p> <p>Communicated the Commitments internally (2007)</p> <p>Carried out interactive training sessions for employees and external agencies (2007) - Participation in training workshops for employees and external agency staff⁹:</p> <ul style="list-style-type: none"> • 18 attendees in Belgium • 17 attendees in Spain • 20 attendees in Germany • 50 attendees from Finland, the Baltics, Poland, Hungary, the Czech Republic, Slovakia, Bulgaria, Romania, Croatia, Slovenia, Bosnia-Herzegovina <p>Assessment of compliance of all its branded websites worldwide (2008)</p> <p>Driving licence – online test of the understanding of the marketing commitments for employees (2008). The test is mandatory for all marketers in Mars.</p> <ul style="list-style-type: none"> • Out of the 533 Mars employees globally, who had taken the driving licence at the time, 456 passed (approximately 87% pass rate).¹⁰ <p>Third-party compliance monitoring carried out by Accenture and PWC (2009)</p> <p>Began revision of MMCs internally (2009-2010)</p>
Outcome/impact indicators	<p>Compliance rates (2009):</p> <ul style="list-style-type: none"> • <u>TV advertising</u> during the programmes with an audience of more than 50% of children under 12 years old*: 99.8%. • <u>TV advertising</u> during the programmes with an audience of more than 25% of children under 12 years old*: around 96%. • <u>Print media</u>: 100% • <u>Websites</u>: 100%. • <u>Primary schools</u>: 93% <p>* Note: This monitoring was carried out as part of the EU Pledge; Mars's commitments are stricter in terms of the proportion of audience which they set at 25% (rather than 50% for the EU Pledge).</p>
Other relevant comments	Scale/scope: These commitments are global, not just European, and are imposed through a 'top down' process from senior management, thereby ensuring compliance throughout the company.

⁹ This was included in outcomes/impacts in the related monitoring report, but moved into outcomes here.

¹⁰ This was included in outcomes/impacts in the related monitoring report, but moved into outcomes here.

	<p>They apply to both volume and content.</p> <p>Difficulties encountered:</p> <p>According to the interview, these included:</p> <ul style="list-style-type: none"> • The cost • • The time involved in ensuring each marketer has a Mars Driver's License, which is an ongoing process
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Category	Commitments: UNESDA - Advertising and Commercial Communication, including school vending (1) & UNESDA - No advertising in cinemas during films aimed at children under 12 years (2)
Input indicators	<p>There is considerable commitment in the area of human resources and hence time/money from each of the signatories of the UNESDA commitments in briefing their sales forces and deploying them in the markets to check that the companies are compliant.</p> <p>According to the interviews, the monitoring costs amounted to EUR600,000 over a period of three years. In addition, there are the implementation costs for each company which include organising online training tools, meeting with marketing departments, the cost of moving products away and changing the panels of vending machines and their contents. Finally there are the operational and foregone sale costs, which is confidential information.</p>
Process/output indicators	<ul style="list-style-type: none"> • Produced the commitment implementation manual (2006). • Conducted sales force training courses (2006) • Developed internal compliance routines. • Engaged with relevant third parties (agencies, schools, distributors). • Developed and produced new vending panels (2006). • Mobilised the sales force to change operations in schools (2006). • KRC conducted consumer research in 5 MS to gauge reactions of parents to the UNESDA commitments (2006). • Put out a call for tender for independent monitoring and selected Xtreme and PWC (2006). • Compliance monitoring carried out by Xtreme in 8 markets for TV, print and online and by PWC in 4 markets for schools (2006/2007). • Elaborated a set of guidelines on advertising in cinemas (2009). • Briefed marketing departments and advertising agencies, media buyers and cinema chains on the commitment using the guidelines (2009). • UNESDA members' media agencies reviewed audience ratings to ensure compliance and re-evaluated media plans (2009). • UNESDA members bought audience ratings figures in each of the 27 EU markets across TV, print and online media to verify that they were compliant (2009). • UNESDA members' sales forces did not visit primary schools or have any sales dealings with them (2009). • UNESDA members actively engaged with secondary schools to ensure that all panels on vending machines have been changed and are non-branded (2009). • UNESDA members also gave active guidance to schools purchasing managers on how to offer a balanced range of drinks in every vending machine including juices, waters, no- and low-sugar products (2009).
Outcome/impact indicators	<p>Advertising compliance rates (2007):</p> <ul style="list-style-type: none"> • <u>Television</u>: 99.79% • <u>Print</u>: 99.72% • <u>Online</u>: 100%. <p>Schools compliance rates (2007):</p> <ul style="list-style-type: none"> • <u>No vending in Primary schools</u>: 93.9%. • <u>Offering a full variety of beverages in secondary schools</u>: 66.9% • <u>Vending machines are unbranded</u>: 69% <p>Schools compliance rates (2009):</p> <ul style="list-style-type: none"> • <u>In schools</u> – 93% <p>Cinemas compliance rate (2009):</p> <ul style="list-style-type: none"> • No figures provided but “members have reported overwhelming compliance”, according to the 2009 monitoring report. <p>Monitoring undertaken by third-parties Xtreme and PWC.</p>

<p>Other relevant comments</p>	<p>Scale: In 2006, 96 companies in 7 Member States (2006) formally undersigned the commitments beyond the nine that already did so at European level. As at May 2010, the figure had risen to 105, of which nine are the original multi-national signatories (i.e. The Coca-Cola Company, Coca-Cola Enterprises, Coca-Cola Hellenic, GlaxoSmithKline, Orangina Schweppes, PepsiCo Britvic, Gerber and Unilever) and the rest are local companies operating in one national market.</p> <p>Difficulties encountered:</p> <ul style="list-style-type: none"> • “Removal of machines from schools across Europe and changing of panels took some time and considerable investment from the companies concerned”, according to the 2006 monitoring report. • UNESDA had originally made a commitment that parents and teachers should be actively involved in the selection of drinks offered in secondary schools. They later recognised (2007) that this was beyond the remit of influence that commercial companies can exert, according to the 2007 monitoring report. • For cinemas – “some challenges emerged due to the way in which cinema advertising is purchased in some markets which sometimes does not distinguish between films, but is by weeks”. <p>Results of research by KRC Consumer Research in June 2006 in 5 EU Member States to gauge reactions of parents to the UNESDA commitments:</p> <ul style="list-style-type: none"> • Some 50% of parents expressed awareness of the UNESDA commitments and displayed overwhelming support to not advertising to under 12s and not selling in primary schools; • Parents surveyed believed that they have most responsibility for their children's diet, followed by schools • Parents did not have full confidence that industry would act and would 'keep its promises'.
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3.2 Interview analysis

As detailed in the methodology section (see Annex 1), industry representatives (including both umbrella organisations and individual companies) responsible for the three commitments under review, two not-for-profit Platform members and one expert with knowledge of the Platform and expertise in the area of marketing / advertising to children, were interviewed in the context of this case study.

The following interview analysis section looks at:

- The strengths and weaknesses of the commitments, as set out by not-for-profit Platform member interviewees and experts;
- The implementation and monitoring of the commitments, as detailed by industry, and commented on by not-for-profit and expert interviewees.
- Assessing the impacts of the commitments, with the help of comments from both industry, and not-for-profit and expert interviewees.

3.2.1 The strengths and weaknesses of the three commitments

This section presents the opinions of the two not-for-profit Platform members and expert interviewed on the three commitments under review. Interviewees were given time to take a more in-depth look at the three commitments prior to interview – a brief description of the commitments was sent to them including a few questions on strengths and weaknesses and impact to help guide their thoughts (See Annex 4).

General comments by the interviewees on the commitments as a whole included:

The strengths:

Interviewees agreed that industry had made a significant step in the right direction with these commitments:

- *“It’s good that they are acting – they’ve drawn up the commitments, are taking them seriously, are monitoring them and are responding to EU Platform requests to expand them. The commitments appear to be well administered; it’s serious, not a joke. This is to be commended. In the past, the commitments were vague; they have changed this which is an important shift.”*
- *“I welcome that industry is recognising that it has some responsibility. Industry, ten years ago, would not have dreamt of this. Things have moved on substantially.”*
- *“Industry pledged to make a change and they have made that change.”*
- *[The commitments have been] promised by the very person who is doing it, it comes from them and they are the best people to enact them.”*

In terms of the specifics of the commitments, the following general comments relating to their strong points were made:

- *“They are recognising that it’s more than just TV, it’s also about schools, print media and websites, cinema etc.”*
- *“They are getting stricter; some companies go beyond the basic provisions or extend them.”*
- *“They are relatively transparent commitments, though there are some areas where they are less so”*

The weaknesses:

Interviewees argued that the reason behind industry's acting is not necessarily the right one:

- *"[Companies] have not stopped to look at what they need to do to get kids to stop eating such foods. What they are doing is in response to what parents are saying, what the Platform wants and they are looking at how it is going to affect their brand."*
- *"[Companies] have a desire to respond to regulatory pressures, offset anything that may inconvenience them further." "I see these pledges in part as an attempt to pre-empt stronger regulation."*
- *"They are not binding legally so they can be changed at short notice and lost. They could be unravelled or reversed when not looking."*

In terms of the specifics of the commitments, the following general comments relating to their weak points were made:

- *"There are too many loopholes – the criteria are too weak."*
- *"Once you look at the commitments, they tend to fall apart a bit. The standards that are applied are very different and often insufficient."*
- *"There are a large number of exceptions which leaves the impression that it is not a public-health driven endeavour. Why not use the UK definition of 16 as the cut-off age? Why not do like in Quebec with a combination of thresholds of 5% and 15%, where they include programmes that are targeted at everyone but may have a higher child audience?"*
- *"What are [companies] trying to do? Look good? Change diets? One has to be a little suspicious when looking at the holes in the criteria. Does it mean that the market is changing – perhaps they don't want to target children any more or are doing so in another way?"*
- *"They are stating that they are only interested in things targeted directly at children rather than saying how they can reduce the exposure to children."*
- *"There are a lot of companies that are not listed (both large and smaller ones) – small confectionary and soft drink companies. While they may not be able to afford TV ads, they do do a lot of local promotion."*

Broader comments:

Some interviewees offered further insights into the 'why?' of certain of the points made above:

- *"While there is a lot of good faith, they are not coming at it from the public health perspective - and why should they? The issue of how public and private interact is not fully resolved."*
- *"The question is whether it's an appropriate replacement for government intervention – there is tension between companies not wanting to be regulated and governments not having time and resources to regulate companies."*

Interviewees mentioned the following strengths and weaknesses in relation to a given commitment (please note that this table represents the opinions of interviewees and is not necessarily exhaustive):

Table 4: Overview of key perceived strengths and weaknesses of selected commitments

Commitment	Strengths	Weaknesses
<p>The EU Pledge - Changing Food Advertising to Children</p>	<p>(1) The basic principle is good.</p> <p>(2) Many companies go beyond the basic provisions of the EU Pledge in terms of what they implement, such as Mars where the ban on advertising applies to all foods or not using licensed characters (see Table 2).</p> <p>(3) The EU Pledge is seriously managed with a Secretariat.</p> <p>(4) The commitment is being monitored, the results of which show it's having results.</p>	<p>(1) The criteria on which it is based could be much stronger.</p> <p>(2) Children will see a lot more adverts than in the UK or Quebec where more stringent age and audience limits are applied. The 12 year old age limit does not cover teenagers.</p> <p>(3) It misses the main programmes kids watch through the use of proportions rather than total numbers of children viewers – UK research shows that TV programmes and web-sites that are most popular with children are generally those where there is a large proportion of adults watching.</p> <p>(4) The nutritional criteria set by certain signatories are not strict enough relative to UK standards and international guidelines.</p> <p>(5) It is difficult to assess which products will no longer be advertised. The signatories to the Pledge have developed their own criteria for defining which of their foods will be subject to the restrictions. Coca Cola for example says it applies to all, whereas others have their own criteria, some of which are specific to product category.</p> <p>(6) Some creative marketing techniques like the use of brand equity characters developed by the manufacturers or ads on billboards at bus stops near schools are excluded.</p> <p>(7) It does not cover the whole sector/all food companies. Why are CIAA not leading it? You won't get smaller companies with fewer resources to agree to it.</p> <p>(8) It is not being implemented properly outside Europe – individual companies are not being made to act, are not being monitored so it is a lot less transparent.</p> <p>(9) The monitoring was reasonable, but not totally transparent. They only monitor what they say they will monitor, excluding other marketing techniques. It does not specify how industry assesses the value for money for advertising campaigns. It would have been good to have a reviewer/organisation who/that was completely independent of industry involved in the monitoring.</p>

Commitment	Strengths	Weaknesses
Mars Marketing Commitments (MMC)	<p>(1) The most extensive commitment [of the three] in terms of the criteria.</p> <p>(2) It is a comprehensive commitment.</p> <p>(3) The threshold of 25% is better than those of the other commitments.</p>	<p>(1) Children will see a lot more adverts than in the UK or Quebec where more stringent age and audience limits are applied. The 12 year old age limit does not cover teenagers.</p> <p>(2) It still (with a 25% threshold) misses the main programmes kids watch through the use of proportions rather than total numbers of children viewers – UK research shows that TV programmes and web-sites that are most popular with children are generally those where there is a large proportion of adults watching.</p> <p>(3) Some creative marketing techniques like the use of brand equity characters developed by the manufacturers or ads on billboards at bus stops near schools are excluded.</p> <p>(4) Philanthropic and educational activities in schools are not covered.</p>
UNESDA - Advertising and Commercial Communications, including school vending; and UNESDA - No advertising in cinemas during films aimed at children under 12 years	<p>(1) The commitment has been extended to include cinema.</p> <p>(2) It covers the whole drinks industry.</p> <p>(3) Its main strength is the part covering schools.</p>	<p>(1) Children will see a lot more adverts than in the UK or Quebec where more stringent age and audience limits are applied.</p> <p>(2) It only applies to placed advertising, not for example to its own websites. It doesn't cover packaging and sponsorship.</p> <p>(3) There is 'wriggle room': 'Except where agreed by school for educational purposes' – this offers the opportunity for putting branding somewhere in a school in exchange for funding/sponsorship. There are temptations – this will be more the case in eastern half of Europe where the markets are still developing.</p>

3.2.2 Implementing and monitoring the commitments

Industry was asked to provide more details on the implementation and monitoring of its commitments, and not-for-profit and expert interviewees to provide comments on some issues relating to these.

The factors affecting food choice in children

Interviewees were asked about the factors that affect food choice in children; industry, more particularly, was asked whether research was carried out into this area prior to undertaking their commitment. Interviewees from both industry and the not-for-profit / expert sector agreed that parents were a key factor affecting food choice in children. One industry member stated:

“We did some research [into what factors affect food choice in children] and the research showed that by and large, the largest influence on children under 12 is their parents, much more than teachers and friends, but it’s different for older kids. Hence, the essence of the work we are doing which is aimed at role models and parents, i.e. giving them the information they need to take the right decision for the child.”

Other factors mentioned included:

- Price, proximity, portion size and brand.
- Taste and variety.
- Advertising:
 - It includes three elements: that directed at the child, that acting on peers, that acting on parents.
 - Advertising encourages a broader culture of consumerism and children have more spending power than they used to have – there has been a cultural shift.
- Consumer behaviour: *“Between knowledge and attitude there is a gap; motivation is everything.”*
- One of the key issues is *“whether the child values that food”*. *“One can advertise fruit and vegetables, but if they don’t value eating them, then they may not be responsive. How do we encourage children to value eating well? This is a challenge for the industry because eating well might involve purchasing fewer products that are produced for individuals themselves and producing more raw products.”*

The factors were also said to be different from one country to another: in France taste seems to play a larger role, whereas in other countries the quantity for price ratio or education are more important.

As such, it can be concluded that advertising does seem to have an effect, but it is only one of several factors.

The implementation

None of the industry representatives interviewed made mention of any great barriers to the implementation of their commitments (aside from the cost and time involved in training those concerned), the reason being that this was a ‘top-down’ process which once they had decided to implement it and gone public with this intention, had to be implemented: *“Once a company has visible brands and decides to implement it, it gets done.”* Another interviewee said: *“Internally we make sure that all marketers have training, and that advertising and media buying agencies get training to ensure we make it a success.”* A further interviewee said that they had their own internal governance system in place which ensures compliance and also had such a system in place for their downstream partners (e.g. bottlers) as they were a franchise business. Finally, a set of interviewees made mention of the interpretation guidelines drafted with the help of UNESDA in relation to the UNESDA

commitment, which serve as a backdrop to their commitments. These took five to six months to draft and, according to one interviewee:

“Developing this manual forced industry to get into the shoes of the regulators. If you don’t market in primary schools, you get into the definition issues of whether there is a secondary and primary school in the same building and if/where you can market, how far from the premises etc. It was good for industry to get bogged down in definitions and end up with a guidance document that shows that there are grey areas. For these areas, signatories were asked to use their best judgment.”

The role of trade associations / government / the EU / the Platform

Industry interviewees were asked what role their trade association played in relation to their commitment. Interviewees were of the opinion that the trade association facilitated the signing of the EU Pledge by bringing together all members in the food / drinks sector to discuss the possibility of having a common framework and creating a level playing field. WFA devoted 2007 to getting an agreement on common criteria. WFA was perceived by another interviewee as having contributed to, but not really changed the implementation of the commitment; they provide help for the monitoring because they manage the consultants who do the data monitoring. One interviewee commented that within the CIAA *“it’s sometimes difficult on such topics to get agreements as there are so many players; it’s easier to initiate it with big companies. The role of a big company is to help trade associations achieve global actions.”* Finally, some interviewees stated that:

“Our trade association was essential to [the commitment]. We [as an individual company] can make a commitment, but it’s not wide enough to be credible. If there is a competitive gain for a given company, then it doesn’t work.” “If you want to self regulate, then you need to do it as an industry.”

“There is the problem of a name and shame exercise; the trade association is a good tool to reinforce the efficiency of a commitment – in order to spread it out.”

“In large companies, we are structured to anticipate such issues, but in SMEs, trade associations help understand what could be a good way to deal with an issue when they are not used to it.”

All interviewees were asked whether they felt that governments/the EU introducing stricter, blanket standards such as in the form of the UK’s Ofcom following FSA standards was the way forward.

While the Not-for-Profit / expert interviewees agreed that some sort of government intervention was needed, it was stressed by two interviewees that it did not have to be legislative:

“It’s up to governments to set standards and require industry to follow – it does not need to be statutory. The Spanish have come near that with their NAOS code, but industry does not have to sign up to it, there is no compulsion.”

“Governments should be the ones setting the policy agenda; it’s about governments being in control, setting the framework and objectives, and industry needing to fit into that.”

The reasons for this included:

“[...] the capacity of governments to regulate against the wishes of industry is limited – it’s difficult and painful for those involved, you end up with something weaker and it comes into force ten years later. Governments aren’t perfect and it can take its toll in the current political and economic climate – the national interest

may be to support the food industry.” “Government needs to be smart about where it legislates; it needs to be strategic as it’s a big investment to fight industry.”

“The current situation of uneasy tension about governance and public/private partnerships means that it’s easy to go back to the solution of legislation, but you need to be smart about it and put capacity in the right places. The issue is not about whether it is voluntary or not, but about who is in power. The government is ultimately responsible.”

Industry’s response to this question is presented in the comments section in Table 7 on ‘The products’, but it was generally opined that companies can put in place standards much easier and faster than governments can and that they are the ones who know their products, so are best placed to set standards, thereby also allowing for product innovation. In addition, some industry members were asked to present their views on self-regulation as opposed to regulation in the area of marketing / advertising to children, and it was generally agreed that legislation was necessary in certain areas (such as labelling), but not in others:

“Action on industry self-regulation is important to demonstrate willingness to participate in the debate and it’s a way to participate in it. We believe that self-regulation is the best way to address the issue.”

“In terms of labelling, regulation is needed – there are some areas where it is needed. There are areas where it would not be practical and other areas where all we ask is to give self regulation a chance. If it does not work, then regulate.”

“Self-regulation makes sense in particular in areas where there is no existing European regulation and where it is difficult to create a European regulation. Some areas are very difficult to regulate.”

“With self regulation, you can have 10 out of 12 of the largest companies doing self-regulation and representing 70% of the market as a starting point; then you can think about regulation to deal with the remaining 30%. We can regulate together with the EC and national legislation.”

Finally, during the interviews, a couple of interviewees commented on the role of the Platform itself, saying:

“The emphasis within the EU Platform is too much on ‘what can the food industry do?’ which leads to easy solutions of lowering fat etc, instead of looking at the bigger picture. The questions asked should be: How do we get a children’s food culture where they value eating well and what role can industry play in that? How and what can industry contribute to this food culture?”

“Industry has made commitments, this is a step forward! Before, they wouldn’t even acknowledge that advertising has an effect on children. Now they need to take it to the next level; industry needs to give serious answers to the key questions, e.g. exactly what products are no longer being advertised. That requires the EC to see the bigger picture, be more demanding towards industry. It’s a question of structuring the discussion better, setting the agenda...”

Industry, on the other hand, was very positive of the role played by the Platform in relation to their commitments:

“The EU Pledge would not have happened without the Platform – we would not have had a vehicle by which to make it politically expedient. The Platform achieved

scale and focus on advertising, it created a certain degree of pressure to push forward. Companies would have adopted their own pledges, but you would not have had such a critical mass.” “We began looking at advertising principles in 2003, but it was a major step in terms of our ability to back it up with the Platform. It was a catalyst to bring people to do it together. We would not have been able to add up the impact based on each company’s individual code and encourage coherent definitions.”

“Our policy in Europe was influenced by Platform. It’s not clear whether it was due to the Platform, but the Platform provided momentum.”

“The Platform is an original experience that is delivering results; it really leads to something. It is an eye opener to speak to direct competitors in a constructive way.”

“In order to be allowed to use the UNESDA logo, you need to convince all national associations and their members - Platform membership helped us convince them, it helped increase buy-in.”

Some industry members also commented that it would be good if more partners joined the Platform, such as those representing the video games industry, education, physical activity etc. For the EU Pledge in particular, one interviewee stated that it would be good if it could be extended to video game and toy manufacturers and the Platform would be a good area to invite such industries to be part of Pledge.

The monitoring

In the individual companies interviewed, the monitoring principles were laid out through a top-down process either in Europe or globally, so there were said to be no real differences in the levels of compliance between subsidiaries/product lines/regions or countries: *“You always have small differences in compliance, but it is statistically insignificant”,* said one industry member. *“The difference in compliance among the countries monitored for the EU Pledge is among the realm of 1%, so it is statistically insignificant.”* Moreover, said one interviewee, *“no country [monitored at national level, via the EU Pledge or internally] wanted to be mentioned as having infringed.”* Their multi-faceted monitoring system was perceived as a means to encourage best practice and cross-fertilisation. One interviewee stated that: *“The monitoring has made it more relevant and challenging, we wanted to perform better than other members.”*

In fact, individual signatories of the EU Pledge received company-specific reports with details of any infringements. The results made public in the EU Pledge monitoring report were presented in aggregate only, and the company-specific reports were not shared among signatories. Two companies allowed the evaluation team to view their individual reports and found that the levels of non-compliance in the sample of countries reviewed (i.e. Poland, Spain, Italy, Ireland, France and Germany for TV, print and internet, and Hungary, Finland, Portugal and the Netherlands for communication in primary schools) over a given time period (i.e. 1 January to 31 March 2009 for TV, print, internet and communication in primary schools) were in fact negligible. All EU Pledge signatory companies stated that remedial action was taken where any infringement was found.

A few interviewees agreed that: *“Success means compliance with commitments; no one ever said that we would solve the problem and that children would become thinner. The issues surrounding obesity are macro issues, we all need to do our part – we never felt that by delivering these commitments they would solve the obesity issue.”*

Industry interviewees were asked what the main impediments to the monitoring were. These were identified as:

- The cost and resources involved.
- Deciding on the appropriate monitoring methods that would be consistent, accurate and deliver meaningful figures across the board.
- Looking for consensus: Need alignment of everyone in Pledge on who to employ to do the work. If you are a company doing it on your own, you can have more influence on timings.
- The EU is not one advertising market, so data providers are often different. Usually there is a monopoly situation in terms of audience ratings in-country – they are provided at a high cost, but sometimes they don't want you to access it outside country and sometimes the data is classified according to different age bands.
- The volume of data – for the EU Pledge, it took a monitoring period of 3-4 months in six large MS (representing 60% of the EU population) and include spot airs in that period on all channels (close to 500,000 spots); it was very resource intensive to analyse all this data.
- Advertising data – they relied on third party independent data which is not normally used for monitoring such commitments.
- While TV and print were relatively easy areas to monitor and the methodology used was “as good as you can get”, monitoring the internet/digital arena is difficult as it's still new. It's a fluid environment that you have to monitor as it happens. For the EU Pledge, Accenture used sophisticated techniques to do that and keep a 24h watch on sites. But even then it was difficult to be entirely comprehensive, for example sometimes it was difficult to establish the nationality of a site. Media buying on digital space is still a developing market; there is not as much control on where a product will be placed as for TV.

The monitoring of impact, and not only compliance, was considered important by EU Pledge interviewees: *“It's not the process that's important, but the result of that process that is important. This can only be demonstrated as a result of impact monitoring which will show aggregate change on account of individual company experiences. Politically this is what is important. We need to put the consumer at the centre of all this.”*

Not-for-profit and expert interviewees were of the opinion that monitoring should be carried out by external, independent third-parties. While a self-regulatory organisation (SRO) was seen as a good option in terms of independence and generating trust among NGOs by one not-for-profit interviewee, it was stressed that it may be difficult for such a body to extract the information they needed from industry. Industry was seen as being reluctant to say what products they are promoting, how it's affecting sales, how they're spending their money, what ads are shown and when, and media monitoring companies tend to charge a fortune for such information. To get such information, one would need to make it an EC or government requirement.

Industry, when asked whether it would favour having a SRO undertake the monitoring, stated that they already have bodies or independent consultants that play this role. The European Advertising Standards Alliance (EASA) plays a Secretariat role and is a “*pan-European SRO*” which brought together compliance data from eight SROs in the EU in 2008 and 2009¹¹. Moreover, Landmark Europe, which plays the Secretariat role for the EU Pledge, is providing something similar in terms of quantitative restrictions. It was opined that you “*can ask a SRO to review compliance, but could not ask them to do the quantitative work; they are two different areas that complement each other*”. A further interviewee stated that having a SRO do the monitoring “*may change the appearance, but would not make a difference to the objectivity of the deliverable*”.

¹¹ ‘Advertising monitoring report 2009: looking at advertising for food products and non-alcoholic beverages.’ European Advertising Standards Alliance (EASA) for WFA, 2009.

3.2.3 Assessing the impact of the commitments

The specific targets and indicators that could be defined to identify the impacts of the advertising and marketing commitments included:

- Sales
- Gross rating points are used to measure exposure¹² – 10 impacts: when a child sees the same ad 10 times. For example, for the EU Pledge the independent reviewers looked at the change in the number of impacts for products that meet the nutrition criteria and those that do not in children and general programming, including adult viewing time.

Industry stressed that it is very difficult to associate a reduction in sales of a given product with a reduction in advertising as there are so many factors that influence sales: *“Ad spend is a tricky measurement as in an economic downturn, prices will come down. There are so many variables that impacts are the only currency for measuring exposure.”* *“At this stage, it’s more the compliance to a commitment that shows impact. Showing a direct link between a reduction of advertising and health impact is difficult as there are so many different factors involved”*, e.g. the economic climate, lifestyles and the quantity eaten, diet, activity, parents, school etc.

Within this context, one industry member recommended that *“the EC fund a European epidemiological survey to assess whether things have changed due to the partners in the Platform”*.

Industry interviewees were asked about the impact of their commitments on the exposure and power of marketing and advertising of products that are high in fat, salt or sugar (HFSS). In terms of exposure, please refer to Table 3 where figures showing a clear reduction in exposure, both of children and the general audience to HFSS products, are presented in relation to the EU Pledge, the Mars MMC and UNESDA commitment. For the issue of power, industry commented as follows:

“Reducing the power is difficult. We did not have [advertising] codes in eight of the EU countries in 2005. Compliance with codes has risen from 2005 to 2009 which suggests a more robust adherence by marketers, which insinuates a greater limitation of power. Seven markets have gone into more detail on their code, making it illegal not to comply. It’s different in different markets. For example, in Spain there is a restriction on the use of ‘personas famosas’ and they are monitoring this.”

“Many companies have qualitative restrictions (see Table 2), however there is no uniformity so [we] are not measuring that, but internally compliance is monitored. The SRO will tell a company in advance whether an ad is compliant or not with a code – if a company is told to pull the ad, it’s expensive.”

Moreover, industry was asked whether a decrease in their marketing/advertising of HFSS products to children had resulted in an increase in advertising of ‘better for you’ products. They responded:

“The causal relationship between purchasing and marketing is difficult to establish. There is market data provided by large research agencies that work with retailers – food purchasing and intake service surveys - and as a whole they show a trend towards a change in dietary behaviours, but correlating that back to any policies is difficult.”

¹² Impacts (Impressions) are the number of times a message is seen by the audience. Gross Rating Points are the percentage of the target audience viewing at the given time.

In this report, when represented as a percentage, this is the proportion of the total children’s impacts across the period that were within spots with a profile share of 50% or more.

Finally, industry was asked whether their commitment had had an impact on their marketing and advertising activities globally. Interviewees opined that: *“The Pledge is a regional implementation of global principles - we team up with other companies at regional level through our own global principles.”* *“It’s becoming an export – a global product exported by the platform.”* Other interviewees stated that:

“The European example was the one that was being followed worldwide. We still need to look at serious monitoring in some of the big developed economies. This is not to do with having different policies for developed versus developing countries, but just to do with the structures that are or are not in place in given countries (e.g. whether there are trade associations etc).”

The not-for-profit / expert interviewees were asked whether they had any evidence of the impact of the commitments, i.e. the extent to which the commitments had led to a reduction in the exposure and power of marketing and advertising to children of HFSS products, and the extent to which a decrease in the marketing/advertising of HFSS products to children had resulted in an increase in advertising of ‘better for you’ products. All three interviewees mentioned the difficulty involved in getting access to such data. It was also said that there was a need to cross-examine the data provided by industry to assess its validity.

The not-for-profit / expert interviewees were also asked to judge the individual commitments’ (future) impact on (1) advertising and marketing to children and (2) children’s eating habits.

(1) Impact on advertising and marketing to children: Interviewees generally opined that while the commitments are evidently having an impact on the quantity of advertisements placed which target children under 12, industry may be moving into other areas and more could be done to reduce both the exposure and power of advertising:

- *“The EU Pledge report is impressive – a 30% drop in all 6 markets, all foods. This does indicate that some real change is happening. BUT is that change following or driving the market? In general direct advertising to children is becoming less important as a way to reach children and families. Now companies use more subtle means at point of purchase etc which may target the whole family rather than just children. A 30% drop does not say whether children are exposed to less marketing and less affected by it.”*
- *“They could be showing less advertising, but the power of it and the targeting may be more effective.”*
- *“They’re not necessarily reducing the total effect. They’re certainly reducing TV exposure – I believe that the Pledge as an actual application has been stronger than the initial pledge made, as companies go beyond it. I am delighted about this, but I suspect that other activities are continuing and possibly increasing, so the total effect will be moderate.”*
- *“The EU Pledge results look quite impressive, but they need to monitor other things such as the breadth of marketing (incl. viral marketing etc.) and what types of food are covered.”*
- *“Who knows exactly [whether the commitments are having an impact] – companies need to make a commitment to show how it has had an effect. They need to look at exposure and power, not just at quantity.”*
- *“The commitments are a step in the right direction, but there is a need for proper monitoring and scrutiny of impact (mainly in terms of exposure of children to such advertisements).”*
- *“Industry have tried to do independent monitoring, and figures show a huge drop, but real experience (e.g. when watching TV in the UK) suggests otherwise!”*

(2) Impact on children’s eating habits: Interviewees’ views in this respect were mixed:

- *“Marketing has grown the whole sector so they will have an impact and in theory should shrink [the sector] too, but I would like to see the evidence.”*
- *“My general impression is that the [commitments] are not as bad as they could be, but in general terms I am sceptical whether they are really going to achieve a healthier eating culture among children in Europe.”*
- *“I understand that they have pledges, are doing stuff, changing, monitoring, but it may just be because of the market place. Now what they need to show is that children are consuming fewer of the foods and make a commitment on this: ensure that children eat fewer calories. This is where the next commitment needs to come to.”*

Finally, interviewees were asked whether the commitments in this area had had a wider impact on EU or national regulatory initiatives. It was felt by one interviewee that they might have had an impact on national initiatives in the sense that the EU and governments have now done less than they would have done: *“The UK introduced its restriction and industry got scared, thinking that they couldn’t see this happen in any other country. It is clear that this is how it happened if you look at the timings.”* In fact, one industry member stated that: *“A pledge has avoided regulatory restrictions of TV advertising in France.”* The French national food association ANIAS (Association Nationale des Industries Alimentaires) - which has over 10,500 members – signed a charter in February 2009 whereby the food industry will finance spots promoting healthy lifestyles. This resulted in the ‘*Trop la pêche*’ website in February 2010 which is paid for by the food industry to motivate children to have balanced diets and be physically active.¹³ Another interviewee said that: *“There are some individual country initiatives that are stronger than the EU Pledge, such as Denmark, Sweden and the UK’s Ofcom; these pledges could potentially undermine what some Member States have attempted to achieve.”*

¹³The spots: <http://www.troplapeche.fr/>

About the charter and spots: <http://www.troplapeche.fr/troplapeche.html>

3.3 A detailed review of some of the key issues

Leading on from the more general points described previously, the following sub-section presents, in table format, the key issues which came out of the interviews with industry and the not-for-profit Platform member interviewees. Each of these issues is then looked at in more depth, using, as far as possible, an evidence-base to help determine the impact of the commitments that were examined in detail.

3.3.1 The background

In 2004, the World Health Organisation called on governments, industry, and civil society to act to reduce unhealthy marketing messages in order to try to counter the increasing trend in overweight and obesity in a number of countries worldwide. In fact, in the past few years, it has been observed that there has been an increase in the spread of child overweight across Europe and the US and it has to be borne in mind that the growing epidemic of childhood overweight and obesity may seriously compromise the future health and productivity of population and add to health care costs.¹⁴

The World Health Organisation (WHO) suggests that countries should prioritise interventions such as the reduction of marketing pressure, particularly to children; ensuring access to and availability of healthier food, including fruit and vegetables; economic measures that facilitate healthier food choices; the reduction of fat, free (particularly added) sugars and salt in manufactured products; adequate nutrition labelling; the provision of healthier foods; opportunities for daily physical activity and nutrition and physical education in schools; and facilitating and motivating people to adopt better diets and physical activity in the workplace¹⁵.

Since the WHO's call to action, considerable activity has taken place in the regulatory environment relating to the marketing of food to young people.^{16 17} Governments have started to develop and implement a range of regulatory proposals, while the advertising industry has developed self-regulatory approaches, and, notably since 2006, the food industry has made commitments to reduce the amount of marketing targeted at young children. The regulatory environment thus involves three core components: *statutory regulation*, which is led by government; *self-regulation* by the advertising industry, which is industry-led and it usually exists independently of government regulation, but may be mandated by government; *voluntary industry initiatives*, which comprise codes, schemes or commitments by individual food companies, they are independent of government regulation, but may aim to meet targets set by government.¹⁸

3.3.2 The target audience

Interviewees from industry and the not-for-profit sector/experts were asked about the target audience and whether the cut-off age of 12 (i.e. that all of the commitments only cover marketing to children

¹⁴ Lobstein T, Frelut M-L. Prevalence of overweight among children in Europe. *Obesity reviews*, 2003; 4: 195-20

¹⁵ World Health Organization (2006) European charter of counteracting obesity. Istanbul 15-17 November 2006

¹⁶ Hawkes C. Regulating food marketing to children: trends and policy drivers. *American Journal of Public Health* 2007; 97:1962–1973

¹⁷ Hawkes C. Marketing food to children: changes in the global regulatory environment 2004-2006. Geneva: World Health Organization; 2007.

¹⁸ EU Platform on Diet, Physical Activity and Health Working Paper on Platform Commitments made on marketing and advertising November 2008

aged 12 or younger) was appropriate. A summary of the views expressed in the interviews is presented below.

Table 5: The target audience of commitments – key arguments

The reasons why 12 <u>was</u> perceived as an appropriate cut-off age
<p>Industry argued that:</p> <ul style="list-style-type: none"> • The 12 cut-off age is based on academic and scientific literature. • At the age of 12, children are capable of identifying advertising, distinguishing it from programming, and understanding its purpose. • Children will view advertising as they do not live in a bubble, but what industry is trying to do is help parents make the right choices for their children.
<p>Some comments to this effect included:</p> <ul style="list-style-type: none"> • <i>“It is based on academic studies as from that age children are able to recognise advertising from programming. It’s also linked to when they move to a higher level of education and become more responsible people.”</i> • <i>“We referred to WFA to help us on this; studies showed high levels of media literacy at the age of 12.”</i> • <i>“12 years is how children are typically defined; it’s when they move from being a child to being a teenager.”</i>
The reasons why 12 <u>was not</u> perceived as an appropriate cut-off age
<p>The Not-for-profit / expert arguments included:</p> <ul style="list-style-type: none"> • In spite of the enhanced ability to discern advertising and its purpose, in view of the obesity problem it is important to protect young people up to the age of 16 from advertising for unhealthy foods. • Children around the age of 10 typically watch programmes aimed at those aged 14-16, as that is what they are aspiring to be, so will see the ads anyway. • There is a need to take a step back from the specifics and look at how industry can help before looking at how it can influence audience definition.
<p>Some comments to this effect included:</p> <ul style="list-style-type: none"> • <i>“Our belief is that anyone under the age of majority should be protected – a minimum of 18 for us. There is an argument that it is not about age, but about vulnerability that continues and increases in old age. There is also the argument that no one should have these products promoted to them. However, saying that adults should not be advertised to is unlikely to get much mileage politically.”</i> • <i>“From our point of view, 16 is generally seen as the age until which children need to be protected. We see it as a public health argument – it is about protecting children.”</i> • <i>“Argumentation about the age where children can recognize advertising is a red herring – even if they recognise advertising for what it is, they still shouldn’t be encouraged to eat unhealthy stuff.”</i> • <i>“If adverts look like they are talking to a 16 year old, then 12 year olds will look at these as they are aspiring to that.”</i> • <i>“We often start by asking the wrong questions. We first need to look at how industry can help and then can look at how it can influence audience definition. The key questions are: How do we get a children’s food culture where they value eating well and what role can industry play in that? How and what can</i>

As suggested by the “Sidney Principles”, child protection from the commercial promotion of food and beverages is the responsibility of every section of society.¹⁹ Today there is growing consensus^{20 21 22} that food promotion and advertising influence children’s diet, food preferences and choices, impacting on long-term health and representing a risk for chronic disease.^{23 24} Moreover, there is evidence that the cut-off age of 12 years is not enough to reduce child obesity, because while children between the ages of 6 and 12 generally understand the persuasive intent of advertising, they may have not developed a critical understanding of it.²⁵

All of the commitments reviewed have set 12 as their cut-off age, with certain companies implementing a complete ban on advertising to children under either the age of six or 12 (with a minimum 50% threshold applying), and others setting benchmarks establishing what can and cannot be advertised to children under 12 (see Table 2).

However, there is no consensus on the definition of the cut-off age of the target audience. On the one hand, most academic reviews recognise that by the age of 12, children have developed their behaviour as consumers, effectively recognise advertising and are able to adopt critical attitudes towards it.²⁶ There is also strong academic consensus that by the age of 12, children are fully capable of understanding the persuasive intent of advertising and have the necessary cognitive tools to critically assess it.²⁷ On the other hand, certain psychological models suggest that higher age restrictions are required. In fact, children under the age of 11 or 12 are not fully capable of criticism²⁸, and psychologists and psychiatrists sustain that the cognitive ability to process advertising information critically is not even sufficient at that age to defend themselves from deceitful TV messages.²⁹ It is further sustained in recent psychological research that children can “defend themselves” from advertising only if they understand the potentially misleading tactics and appeals used by advertisers

¹⁹ “The Sidney principles for reducing the commercial promotion of foods and beverages to children”. Public Health Nutrition: 11(9), 881-886

²⁰ Hastings et al, Review of Research on the effects of food promotion to children, 2003

²¹ Ofcom, Childhood Obesity-Food advertising in Context, 2004

²² Livingstone and Helsper, Advertising Foods to children: Understanding promotion in the context of children’s daily lives.

²³ Centers for Disease Control and Prevention: Guidelines for school health programs to promote lifelong healthy eating. Morbidity and Mortality Weekly Report 1996, 45:1-37.

²⁴ Perry CL, Story M, Lytle LA: Promoting healthy dietary behaviors. Healthy Children 2010: Enhancing Children’s Wellness Volume 8. Edited by: Weissberg RP, Gullotta TP, Hampton RL, Ryan BA and Adams GR. Thousand Oaks, CA, Sage; 1997:214-249.

²⁵ World Federation of Advertisers, July 2007 “ Food and beverage advertising to children, when a child is a child?”

²⁶ The Development of a Child into a Consumer, Vlakenburg and Cantor, University of Amsterdam, University of Wisconsin- Madison, NL and US, 2001

²⁷ Livingstone and Helsper, Advertising Foods to Children: Understanding promotion in the context of children’s daily lives, 2006; Ofcom, Childhood Obesity - Food Advertising in Context (review of academic research conducted by Prof. Sonia Livingstone, LSE, London, UK), 22 July 2004

²⁸ Boush DM, Friestad M, Rose GM. Adolescent skepticism toward TV advertising and knowledge of advertising tactics. Journal of Consumer Research. 1994;21:165-175.

²⁹ John DR. Consumer socialization of children: A retrospective look at twenty-five years of research. Journal of Consumer Research. 1999;26:183-213).

and access this knowledge while viewing commercials; this ability, it is argued, cannot be achieved until at least the age of 14.³⁰

Moreover, the Sidney Principles¹ provide a further indication of this lack of consensus. In fact, among the working group, 70% favoured restrictions up to at least the age of 16, with over half of this group stating the age of 18. The reasons given for selecting 18 were: first of all, the age of 18 years corresponds to the standard definition of a child adopted by the United Nations Convention on the Rights of the Child³¹, and secondly, children are affected by both the obesity epidemic and commercial marketing, and the most logical approach would be to ensure that children of all ages are protected.

Even if many countries consider a cut off age of 12 as appropriate, they apply very strong restrictions for children under this age. For instance, in Quebec (Canada), there is a total prohibition on print and broadcasting advertising targeted to children under 13 years of age.³² In Sweden, there are similar restrictions applied to television programming for children under 12 years old.³³ Other countries, such as the UK since 2008, base their prohibition on content and have a stricter age limit: in the UK they restrict commercial promotions for “energy dense”, nutrient-poor foods and beverages, during programming specifically for children up to the age of 16.³⁴

Furthermore, many would argue that products that are really unhealthy should not be advertised to children under seven as they are not always able to connect advertising to “real life”³⁵ and this kind of advertising that promotes fast foods and soft drinks could undermine parents’ attempts to instil healthy eating habits in their children.³⁶ Many academic studies sustain that preteens (8 to 10 years old) start to have the cognitive ability to comprehend and evaluate advertising, but prior to this age they tend to view advertising just as fun.^{37 38} In fact, certain companies whose commitments have been reviewed have implemented such a ban above and beyond the basic terms of their commitments (see Table 2).

Taking a look at the codes in European countries in more detail, we can see that UK advertising codes contain wide-ranging rules designed to ensure that advertising does not mislead, harm or offend.³⁹ Ads must also be socially responsible and prepared in line with the principles of fair

³⁰ The Food Marketing Defense Model: Integrating Psychological Research to Protect Youth and Inform Public Policy Jennifer L. Harris, Kelly D. Brownell, and John A. Bargh Soc Issues Policy Rev. 2009 December 1; 3(1): 211-271.

³¹ United Nations (undated) Convention on the Rights of the Child. <http://www2.ohchr.org/english/law/crc.htm> (accessed December 2007).

³² Office de la Protection du Consommateur, Quebec (not dated) Consumer Protection Act, Section 248. http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type52&file5/P_40_1/P40_1_A.html (accessed December 2007)

³³ Swedish Government (not dated) Radio and Television Act (1996:844), Chapter 7, Section 4. http://www.rtvv.se/_upload/Om%20rtvv/Radio%20and%20TV%20act.pdf (accessed December 2007).

³⁴ Ofcom Office of Communications (2007) Television Advertising of Food and Drink Products to Children, Final statement. http://www.ofcom.org.uk/consult/condocs/foodads_new/statement/statement.pdf (accessed December 2007).

³⁵ John DR. Consumer socialization of children: A retrospective look at twenty-five years of research. Journal of Consumer Research. 1999; 26: 183–213.

³⁶ Jim Brunnsden Trying to get the message across about advertising Europeanvoice.com 14.05.2009

³⁷ McCall KL. What's the Big Dif'?: Differences Between Marketing and Advertising. Vol. 2003. MarketingProfs.com; 2003.

³⁸ Food Advertising and Marketing Directed at Children and Adolescents in the US Mary Story and Simone French. Int J Behav Nutr Phys Act. 2004; 1: 3.

³⁹ <http://www.asa.org.uk>

competition. These broad principles apply regardless of the product being advertised. In addition, the codes contain specific rules for certain products and marketing techniques. These include rules for alcoholic drinks, health and beauty claims, children, medicines, financial products, environmental claims, gambling, direct marketing and prize promotions. These rules add an extra layer of consumer protection on top of consumer protection law and aim to ensure that UK advertising is responsible. The Advertising Standard Authority administers the rules, limiting the possibility for advertisers to find loopholes or 'get off on a technicality'. This common sense approach takes into account the nature of the product being advertised, the media used, and the audience being targeted.

In Ireland, the BCI Children's Advertising Code is a set of standards and rules that broadcasters must comply with when broadcasting any children's advertising.⁴⁰ Children's advertising is defined as advertising that promotes products, services or activities that are deemed to be of particular interest to children and/or are broadcast during and between children's programmes. For the purpose of this Code, a child is defined as any person less than 18 years of age. The Code also recognises that children of different ages need different levels of protection, so there are particular rules that apply to children under six and children under 15. Other examples of codes in Europe include: the Danish model in which advertisements must not mislead children as to the size, value, type, durability, performance or the skill to use the products, and Sweden (as mentioned above).

It is interesting to observe Table 6 below, which shows regulation of food marketing to children by country in 2007. It shows a multiplicity of choice and the lack of a comprehensive approach across Europe, with each medium being regarded separately, unlike companies who integrate their marketing strategies. This lack of homogeneity leads to another important issue which is that many countries receive commercial communications from beyond their borders. For example, Sweden and Norway have statutorily banned TV advertising to children, but receive advertisements on cable and satellite TV broadcast from other countries, which effectively runs counter to their efforts.

Table 6: The regulation of food marketing to children by country in Europe (2007)

⁴⁰ <http://www.origin.ie/clients/bci/codes/children.html>

	Regulatory age definition of 'child'	Broadcast advertising		Non-broadcast advertising		Paid-for Internet advertising		Company websites	
		Statutory codes	Voluntary codes	Statutory codes	Voluntary codes	Statutory codes	Voluntary codes	Statutory codes	Voluntary codes
Austria	*	1	1	–	1 or more	–	2	–	2
Belgium	*	1	2 ^b	–	–	–	–	–	–
Czech Republic	18	1	1	1	1	1	1	–	–
Denmark	18	2 ^a	1	1 ^a	1	1	1	1	1
Estonia	21	2	–	1	1	–	1	–	1
Finland	*	1 ^a	–	2	1	–	1	–	1
France	*	2	3 ^b	1	3	1	3	–	–
Germany	*	4 ^a	1	3 ^a	–	3	–	3	–
Greece	14	5	1	2 ^a	1	1	1	–	–
Hungary	18	2	–	2	–	–	–	–	–
Iceland	*	3	1	1	2	–	–	–	–
Ireland	18	2 ^a	3	–	1	1	2	–	–
Italy	*	1	1 ^b	–	–	–	–	–	–
The Netherlands	12	2	2 ^b	–	3 ^b	–	2	–	2
Norway	12	2 Ban on adverts to children	–	2	–	1	–	1	–
Portugal	18	1	2	–	–	–	–	–	–
Slovenia	14	7	2	1 ^a	3 ^b	1	–	1	–
Spain	*	2 ^a	1 ^b	1 ^a	1	1	–	–	–
Sweden	12	2 Ban on adverts to children	–	2	–	2	–	2	–
United Kingdom	15 (statutory broadcast adverts) 16 (voluntary non-broadcast adverts)	3 ^a	–	–	1 ^b	–	1	–	–

* regulation may refer to 'minors', 'small children', 'teenagers' or 'young people'.

a: codes with specific rules on food marketing.

b: codes with specific rules on food marketing to children.

Source: *Children and obesity: a pan-European project examining the role of food marketing*. Anne E. Matthews *European Journal of Public Health* 2007 1, 7–11

In the EU, the EU's Audiovisual Media Services Directive (AVMSD)⁴¹ provides guidance in Articles 12 and 27, in particular, on the protection of minors:

Article 12

"Member States shall take appropriate measures to ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction which might seriously impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see such on-demand audiovisual media services."

Article 27

"1. Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence."

2. The measures provided for in paragraph 1 shall also extend to other programmes which are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts."

⁴¹ http://ec.europa.eu/avpolicy/reg/tvwf/index_en.htm

3. In addition, when such programmes are broadcast in unencoded form Member States shall ensure that they are preceded by an acoustic warning or are identified by the presence of a visual symbol throughout their duration.”

However, whether advertising of HFSS foods can “seriously impair the physical, mental or moral development of minors” is still up for debate, as suggest the variety of approaches taken by EU Member States.

Based on the evidence presented above, it can be concluded that there is no consensus among academics and actors alike on whether 12 is an appropriate cut-off age for advertising. Moreover, across Europe (and worldwide) there is no common agreement on or approach to the age at which children can be advertised to, thereby making it difficult to reach a homogeneous approach.

3.3.3 The products

Interviewees from industry and the not-for-profit sector/experts were asked about the nutritional criteria that are used to define which products can and cannot be advertised to children under 12. While two of the commitments reviewed favour a complete ban on advertising of all their products to children aged under 12 (with a minimum 50% threshold applying), the EU Pledge leaves it to individual companies to define these, also leaving room for a complete ban on products where companies chose to (see Table 2). A summary of the views expressed in the interviews is presented below.

Table 7: The products covered by the commitments – key arguments

The reasons for setting nutritional criteria
<ul style="list-style-type: none"> • Each company / industry is different, and it would be inefficient to try to set blanket standards to cover all different kinds of foods and drinks. • Industry knows its products best, so it is best placed to establish nutritional criteria relating to them (rather than the criteria being set for it by governments/the EU). • Some companies have broad portfolios which include healthy products, so a blanket ban would run counter to them trying to promote a balanced diet. • The nutritional criteria are set in-house by nutritionists, but are based on international and national standards. The criteria are made public, so it's fully transparent for everyone. • Establishing a system like the UK Ofcom system where they use the UK Food Standards Agency nutritional guidelines would be very difficult to do across 27 MS. Industry can put in place such standards more quickly than regulation can.
<p>Some comments to this effect included:</p> <ul style="list-style-type: none"> • <i>“The reason why companies shape their own profiles is that this has led to innovation, improving recipes. This must come from the DNA of a company as they know their products.”</i> • <i>“We first need to target the products that don't fit with a balanced diet. We have many products that fit perfectly into any Belgian's diet. We need to drive a marketing strategy that helps people to choose a balanced diet.”</i> • <i>“We have done a full rundown of our food product portfolio through our nutrition criteria which showed that 44% of our products are compliant and could still be advertised to children, so 56% of our products aren't.”</i> • <i>“Having credible and sound nutrient profiles is key – it's one of the beating hearts of our strategy on foods.”</i> • <i>“If you start trying to define profiles at the public level then you come to a political process. In the EU,</i>

over the past 2 years they have seen what a difficult process that is. Politics get involved. It's probably easy to do when you have a limited number of products involved, but not when there is such a large number. As a company, we can do it on a comparable product by product basis – this is a much faster process than at public level. In principle we are not against it, but it's a challenge for any public authority.”

The cons of setting nutritional criteria

The Not-for-profit / expert arguments included:

- The nutritional criteria set by companies as part of these commitments are poor in relation to international and certain national standards. There is a need for a strong industry-wide standard which is based on national guidelines and is serious; they should not be set on a company by company basis.
- Lack of transparency: It's often difficult to identify which products are advertised and which are not.
- By seeing a given brand being identified with a healthy product, a child will remember the brand and be influenced by this in their preferences for other less healthy products of the same brand.
- One interviewee even held that children under 12 should not be subject to advertising of any products at all (whether healthy or not) as they are not able to identify advertising as such.
- The focus should be broader; it should be on children's food and looking at what products are being made for children and what kind of eating patterns they encourage.

Some comments to this effect included:

- *“The [nutritional] criteria are horrendous [in comparison to international and national guidelines on the subject – they are not strict enough; a breakfast cereal that contains 30% sugar is not a healthy product for a child. It's much less stringent than things set in the UK.”*
- *“The difficulty is that all companies can claim their nutrient profiles are related to WHO standards, but then set different criteria. It's very difficult to work out which products are covered and not covered.”*
- *At least one EU Pledge signatory seems to have defined its nutritional criteria in such a way that none of the products it currently has on the market exceed the limits, meaning that all products (including some with quite high sugar levels) can still be advertised to children”*
- *“I am sceptical of nutrient profiling – less fat or smaller portions could encourage further consumption; there is a psychological issue in the availability of even more choices.”*

Within this context, it is interesting to look at the nutritional criteria being set by companies to ascertain which products are being advertised to children under 12. While the other two commitments reviewed did not set nutritional criteria (see Table 2), the EU Pledge fixed as one of its two requirements:

- No advertising of products to children under 12 years, except for products which fulfil specific nutrition criteria based on accepted scientific evidence and/or applicable national and international dietary guidelines. For the purpose of this initiative, “advertising to children under 12 years” means advertising to media audiences with a minimum of 50% of children under 12 years.

Based on the EU Pledge website and as presented in Table 2 the following companies participating in the commitment advertise products that meet certain nutritional criteria to children under 12 (though in some cases only to children aged six to eleven – see footnote): Burger King, Coca-Cola, Danone, Ferrero (criteria still to be determined), General Mills, Kellogg, Kraft, Nestlé, PepsiCo, Unilever

(www.eu-pledge.eu)⁴². The table below allows, where precise data is available, for the comparison of the EU Pledge companies' nutritional criteria with WHO and the UK FSA's recommendations.

⁴² Please note that Mars is not included here as it has implemented a total ban on advertising to children under 12 so does not apply nutritional criteria. Ferrero has implemented a total ban until it has established its nutritional criteria. Some signatories do not advertise any of their products to children under six, these are: Coca-Cola, Nestle, General Mills, Kellogg's Kraft and Unilever. It is not yet clear what route the new signatories (April 2010) will take.

Table 8: Comparative overview of EU Pledge companies' nutritional criteria with UK FSA and WHO standards

ACTOR	MAX CALORIES PER MEAL	MAX CALORIES FROM FAT(% or g)	MAX CALORIES FROM SATURED FAT(% or g)	ADDED TRANS FAT (% of total fat or g)	MAX CALORIES FROM ADDED SUGAR (g or %)	SALT (g) OR SODIUM (mg or %)	COLORING AND FLAVORINGS
WHO ** Daily reference values	1700 - 2000 (4-8y) (9-11y)	57 - 65 g (4-8y) (9-11y)	19 - 20 g (4-8y) (9-11y)	< 1%	42,5 - 50 g (4-8y) (9-11y)	1,4 - 2 g (4-8y) (9-11y)	/
FSA UK***	/	35%	11%	2%	50%	/	/
BURGER KING	560	30%	10%	0g	10%	660mg (NA)	NO
C.P.W.'s Nutrition Foundation	175	/	1,7g	/	12g	200mg (NA)	/
Kellogg's	200		2g	0g	12g	230mg (NA)	/
Pepsi	/	30-35%	1g	0,5 g	10%	240-460mg (NA)	/
Coca Cola* Europe	General information	General information	General information	General information	General information	General information	General information
General Mills	175	/	1,7g	/	12g	200mg (NA)	/
Groupe Danone *	/	Limited	Limited	Limited	Limited	Limited	/
Ferrero *	To be determined	To be determined	To be determined	To be determined	To be determined	To be determined	To be determined
Kraft Beverages	40-120	2g	1g	1g	10g	/	/
Kraft Cereals	170-290	30%	10%	10%	25%	360-480 mg	/
Kraft Cookies	100-200	30% (20g)	10% (2g)	10% (2g)	10-25%	290 mg	/
Kraft crackers and snacks	100	30%	10%	10%	25%	290mg	/
Kraft cheese & dairy	100-600	35% (3g)	10% (2g)	10% (2g)	25%	290-960 mg	/
Kraft meat & meat alternatives	30-110	30% (1-4g)	10% (0,5.1,5g)	10% (0,5.1,5g)	25%	360mg	/
Kraft salad dressings	80	30%	10%	10%	25%	290mg	/

Kraft mayonnaise	50	30%	10%	10%	25%	140mg	/
Nestle beverage (daily reference values)	< 15%		< 20%	< 3%	< 25%	< 10%	/
Nestle Ice cream (daily reference values)	< 10%		< 20%	< 3%	< 25%	< 5%	/
Unilever *	/	Limited	Limited	Limited	Limited	Limited	/

*They only give general information about nutritional standards

** Daily reference values of the main nutritional factors, World Health Organisation (2003)

*** <http://www.food.gov.uk/multimedia/pdfs/nutguideuk.pdf>; www.food.gov.uk

The UK FSA states that children should have less saturated fat than adults (30 g maximum a day for men; 20 g maximum a day for women), even if a low-fat diet is not appropriate for children under five; for this reason it would be correct to eat foods that are rich in unsaturated fat instead of saturated fat, as part of a healthy diet.

As concern trans-acid fat, the FSA suggest that no more than 2% of the energy we get from our diet (calories) come from trans-fatty acids. For adults, it is no more than about 5g a day.

The maximum amount of salt children should be having varies by age:

- 4 to 6 years - 3 g a day
- 7 to 10 years - 5 g a day
- 11 year upwards - 6 g a day

The FSA considers that the amount of sugars per 100g is high if it is more than 15g, and low if it is less than 5g. (www.food.gov.uk/)

In 2006, the FSA published recommendations for fat, carbohydrates (including sugars) and fibre for the UK population.

Table 9: UK FSA recommendations for fat, carbohydrates and sugar

Nutrients	Population average % of food energy
Saturated fatty acids	Not more than 11
Polyunsaturated fatty acids	6,5
Monounsaturated fatty acids	13
Trans-fatty acids	Not more than 2
Total fat	Not more than 35
Non-milk extrinsic sugars	Not more than 11
Intrinsic and milk sugars, and starch	39
Total carbohydrate	50
Fibre as non-starch polysaccharide (g/day)	18

Source: <http://www.food.gov.uk/multimedia/pdfs/nutguideuk.pdf>;

As it is possible to observe from these tables, where the detailed/comparable data was provided, the limits of total calories, fat, sugar and of the unhealthy nutrients fixed by the some of the companies involved in the EU Pledge agree in principle with WHO and the UK FSA's guidelines. However, there are a number of companies for whom the information provided on their nutritional criteria is not sufficiently transparent to facilitate comparison with these standards.

It is also important to underline that all the food and beverage companies do not quantify the limits applied to colourings and flavourings in their products, substances that could cause health problems. With regard to this, recently, the European Food Safety Authority (<http://www.efsa.europa.eu/>) and the UK FSA (<http://www.food.gov.uk/>) sustained that some attention deficit disorders could be caused by the use of colouring, and for this reason, it should be required to indicate their presence on the label.

3.3.4 The threshold

The threshold

Interviewees from industry and the not-for-profit sector/experts were asked about their use of viewership thresholds (50% or less), whereby adverts will not be shown during programmes where the percentage of children under 12 in the audience is 50% or higher (or 30% / 25% for certain other companies). A summary of the views expressed in the interviews is presented below.

Table 10: The viewership threshold – key arguments

The reasons for the 50% threshold
<ul style="list-style-type: none"> • Industry argues that they are mainly trying to protect children under 12 who are viewing TV on their own, without the presence of an adult or older sibling. When an adult is present, during family viewing, it is the adult's role to be responsible. • Industry argues that the 50% limit is the top-end limit and that many companies involved in the commitments have more stringent standards (30%-25%).
<p>Some comments to this effect included:</p> <ul style="list-style-type: none"> • <i>“The EU Pledge involves an eclectic mix of companies – the Pledge was the only way to get an overarching framework while enabling monitoring. The key element is having a common definition so that compliance can be monitored.”</i> • <i>“It’s important to focus on when children are watching by themselves and should be afforded special protection, rather than placing restrictions when there are family audiences or primarily adult viewing. Protection is for when it is child directed; it’s down to parental responsibility when it’s family viewing.”</i> • <i>“[We] have a responsibility, but so do the parents. There will always be family viewing and that is how it is.”</i> • <i>“The whole idea of the commitment is to empower parents to be in control of children; having children watching alone is different to when parents are there.”</i> • <i>“A child does not live in a bubble. We need to fix rules and if we catch a majority of children, and children who tend towards being exposed in the presence of parents, then we are probably going in the right direction.”</i> • <i>“It’s a political question, and you need to strike a regulatory balance. Ofcom voted against the pre 9pm watershed ban.”</i>
The cons of the 50% threshold
<p>The Not-for-profit / expert arguments included:</p> <ul style="list-style-type: none"> • 50% (or even 25%) is not stringent enough. Either a 9pm watershed or 16% threshold like Ofcom's would be more appropriate to stop/limit child viewing of such ads. • One should look at the <i>number</i> of children watching a programme at a given time rather than the <i>proportion</i>, as this tends to miss the main programmes that children watch.
<p>Some comments to this effect included:</p> <ul style="list-style-type: none"> • <i>“The 50% threshold is ineffective because if one older child is present or a parent is walking in and out of the room where the child is watching, then that child’s viewing would not fall within the limit. The limit would only apply to a very child-oriented programme (i.e. 4 o’clock viewing) or programmes for young children, and not the Simpsons, reality TV programmes etc. Moreover, for every adult watching you need more than one child watching as TV is on in certain places all the time in the afternoon, e.g. doctor’s surgeries, old people’s homes etc . The [UK’s] Ofcom criteria is nearer 16%, so 50% is very lax. Some companies have 25%, but this is still nearly double the Ofcom limit.”</i> • <i>“The programmes watched by the highest number of children are not the ones where they make up</i>

50% (or even 25%) of viewership. While it would be hard to argue for banning all advertising for unhealthy foods in all such programmes, there should at least be a commitment to not advertise such foods in a way that specifically targets children. The key thing is the number (not the %) of children watching, as well as the proportion, so that the most popular children's programmes are covered."

- UK research shows that TV programmes and web-sites that are most popular with children are generally those where there is a large proportion of adults watching.

In the past few years, some studies have found a correlation between children's exposure to foods or drinks advertisements and their choice.^{43 44} Other studies also argue that the majority of food advertised on TV during periods when children are likely to be watching are high in sugar, salt and calories.⁴⁵ The mechanism by which TV viewing causes weight gain, besides the influence of advertise, may have two more causes: the sedentary nature of watching TV and a tendency to snack while watching TV.⁴⁶

There are important differences among countries. An international comparative study showed that Australia, the US and the UK had the most food advertisements - 10/12 in 1 hour, while in Sweden there was the least amount of food advertisements - less than 1 ad in 1 hour.⁴⁷ As the National Heart Forum Consultation Response of December 2009 argues, only a restriction on product placement before the 9pm watershed will protect children from exposure to the advertising of unhealthy products (rich in salt, sugar and calories) in the programmes they actually watch in the largest numbers. Establishing such a watershed might in fact be more effective than defining a threshold in terms of the percentage of children watching a given programme, as these are invariably affected by the number of adults watching, and often do not capture the programmes that are actually watched by the highest total number of children (see for example the table below). By contrast, the graph overleaf shows that, in the UK at least, child viewership drops sharply after 9 pm.

Table 11: Programmes with the highest absolute audience of 4 to 15 year olds

Date	Time	Programme	Child audience fig 000s (Which? figures)	Total audience figures (BARB)	% of audience that are children	120 index (children ≥15.6%)
24.10.05	19.30	Coronation Street	1.29m	12.64m	10.2%	Below
29.10.05	19.00	The X Factor	1.23m	8.60m	14.3%	Below
29.10.05	20.15	ITV 50 Ant & Decs Gameshow	1.12m	8.33m	13.4%	Below
24.10.05	19.15	Emmerdale	0.924m	9.29m	9.9%	Below

Sample weekday in October 2005, showing programmes with the highest absolute audience of 4 to 15 year olds. Based on BARB data purchased by Which? for 4-15s and total audience data available from the BARB website and BARB information on how the audience index is calculated for the UK

⁴³ Hastings et al, Review of Research on the effects of food promotion to children, 2003

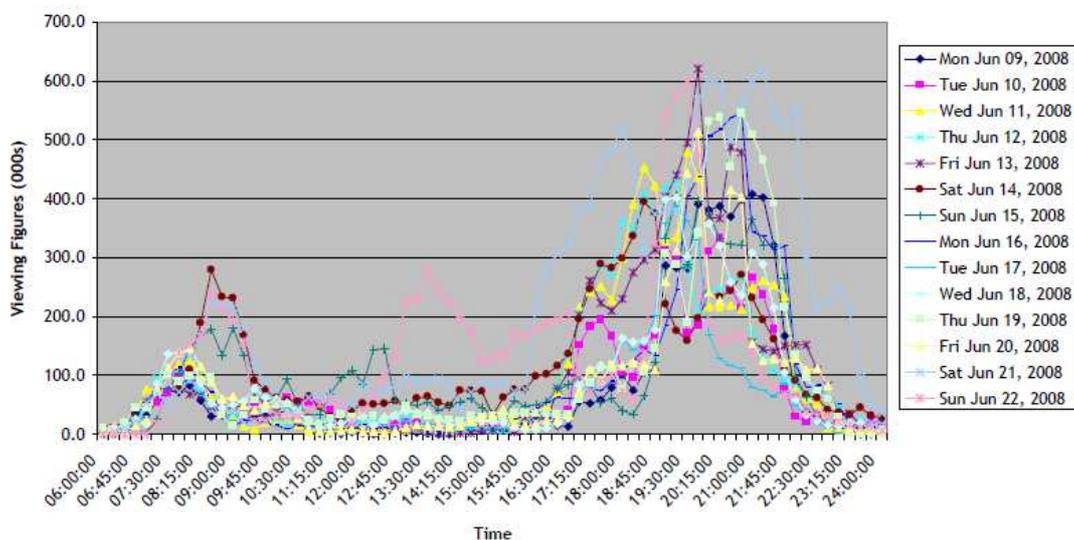
⁴⁴ Livingstone and Helsper, Advertising Foods to children: Understanding promotion in the context of children's daily lives.

⁴⁵ Neville I et al Food advertising on Australian television: the extent of children's exposure Health Promotion International 2005, 20 (2): 105

⁴⁶ Veerman J L : By how much does limiting TV food advertising reduce childhood obesity?. European Journal of Public Health 2009, 19 (4)

⁴⁷ Dibb S Harris L: A spoonful of sugar. Television food advertising aimed at children: an international comparative study. London, UK, Consumers International 1996

Figure 6: ITV viewing figures for the period Monday 9th June to Sunday 22nd June 2008 for 4 to 15 year olds



Source: Which ?, TV Food Advertising Restrictions, September 2008

3.3.5 The channels

Interviewees from industry and the not-for-profit sector/experts were asked about the different marketing and advertising channels covered by the commitments. The coverage of different channels by the three commitments under review tends to vary not by commitment, but by company for the EU Pledge signatories (see Table 2). A summary of the views expressed in the interviews is presented below.

Table 12: The channels covered by the commitments – key arguments

The channels covered by the commitments
<p>Industry argued that:</p> <ul style="list-style-type: none"> • TV is still the main advertising and marketing means used by the Fast Moving Consumer Goods (FMCG) sector, unlike other sectors. TV, internet and press represent over 90% of the marketing budgets of the companies concerned. • Some industry members are now expanding their commitments to cover the internet, however challenging its monitoring can be. • Some industry members argue that included in their commitments are elements that affect the quality of their advertising – the use of mascots, distribution of free gifts etc.
<p>Some comments to this effect included:</p> <ul style="list-style-type: none"> • <i>“TV, press and internet cover 90% plus of the food marketing budgets of these companies. TV is still by far the most important, the press is significantly smaller and the internet is increasingly important, reflecting general trends towards digital. Many sectors are hugely migrating that way [i.e. towards the internet] – telecoms, automobile, but for FMCG, not as much. Food is still largely TV centric.”</i> • <i>“[We have] over 90% spend on TV advertising and on the internet, including viral marketing, to</i>

which the code is applicable.”

- *“The reason we have decided to extend the commitment to digital is to avoid people thinking that it is a loophole. If someone comes and says that there is an element that is not covered, we will ensure it is.” “When we launched the commitments, we had all the mediums in mind, but it was designed with traditional mediums.”*

The channels not covered by the commitments

The Not-for-profit / expert arguments included:

- Industry is perhaps decreasing its advertising to children via TV, but increasing its advertising via other means which are not necessarily as easy to monitor.
- Industry is perhaps increasing the power of the messages in its advertising that is still targeted at children (such as point of sale advertising).

Some comments to this effect included:

- *“In general direct advertising to children is becoming less important as a way to reach children and families – they now use more subtle means at point of purchase etc which may target the whole family rather than just children.”*
- *“They could be showing less advertising, but the power and targeting may be more effective.”*
- *“[...] I suspect that other activities are continuing and possibly increasing [...]”*
- *“The company pledges cover advertising on TV, print and internet - but exclude other forms e.g. packaging, sponsorship, billboards.” “Many companies sponsor sports at community level; this is good, but it sends a mixed message!”*
- Sometimes advertising on websites can be very subtle and difficult to monitor, e.g. having a company name mentioned in small print.

Today television can still be considered the largest source of advertising⁴⁸, even if in schools and on the internet especially, food marketing is increasing.^{49 50} A recent analysis of advertising exposure showed that children in the US aged two to eleven years watched 25,600 TV advertisements on average in 2004, of which 5,500 – or 15 per day – were for food or beverages⁵¹. A Bulgarian study that examined the exposure of Bulgarian children to television food advertising and made a content analysis of the food/beverage advertisements during children’s television programmes, showed that food/beverage advertisements accounted for 33.4% of all commercials watched by children, with 96.8% being for unhealthy foods.⁵² A mathematical simulation model to estimate the potential effects of reducing the exposure of 6- to 12-year-old US children to TV advertising for food on the prevalence of overweight and obesity, suggests that from one in seven up to one in three obese children in the USA might not have been obese in the absence of advertising for unhealthy food on TV. As a result, limiting the exposure of children to marketing of energy-dense food could be part of a broader effort to make children’s diets healthier.⁵³ The Federal Trade Commission researchers reported that in 2004 children in the US saw, on average, 1,400 advertisements for fast food and restaurants; 132

⁴⁸ Gentile DA, Walsh DA: A normative study of family media habits. Applied Developmental Psychology 2002, 23:157-178.

⁴⁹ US General Accounting Office: Public education: Commercial activities in schools. Report to congressional requesters. GAO/HEHS-00-156. US General Accounting Office; 2000.

⁵⁰ Kaiser Family Foundation: Teens Online. Menlo Park, CA, Henry J.Kaiser Family Foundation; 2002.

⁵¹ Gantz W, Schwartz N, Angelini J, Rideout V. Food for Thought: Television Food Advertising to Children in the United States. Menlo Park, CA: Kaiser Family Foundation; 2007

⁵² Television food advertising directed towards Bulgarian children. S V Galcheva, V M Iotova, V K Stratev. Arch Dis Child 2008 93: 857-861

⁵³ By how much would limiting TV food advertising reduce childhood obesity? J. Lennert Veerman, Eduard F. Van Beeck, Jan J. Barendregt, and Johan P. Mackenbach. Eur J Public Health. 2009 August; 19(4): 365–369

advertisements for beer, wine, and mixers; 16 advertisements for vegetables and legumes; and 0 advertisements for fresh fruit.⁵⁴

However, the internet in particular is fast growing as a means of communication for advertisers and marketers and while some countries have tried to regulate advertising on the internet, and companies have self-regulated in relation to it, the protection offered to children in such a fluid environment may not be strong enough. In the UK, the most popular websites showing advertising for children aged 4 to 15 are: youtube, ebay, yahoo, msn, amazon, facebook, myspace, aol, bebo, ask, virginmedia, go, disney, amazon, shopping, imdb, runescape, about, guardian. In the UK, internet banners and pop ups fall under the self-regulatory control of the Advertising Standards Authority. The content of paid internet marketing is judged against the CAP (Committee of Advertising Practice) code. However, despite being revised in April 2007, the protection offered to children by the code is judged by some to be weak. According to the British Heart Foundation⁵⁵, its language is vague and open to interpretation, the specific proposals only cover children of pre-school and primary age and the code does not use the FSA's nutrient profiling model to distinguish between healthy and unhealthy foods, nor cover all types of promotions. The code also allows advertisers to continue in their use of branded characters (for example, Frosties' Tony the Tiger) to promote less healthy foods to children of all ages. The CAP code is being reviewed this year. ISBA (the voice of British advertisers) guidelines on internet promotions on company web-sites, launched in 2007, are based on a similar approach to the CAP code and are therefore also limited in their scope, according to the British Heart Foundation.

By necessity, most reviews are heavily focused on the impacts of television advertising because this has been the primary emphasis of research over time. Relatively little is known about the nature and effects of emerging media such as the internet, product placements or buzz marketing. Yet, commentators on all sides of the issue recognise that the picture is incomplete, and that the many new forms of marketing activity targeted at children need to be investigated as well. One of the perceived strengths of the internet is its capacity to engender high levels of interest and engagement: rather than capturing children's attention for 30 seconds, the advertiser may now engage children for several minutes in this potentially powerful, interactive medium. "Advergaming"⁵⁶ are a common feature on websites designed for, and visited by, children. Children appear to be willing consumers of these marketing communications. Approximately 64% of children (aged 5 to 14) who access the internet do so to play games.⁵⁷ More than 13.1 million children aged 2 to 11 use the Internet, and their numbers are increasing rapidly⁵⁸. Nielsen/Net Ratings reported that Internet usage among 2 to 11 year-olds increased 34% in October 2005 over the same time period the year before⁵⁹. Even very young children are active participants. Sixty-six percent of 4 to 6 year olds live in homes with Internet access in the US, 56% can use the computer by themselves, and 30% have visited a website for children⁶⁰. Branded entertainment is a fast-growing and potentially highly effective way to reach consumers in unique and compelling ways⁶¹.

⁵⁴ Holt D, Ippolito P, Desrochers D, Kelley C. Children's Exposure to TV Advertising in 1977 and 2004: Information for the Obesity Debate. Washington, DC: Federal Trade Commission; 2007.

⁵⁵ A British Heart Foundation and Children's Food Campaign proposal for a statutory system to regulate non-broadcast food marketing to children.

⁵⁶ Advergame: Advertiser-sponsored video game

⁵⁷ U.S. Dept. of Education (2003)

⁵⁸ Larson 2004

⁵⁹ Goetzl 2006

⁶⁰ Rideout, Vandewater and Wartella (2003)

⁶¹ Elisabeth S. Moore, It's Child's Play: Advergaming and the Online Marketing of Food to Children, The Kaiser Family Foundation, July 2006.

Some food companies have made their own voluntary commitments with reference to internet promotions. But research shows they don't capture the websites children actually use in their highest numbers. For example, as part of the EU Pledge's commitment to stop advertisements to "media audiences with a minimum of 50% of children under 12 years", Masterfoods have said they will not advertise on the internet where children make up more than 25% of the audience. However, none of the top 20 most popular sites used by 4 to 11 year olds or 12 to 15 year olds had a child audience share of over 25%.⁶²

There are also a number of other forms of marketing that can be used to target children, including the use of cartoon characters and celebrities on food packaging, the use of free toys, computer games, web sites and text messaging. The most commonly used non-traditional, "below-the-line" and "indirect" forms of marketing to children are product placement, the Internet and other forms of electronic marketing, sales promotions and sponsorship.

In the past few years, a new and standard promotional approach based on charity or co-marketing with not-for-profit organisations has been widely used. This is a way to enhance and to prove the involvement of the brand/product in the social life, in order to persuade children that the brand/products themselves are good and making children part of something helpful and positive. For example, Loacker (one of the most important confectionary companies in Italy) was the first company in Italy to use ecological packs approved by WWF, whose logo was printed on the packaging itself. The "social" approach is also frequently used for sponsorship; in this case, the brand/product is the promoter of special activities that do not seem to have a commercial benefit. For example, Coca Cola has organised and sponsored a soccer championship addressed to schools in Italy.

Such other forms of advertising appear to be increasingly subject to both regulation and self-regulation in Europe. In France, the law requiring nutritional messages to accompany television advertisements was later amended to expand it to other forms of advertising. In Ireland, the Broadcasting Commission called for comments in 2006 on a new draft General Advertising Code, which will address sponsorship, teleshopping and virtual advertising. In the United Kingdom, the Committee of Advertising Practice of the Advertising Standards Authority published revisions to its code to cover e-mail and SMS text messaging, including an article stating that "Verifiable and explicit consent should be obtained from a parent/guardian before communicating via mobile with children".

Moreover, in October 2005, the Confederation of the Food and Drink Industries of the European Union (CIAA) revised their "Principles of food and beverage product advertising" in the "Principles of Food and Beverage Product Marketing Communications", extending the original Principles to "any paid marketing communication using the following vehicles: telephone, radio, press, cinema, internet, DVD/CD-ROM, direct marketing, outdoor marketing, sales promotions, sponsorship, as well as any commercial activities undertaken in schools".⁶³

However such regulative efforts are limited as, as Table 6 shows, the non-broadcast forms of advertising targeted at children (such as marketing in schools, sponsorship, internet-based techniques and sales promotions) are less regulated than broadcast advertising throughout Europe. For example, one can see that a quarter of the countries reported no regulation of the internet at all.

Based on the information presented above, it is possible to conclude that, as of today, TV is still by far the most important channel used by marketers and advertisers in the HFSS industry, and therefore the commitments are probably quite effective. However, other channels are growing fast, and the commitments should be extended as far as possible to tackle these.

⁶² Which?: Food marketing to children on the internet, October 2008.

⁶³<http://www.who.int/dietphysicalactivity/publications/Oslo%20meeting%20layout%2027%20NOVEMBER.pdf>

4 KEY CONCLUSIONS

The main objective of this case study was to establish how well self-regulation in the area of marketing / advertising to children is being implemented and what effect it is having.

4.1 Implementation and monitoring

There are a number of factors that influence food choice in children and all interviewees tended to agree that under the age of 12, parents play a key role. Industry stressed that it had taken this into account when designing its commitments. That said, a number of other factors also play a role, and national and regional differences apply, leading to the conclusion that advertising and marketing are only one of many factors influencing food choice in children.

As the section above on the implementation of the three commitments under review suggests, interviewees did not perceive any great barriers to the implementation of their commitments (aside from the human and financial resources involved) as they follow a 'top-down' process which ensures buy-in across regions and/or product lines.

Trade associations and the EU Platform for action on diet, physical activity and health were seen as having played a key role in the design of the commitments by industry. Trade associations helped create a general framework, ensured a level playing field and promoted greater efficiency in implementation terms through 'peer pressure'. While the commitments would most likely have occurred without the Platform (though perhaps in a different form and at a later stage), the EU Platform was perceived as being essential to the commitments in terms of acting as a catalyst for bringing people together, and increasing momentum and buy-in.

While not-for-profit and expert interviewees generally opined that it was time for governments / the EC to intervene in some way, it was not necessarily believed that this intervention should be legislative; government should set the policy framework, standards and provide guidance. Government was seen as being ultimately responsible. Industry felt that self-regulation was the most effective way of regulating advertising and marketing to children because it could be done more quickly and easily than by other means. Legislation was seen as something that worked for certain areas more than others (e.g. labelling) and could complement self-regulation, i.e. come in where self-regulation was perceived to be failing. Moreover, industry did not feel that governments were well placed to legislate on what products should and should not be advertised (as in the case of the UK's Ofcom), as doing so is a complex, time-consuming affair and risks limiting product innovation.

Some of the impediments to the monitoring of the commitments included the human and financial resources involved, the volume, availability and comparability of data and the difficulties involved in monitoring such a fluid environment as the internet.

Industry did not see any added value in having a new independent SRO to monitor the quantity and quality of advertising as monitoring was already being carried out by existing SROs and/or consultants. However, the not-for-profit and expert interviewees were of the opinion that a more independent, third-party assessment of the commitments was necessary to increase their buy-in, but felt that it may prove difficult for such a body to gain access to the figures it would need as industry tends to prefer not to divulge such information. It was said that they would only be able to gain access to the necessary information if it was made a requirement by the EC or governments for industry to divulge information on sales, market share etc.

4.2 Impact

The descriptive analysis of all of the self-regulation commitments in the area of advertising and marketing to children showed that Platform commitments in this area can be said to have a significant

potential impact when looking at the geographical spread and number and size of actors involved in particular, but also in relation to the duration of several of the commitments, the fact that they focus on policies that affect consumers and the fact that monitoring has been carried out (see Section 2).

While the not-for-profit sector would welcome more figures on sales to measure the impact of the commitments, industry stressed that sales were not a good indicator of impact as there are numerous factors that can contribute to an increase or decrease in sales of a given product, and not just whether or not that product is being advertised to children or not. Industry felt that the best measure of impact was looking at gross rating points.⁶⁴

In response to an increasing trend to speak in terms of (1) the exposure to and (2) the power of marketing and advertising (to children), the evaluation team has decided to draw conclusions on the impact of the three commitments that were reviewed in detail in relation to these two elements. Exposure here is defined as the reach, frequency and media impact of the marketing message, power is defined as the creative content, design and execution of the marketing message.

Exposure: Based on the evidence and views presented above in relation to the three commitments under review, it can generally be concluded that self-regulation in this area has been very effective at limiting the exposure of children to adverts for HFSS foods, insofar as the quantity of TV advertising during programmes that falls under the commitments' criteria for age, audience proportion, nutritional criteria and mediums has decreased very significantly: as suggests the impact data included in the EU Pledge 2009 Monitoring report and provided by Mars, e.g. compliance rates for TV of over 98%, a 93% drop in programmes with an audience composed of a majority of children in their exposure to ads that do not meet companies' nutritional criteria between 2005 and 2009 and a 56% drop overall, i.e. in all programmes on all channels at all times (see Table 3). The interviews with not-for-profit Platform members and experts confirmed this, as many said that it was evident from the figures that an impact had been achieved (see Section 3.2). The scope of the commitments in terms of the large number of companies concerned and the significant market share they represent (see Table 2), also contributes to this conclusion. This is particularly relevant to consider where impact data was not available.

However, this should not be taken to mean that the overall exposure of children to all marketing and advertising for HFSS foods has gone down as drastically as the figures quoted above and shown in Table 3 suggest. Instead, it is clear that the impact on exposure (when understood in a broader sense) has been significantly lower. This is due to a number of limitations of the commitments, including the products and channels that are covered and the way in which the restrictions on advertising are defined in terms of target audience and threshold. In fact, as the figures on TV advertising for the EU Pledge suggest, the percentage reduction in the exposure to ads in all programmes, on all channels, at all times, are lower than where criteria are set⁶⁵ (see Table 3). The exact extent to which these limitations affect the overall effectiveness of the commitments in terms of reducing exposure could not be determined (aside from in the case of TV advertising for the EU Pledge mentioned) with the means available for this case study, However, as suggested by the interviews with not-for-profit Platform members and experts, and the in-depth research, more could in fact be done for the following reasons:

⁶⁴ Gross Rating Points are the percentage of the target audience viewing at the given time

⁶⁵ EU Pledge monitoring suggests that relating to the exposure of children <12 to TV ads for products that do not meet companies' nutritional criteria, there has been a 93% drop in programmes with an audience composed of a majority of children, but only a 56% drop overall, i.e. in all programmes on all channels at all times. In terms of the exposure of children <12 to TV ads for all EU Pledge member companies' advertising across all products, regardless of nutritional criteria, there has been a 61% drop in programmes with an audience composed of a majority of children, but only a 30% drop overall, i.e. in all programmes on all channels at all times.

- Target audience: Although there is no consensus among actors and in the literature on the best age to use as a cut-off age for advertising and marketing to children, it is clear that by setting the bar higher, e.g. to 16 years old, fewer children and adolescents would view advertising of HFSS foods.
- Threshold: Following on from the conclusion above on target audience, research in the UK suggests that by setting child viewership thresholds of 50%, 35% or 25%, as is the case in the commitments under review, industry is not covering the programmes that are watched by the highest number of children (see Section 3.3.4). The programmes targeted by such thresholds tend to be '4 o'clock viewing'. This begs the question whether looking at the total number of child viewers, or using a watershed (e.g. 9 pm), might be a better means to limit the advertising of HFSS foods to children than using audience proportions. Moreover, younger children tend to aspire to being like those who are older than them, often viewing in large numbers programmes that intended for slightly older audiences.
- Products: While all of the EU Pledge companies are required to make their nutritional criteria public, allowing for a favourable comparison with international standards (see Section 3.3.3), the criteria stated in certain cases was very general, making comparison with international/national standards difficult (as Table 8 suggests). More transparency in this respect would favour further buy-in by non-industry observers.
- Channels: There are a number of channels used by marketers and advertisers that are not covered by the commitments under review. While TV remains the key means of advertising and marketing for the food industry, and therefore that for the time being it seems that the commitments cover the bulk of all advertising to children, other areas are gaining ground, such as the internet (see Section 3.3.5). Moreover, other channels like billboards, sponsorship, viral marketing, video games etc. are not covered (or are covered to varying degrees) by the commitments under review.
- Monitoring: The benefits of having an independent third party with no links to industry, e.g. governments, the EU, a SRO, undertake monitoring would be to add transparency and credibility to commitments, but it would be a very resource intensive task with, for example, industry needing to provide all the necessary data to this third party.
- Impact: Not all of the commitments under review actually attempted to define the impact of their commitments in terms of going beyond looking at compliance levels and delving into outputs / outcomes (see Table 3). Moreover, there is a need to try to look into the impact of advertising and marketing to children on consumption. While industry argues that sales are not a good indicator of this due to the multiple factors that can affect sales, there is a need to show whether these commitments are having an actual impact on people's consumption habits. Such an impact assessment would ideally combine company data with consumption surveys and health indicators.

Power: Moreover, based on the evidence and views presented above in relation to the three commitments under review, the commitments generally do not have strong mechanisms to limit the power of advertising to children⁶⁶. While some companies are making efforts in this area (e.g. by limiting the use of role models, third-party branded characters etc.), this is being done to varying degrees in individual company pledges which go beyond the original text of the commitments (see Table 2), rather than via the umbrella EU Pledge and UNESDA pledges. This is also an area that is

⁶⁶ Please note that there are other Platform commitments that focus on limiting the power of marketing and advertising in particular, but they did not form part of this in-depth assessment.

not being monitored through these commitments and so the extent to which an impact is being achieved can only be deduced from compliance figures.

In terms of looking to use this case study to respond to the specific evaluation question ‘What was the impact of self-regulation commitments on EU or national regulatory initiatives?’, some interviewees (from both industry and the not-for-profit/expert sector) were of the opinion that self-regulation was likely to have slowed the pace of or even put a stop to legislative efforts, and that commitments which do not go as far as national legislation or standards could potentially undermine certain countries’ efforts in this area.

5 ANNEX 1: DESCRIPTION OF THE METHODOLOGY AND TASKS CARRIED OUT

5.1 Advertising / marketing to children commitments

All of the commitments made by members of the EU Platform for Action on Diet, Physical Activity and Health in the area of advertising/marketing to children were considered as part of the case study, but a more in-depth review was undertaken of three which are considered to be most significant in terms of their potential reach and impact.

The 17 commitments considered as part of this case study (based on the database provided by the Commission in January 2010 and subsequent update provided in April 2010) are presented in Table 1.

5.2 Commitments for the in-depth study

In addition to conducting a descriptive analysis of the relevant commitments (i.e. the 10.5 relevant commitments detailed in the table above), the in-depth interviews and research carried out focussed on three of the most significant commitments in terms of reach and impact in the area of advertising/marketing to children.

The methodology outlined below was reviewed and approved by DG SANCO. In particular, the criteria used for the selection of the three commitments and the selection itself were reviewed by DG SANCO and amendments were made to the proposed methodology by the evaluation team in response to the comments received. DG SANCO also reviewed and approved the selection criteria used to select the Not-for-profit Platform members and experts that were interviewed.

The selection criteria:

The evaluators made a pre-selection of commitments to focus on based on the following criteria which were chosen to ensure that commitments with the widest possible reach, in terms of number of actors and countries concerned, and therefore potential impact, were selected:

- Self-regulation commitment
- Actors – multiple, rather than single, where possible
- Geographical scope – the broadest range of countries
- Timeframe – the longest running and/or ongoing

The commitments which were focussed on in particular:

Based on the criteria outlined above, the following commitments were selected to form part of the in-depth analysis element of this case study:

Actor	Number of actors	Commitment	Action number	Timeframe	Geographical scope
Burger King, Coca-Cola, Danone, Ferrero, General Mills, Kellogg, Kraft, Mars, Nestlé, PepsiCo, Unilever	Multiple	The EU Pledge - Changing Food Advertising to Children ⁶⁷	1075	2008 to 2020	27 countries
Mars Inc	One	Mars Marketing Commitments (MMC) ⁶⁸	1018	2008 to 2020	30 countries
UNESDA ⁶⁹	Multiple	Advertising and Commercial Communications, including school vending ⁷⁰ No advertising in cinemas during films aimed at children	581	2006 to 2020	28 countries

⁶⁷ The EU Pledge meets all of the criteria set out by the evaluators in order to select the commitments with the maximum potential reach and impact.

⁶⁸ While Mars is a single (rather than multiple) actor, its commitment met all of the other criteria set out by the evaluators in order to select the commitments with the maximum potential reach and impact. It has been selected over the only other comparable commitment made by Ferrero Group (action number 427 which also meets all of the criteria aside from one) because the Mars Marketing Commitments go beyond the EU Pledge and the evaluation team felt it would be interesting to explore the reasons behind this during interview – see specific interview questions in the interview guide.

⁶⁹ These UNESDA commitments were not included in the inception note as the target audience was not specified as being ‘children and adolescents’ on the EC’s online commitments database, The evaluation team identified these commitments following a more detailed review of the database provided by the Commission.

⁷⁰ UNESDA’s two related commitments met all of the criteria set out by the evaluators in order to select the commitments with the maximum potential reach and impact. Moreover, they have the added benefit of not necessarily concerning EU Pledge signatories, so allowed the evaluation team to get the perspective of non-EU Pledge signatories.

		under 12 years (extension to 581)	1064	2008 to 2020	30 countries
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The specific reasons for choosing each of these

commitments are provided in the related footnotes.

5.2.1 Interviews for the in-depth study

3 interviews with associations/industry linked to the selected commitments:

Based on the proposed commitments to focus on in particular for the in-depth study, the evaluation team spoke to:

- A couple of people involved in the EU Pledge process and a representative of one industry signatory to the Pledge (Unilever);
- Two representatives at Mars;
- One representative at UNESDA and three industry signatories to the commitment (CocaCola, Pepsi Co and Orangina), including one non-EU Pledge signatory (Orangina).

Please note that questions asked of the representative at Mars referred to commitments 1018 and 1075, so that two of the 11 actors involved in the EU Pledge were interviewed regarding this commitment. There exists both overlap and differences between Mars' commitment through the EU Pledge and its own commitment 1018, which were explored during the interview.

For the interview relating to the UNESDA commitment, the selected UNESDA member(s) had implemented both commitments and one was not be a signatory of the EU Pledge, allowing the evaluation team to get insights from non-EU Pledge members on the issue. As the commitments are related (action 1064 being a recent extension of 581), questions asked of the selected UNESDA member(s) referred to both commitments, allowing for an additional commitment to that initially proposed to be assessed as part of the exercise.

The aim of these interviews was to:

- Ascertain industry's views on self-regulation
- Delve into the background to a given commitment – scope, implementation etc.
- Ascertain the extent to which compliance is being monitored (and the appropriateness of the monitoring methodology and KPI selected)
- Assess the impact of the commitment
- Discuss some of the questions and criticism identified in the Working Papers on the subject and raised in previous Platform meetings

3 interviews with not-for-profit Platform members /experts:

In light of the context of the evaluation and aim of the interviews, the evaluation team interviewed people based on the following selection criteria:

- 2 not-for-profit Platform members with knowledge of/a particular interest in the subject area of advertising-marketing to children
- 1 expert in the area of self-regulation and advertising-marketing to children with knowledge of the Platform

Please note: The evaluation team reviewed Working Papers, presentations, Platform plenary meeting minutes etc. where advertising/marketing to children was discussed/presented to try to select relevant experts with knowledge of the Platform and not-for-profit members which had carried out work in the area. The rationale for the selection of each potential interviewee was presented to DG SANCO for review and approved.

A brief, anonymous description of the three people interviewed is provided below:

Interviewee type	Role	Relevant experience
Not-for-profit Platform member	Director of policy and programmes for an NGO	<p>Attended a number of Platform meetings as a member and gave presentations on the subject.</p> <p>Involved for several years in expressing concerns at a high level on the promotion of HFSS foods to children not only in Europe and North America, but increasingly in other countries in the world.</p> <p>Involved in supporting the Hastings (FSA) review and the Ofcom view.</p> <p>Involved in the PolMark project.</p> <p>Drafted and proposed international standards for marketing to children.</p>
Not-for-profit Platform member	Chief policy adviser for NGO	<p>Attended a number of Platform meetings as a member.</p> <p>Carried out studies and campaigns on advertising to children.</p> <p>Involved in the PolMark project.</p>
Expert	Researcher (Phd) / independent consultant	<p>Intervened in two plenary meetings, so is aware of the Platform.</p> <p>A policy analyst and researcher who has worked in institutions such as the WHO and independently.</p> <p>Involved in the PolMark project.</p> <p>Main focus of work: Looking at the food supply chain and how that interacts with the consumer. As part of this, looking at the issue of marketing and advertising. Also an expert on regulations worldwide.</p>

The aim of these interviews was to:

- Ascertain their views on self-regulation
- Delve into their view on the commitments adopted by industry in this area, in terms of the issues they address, their implementation etc.
- Gather their views on the impact of Platform commitments in this area
- Discuss some of the questions and criticism identified in the Working Papers on the subject and raised in previous Platform meetings

A brief description of each of the three commitments under review was sent to the not-for-profit Platform members/experts prior to the interview in order for them to familiarise themselves with the three selected commitments and be better prepared to answer questions on them. Four open questions were sent along with these descriptions in preparation for the interview. Additional questions, not sent to the interviewees prior to interview, were also asked during the interviews.

Please see Case Study Annexes 2, 3 and 4 for the interview guides and brief description of the commitments under review.

6 ANNEX 2: INTERVIEW GUIDE FOR NOT-FOR-PROFIT / EXPERTS

Date and location of interview	
Interviewee name(s), organisation and position	
Interviewer name	

Introduction

1. Please briefly summarise your own position and role and that of your organisation, and outline the nature and extent of your involvement in/with the EU Platform
2. Please outline your experience in the area of marketing/advertising to children.

Views on the commitments under review

Note: A brief description of the three commitments under review were sent to the interviewees prior to interview with the questions listed below so that they could form an opinion of these commitments in their own time, prior to interview. Links to further information on each commitment were also included (see Annex 3).

3. Do you have any general comments/views of the commitments we sent you a brief description of prior to this interview?
4. What do you perceive as the main strengths and weaknesses of each of these commitments?
5. To what extent do you think they have had/will have an impact on advertising/marketing to children?
6. To what extent do you think they have had/will have an impact on children's eating habits?

Further questions relating to the scope of commitments in this area

Note: Not all of these questions need to be asked as the interviewee may already have covered the issue while expressing views on the commitments themselves

7. In your opinion, why have self-regulatory advertising codes that affect the quality of advertising, but not the quantity, been the subject of the largest proportion of advertising and marketing commitments and led to quite high compliance levels?
8. What factors influence food choice in children? Do you have any data to substantiate this? To what extent do and should the Platform commitments in the area address these factors?
9. What audience should be targeted by industry in order to make a real impact on children's eating habits?
 - a. At 12 years old and under, is it not about parental choice?
 - b. Why 12 years old? Why not 16 as in the UK?
 - c. What about children under 12 viewing television along with their parents or older siblings, i.e. where they don't make up 25% or 50% of the audience?

Further questions on the implementation and monitoring of commitments in this area

Note: Not all of these questions need to be asked as the interviewee may already have covered the issue while expressing views on the commitments themselves

10. How do the nutritional guidelines adopted by the EU Pledge companies (and other companies concerned by these commitments) compare to international guidance (WHO, FAO, USDA, IOM, EURODIET) or national guidelines on the subject?
11. What form should the monitoring of compliance take? What would you see as the benefits and drawbacks of having an independent body to monitor compliance, e.g. a national advertising self-regulatory organisation (SRO)?

Note: At the moment monitoring of compliance tends to be carried out internally or by external auditors.

12. If you are familiar with the monitoring of the commitments, to what extent is the methodology used for their monitoring pertinent and to what extent is the data in the monitoring reports presented transparently?

Further questions on measuring the impact of the commitments in this area

Note: Not all of these questions need to be asked as the interviewee may already have covered the issue while expressing views on the commitments themselves

13. What specific targets and indicators could be defined to identify the impacts of the advertising and marketing commitments?
14. To what extent have Platform commitments led to a reduction in the exposure of children to marketing of HFSS foods? Can you provide us with data to substantiate this?

Note: Exposure here is defined as the reach, frequency and media impact of the marketing message.

15. To what extent have Platform commitments led to a reduction in the power of marketing of HFSS foods to children? Can you provide us with data to substantiate this?

Note: Power here is defined as the creative content, design and execution of the marketing message.

16. To what extent has a decrease in the marketing/advertising of HFSS products to children resulted in an increase in advertising of 'better for you' products? Do you have any data to substantiate your claim?
 - a. How should industry define 'better for you' products?
17. To your knowledge, have commitments in this area had a wider impact on EU or national regulatory initiatives?

Critical questions for discussion

18. It is often said that industry is not doing enough in this area, but is it really the role of business to promote healthy eating, exercise or concern itself with the issue of its brand being associated with healthy products when not all of them are? It could be argued that business is there to make money, while governments and the not-for-profit sector are there to educate people on the dangers of obesity.
19. Do you feel that introducing stricter standards, such as blanket standards in the form of Ofcom following FSA guidelines on nutritional values, is the way forward? Is there not the risk that by so doing, fewer companies would voluntarily sign up to a given code? By being more flexible and allowing room for maneuver, is it not the case that you get more industry buy-in?

Concluding questions

20. Is there any documentation in particular that you think we should consult in relation to this case study?

21. Do you have any further comments/information that you would like to share with us on the subject?

7 ANNEX 3: INTERVIEW GUIDE FOR INDUSTRY

Date and location of interview	
Interviewee name(s), organisation and position	
Interviewer name	

This interview is being conducted in relation to the following Platform commitment:

Platform member	
Commitment name	
Brief description (focus area, geo spread etc)	

Introduction

1. Please briefly summarise your own position and role and that of your company.
2. Please outline the nature and extent of your involvement in the above commitment.

The commitment(s) – the facts

3. Have you used a stepwise, i.e. product by product, or a comprehensive approach to seeking to reduce marketing/advertising of your products to children? Why?
4. What role did your trade association play in this commitment? How did its involvement change the way the commitment was implemented? How would things have differed had it not been involved and you had acted alone?
5. What costs have the implementation and the monitoring of this commitment incurred for your company (past, current and future costs)? Please specify costs for both.
6. Please outline what steps you take to encourage your company as a whole (including subsidiaries) to comply with this commitment.
 - a. Mars: The EU Platform monitoring reports for this commitment suggest that you do not monitor compliance. If this is the case, why not?
 - b. Have any of your member companies/affiliates been more (or less) compliant? If yes, why do you think this the case? To your knowledge, could the existence of regulatory frameworks on advertising have played a role in such a difference?
7. What do you perceive as having been the main impediments to the implementation and monitoring (where applicable) of this commitment?
 - a. Has the difficulty to monitor certain media (e.g. the internet)/certain categories (e.g. under 12 children) deterred you from committing to act?

- b. Have you noted any difference in the quality of the monitoring (where applicable), based on the type of member/subsidiary (e.g. size of the company/subsidiary, sector of the company/subsidiary...)?
- c. Have any of the difficulties experienced in relation to monitoring (where applicable) led you to base your monitoring system on certain assumptions (e.g. nutrient profiles chosen, percentage of age category watching TV, surfing the net at certain time...)? Have you clearly reported on these assumptions?

The impact of the commitment(s)⁷¹

8. What specific targets and indicators could be/have been defined to identify the impacts of the advertising and marketing commitments? Why would you select these in particular?
9. To what extent has your Platform commitment led you to reduce the exposure of children to marketing of HFSS foods? Can you provide us with data (other than that publicly in monitoring reports) to substantiate this?

Note: Exposure here is defined as the reach, frequency and media impact of the marketing message.

10. To what extent has your Platform commitment led you to reduce the power of marketing of HFSS foods to children? If so, can you provide us with data (other than that publicly in monitoring reports) to substantiate this?
11. To what extent has a decrease in your marketing/advertising of HFSS products to children resulted in an increase in advertising of 'better for you' products? If it has, can you provide us with data to substantiate this?
12. Has your Platform commitment had an effect on your worldwide (as opposed to simply European) marketing policy relating to children?

Note: Power here is defined as the creative content, design and execution of the marketing message.

Critical questions for discussion

13. In your opinion, why have self-regulatory advertising codes that affect the quality of advertising, but not the quantity, been the subject of the largest proportion of advertising and marketing commitments and led to quite high compliance levels?
14. Commitment-specific questions:
 - a. EU Pledge: Why the focus on a qualitative sector-wide approach rather than a quantitative company-specific approach?
 - b. Mars: Why did you define your restriction on TV advertising to children under the age of 12 as applying to programmes with more than 25% of viewers being less than 12 years of age when the EU Pledge states 50%? Did you feel that the 50% was not strict enough to make an impact? (MS, Sept09)
 - c. UNESDA member: Why have you decided to extend your original 2006 commitment to not advertise to children under 12 on television, print, or online, to include cinemas? Why have you extended your original 2006 commitment relating to beverage advertising in printed media, websites and broadcast programmes aimed at

⁷¹ **Note on compliance/impact monitoring for the commitments under review:**

EU Pledge produced an independent monitoring report in September 2009. This contains data on compliance, but also on the change in the balance in advertising as a result of the Pledge. In particular, it contains data on the number of adverts by EU Pledge members that children under 12 saw in 2005 relative to 2009 and what proportion of these ads were not compliant with EU Pledge criteria. The impact monitoring exercise is limited to TV advertising because of a lack of comparable historic data for other medians. Parts of the study focussed on a select few markets.

Mars did not produce any impact indicators for its 2007 and 2008 monitoring reports for commitment 1018.

UNESDA has an informal monitoring steering committee. It produces compliance indicators for commitment 581, but nothing on cinema commitment 1064 according to the 2008 monitoring report. It does not look at impact per se.

children, to include commitments on advertising in vending machines? Do you feel that the EU Pledge does not do enough in this respect? Does this not put you at a commercial disadvantage relative to EU Pledge signatories who simply adhere to the commitments stipulated in this pledge?

15. Prior to adopting such a commitment, did you look into what factors influence food choice in children? If so, how did you do so and what conclusions did you reach?

16. Does this commitment target the right audience in order to make a real impact?

a. At 12 years old and under, is it not about parental choice?

b. Why 12 years old? Why not 16 as in the UK?

c. What about children under 12 viewing television along with their parents or older siblings, i.e. where they don't make up 25% or 50% of the audience?

17. How have you defined the nutritional profiles for products/meals to be considered HFFS and thus not marketed to children (e.g. follow own or governmental guidelines)? Would a blanket system such as the FSA system applied by Ofcom (or an EU standard) not be preferable in order to ensure consistency and comparison across the market?

Note: The EU Pledge leaves this to individual companies versus Ofcom which relies on FSA guidelines.

18. What would you see as the benefits and drawbacks of having an independent body to monitor compliance, e.g. a national advertising self-regulatory organisation (SRO)?

Note: At the moment compliance tends to be monitored internally or by external auditors.

Concluding questions

19. Do you have any further comments/information that you would like to share with us on the subject?

8 ANNEX 4: BRIEF DESCRIPTION OF THE COMMITMENTS

The following brief description of the commitments under review was sent to the Not-for-profit Platform members / experts who were interviewed prior to the interview:

Below you will find a brief description of the three commitments in the area of marketing/advertising to children that this evaluation is focussing on in greater depth. Further information on each of these can be found via the links below each table. The commitments are:

1. The EU Pledge
2. UNESDA commitment on advertising and commercial communications, including school vending
 - a. Extension to this commitment to involve advertising in cinemas during films aimed at children under 12 years
3. Mars Marketing Commitments

In preparation for our conversation, we would be grateful if you could familiarise yourself with these commitments. Some of the questions you may want to keep in mind are:

1. Do you have any general comments/views on these commitments?
2. What do you perceive as the main strengths and weaknesses of each of these commitments?
3. To what extent do you think they have had/will have an impact on advertising/marketing to children?
4. To what extent do you think they have had/will have an impact on children's eating habits?

1. The EU Pledge

Commitment title	The EU Pledge – Changing Food Advertising to Children
From - To	2008 - 2020
Actor names	<ol style="list-style-type: none"> 1. Burger King 2. Coca-Cola 3. Danone 4. Ferrero 5. General Mills 6. Kellogg 7. KraftMars 8. Nestlé 9. PepsiCo 10. Unilever
Country	27 countries
Brief summary	The EU Pledge is a commitment to change food and beverage advertising on TV, print and internet to children under the age of 12 in the EU. Signatory companies will implement company-specific voluntary measures by-end 2008 to meet this commitment.
Objectives	<p>The objective of the EU Pledge programme is to change the balance of food and beverage advertising on TV, print and internet to children under the age of 12 in the European Union.</p> <p>Participating companies agree to demonstrate that their specific commitments comply with the following minimum criteria:</p> <ul style="list-style-type: none"> • No advertising of products to children under 12 years, except for products which fulfil specific nutrition criteria based on accepted scientific evidence and/or applicable national and international dietary guidelines. For the purpose of this initiative, advertising to children under 12 years means advertising to media audiences with a minimum of 50% of children under 12 years. • No communication related to products in primary schools, except where specifically requested by, or agreed with, the school administration for educational purposes.

For further information on this particular commitment (action 1075), please consult the European Platform's commitments' database at:

http://ec.europa.eu/health/ph_determinants/life_style/nutrition/platform/database/dsp_search.cfm?CFID=173385&CFTOKEN=994406708cd66da2-175F769F-E00C-CBA5-D052896C318A05FC&jsessionid=35102ea672c85aeb304bTR

Then type in action number 1075 (bottom right) and click on 'View detail' under the actor name.

The 2009 independent monitoring report on the EU Pledge can also be consulted at:

<http://www.eu-pledge.eu/>

2. UNESDA commitment on advertising and commercial communications, including school vending

Commitment title	Advertising and Commercial Communications, including school vending
From - To	2006-2020
Actor name	Union of European Beverages Associations (UNESDA)
Country	28 countries
Brief summary	The following UNESDA 2006 commitments relate to beverages advertising in printed media, websites and broadcast programmes aimed at children. These commitments include commitments relating to vending in schools.
Objectives	<p>1. ADVERTISING: Not place any advertising in printed media, websites or during broadcast programmes (TV and radio) specifically aimed at children below 12 years old.</p> <p>2. SCHOOLS:</p> <ul style="list-style-type: none"> a. Primary Schools: Not engage in any direct commercial activity, unless otherwise requested by the school authorities. b. Secondary Schools: - Ensure, with the agreement and active participation of educators and parents, that a full range of beverages (including water, juices and other beverages in both regular and low-calorie versions) are made available in appropriate container sizes to allow for portion control. - Respect the commercial-free character of schools by providing, where directly responsible for final distribution of products, unbranded vending machines preferably including educational images and messages promoting balanced diets and healthy and active lifestyles.

For further information on this particular commitment (action 581), please consult the European Platform's commitments' database at:

http://ec.europa.eu/health/ph_determinants/life_style/nutrition/platform/database/dsp_search.cfm?CFID=173385&CFTOKEN=994406708cd66da2-175F769F-E00C-CBA5-D052896C318A05FC&jsessionid=35102ea672c85aeb304bTR

Then type in action number 581 (bottom right) and click on 'View detail' under the actor name.

a. Extension to the UNESDA commitment to involve advertising in cinemas during films aimed at children under 12 years

Commitment title	No advertising in cinemas during films aimed at children under 12 years
From - To	2008-2020
Actor name	Union of European Beverages Associations (UNESDA)
Country	30 countries
Brief summary	<p>Following the UNESDA commitment of 2006 to not advertise to children under 12 on television, print, or online (see below), we have extended this commitment to cover cinemas.</p> <p>The commitment has also been made by the International Council of Beverage Associations.</p>
Objectives	No advertising shall be bought within media destined to be screened during films aimed at children under 12. Hence this would cover all

	<p>general entertainment films carrying a U certificate in Europe as well as those films specifically aimed at children.</p> <p>Advertising agencies will be briefed not to purchase slots in such films.</p>
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For further information on this particular commitment (action 1064), please consult the European Platform's commitments' database at:

http://ec.europa.eu/health/ph_determinants/life_style/nutrition/platform/database/dsp_search.cfm?CFID=173385&CFTOKEN=994406708cd66da2-175F769F-E00C-CBA5-D052896C318A05FC&jsessionid=35102ea672c85aeb304bTR

Then type in action number 1064 (bottom right) and click on 'View detail' under the actor name.

3. Mars Marketing commitments

Commitment title	Mars Marketing Commitments (MMC)
From - To	2008 - 2020
Actor name	Mars
Country	29 countries
Brief summary	The Mars Marketing Commitments are part of the Mars Health&Nutrition Strategy, which aims to contribute to creating a healthier environment. The core theme of the new MMC is that Mars will not direct marketing communications to children under 12.
Objectives	<p>Our objective is to implement the Mars Marketing Commitments as of early 2008 on all our food and snackfood products globally (not only in the EU).</p> <p>As of early 2008:</p> <ol style="list-style-type: none"> 1. We will not direct our marketing communications to children under 12; 2. Will not link our marketing communications to or sponsor films or media programs where the intended audience is primarily under the age of 12; for television ... when more than 25% of the viewers is under the age of 12; 3. We will not place vending machines in primary schools; 4. We will not use incentives and/or give-aways linked to educational themes, intended solely for children under the age of 12; 5. We will not link our brands to any celebrity or animated character of which the audience is primarily children under 12 for our snackfood products; 6. SMS and Internet based activities will not be open to participants under the age of 12; 7. We will not show children under 12 consuming our snackfood products; 8. We will not show children being physically inactive; 9. We will not use brand characters primarily for children under the age of 12

For further information on this particular commitment (action 1018), please consult the European Platform's commitments' database at:

http://ec.europa.eu/health/ph_determinants/life_style/nutrition/platform/database/dsp_search.cfm?CFID=173385&CFTOKEN=994406708cd66da2-175F769F-E00C-CBA5-D052896C318A05FC&jsessionid=35102ea672c85aeb304bTR

Then type in action number 1018 (bottom right) and click on 'View detail' under the actor name.