



FOOD ADVERTISING AND MARKETING

Key Points

- » Most food and drink adverts promote less healthy options
- » There is overwhelming evidence that advertising and marketing techniques powerfully influence food preference, choice, and consumption in children, harming their health and increasing their body weight
- » Although advertising of food and drink high in fat, salt, and sugar (HFSS) is officially banned on children's TV and children's programmes, children are still exposed to this content in other advertising spaces
- » The UK Health and Care Act (2022) introduced new, stronger restrictions on TV and online HFSS food and drink advertising. The original implementation date for the restrictions was January 2023; however, this has now been pushed back to October 2025
- » There are many other forms of HFSS food and drink advertising including outdoor, digital, sport sponsorship, and advertising on food packaging which are not currently subject to adequate restrictions
- » Current restrictions fail to protect children from the vast number of advertising spaces for food and drink products which are harmful to health

Key Actions

- » The restrictions of HFSS food and drink outlined in the UK Health and Care Act should be implemented and extended to other popular advertising spaces including radio, print and a blanket ban online, as has been proposed in other countries
- » Misleading and manipulative advertising on food packaging, which is especially effective on children and young people, should also be phased out
- » Policy and legislation should be developed in line with the principle of restricting all forms of HFSS food and drink advertising. This would require action on devolved and reserved matters
- » Regular reviews of effectiveness of action should be undertaken to ensure children have adequate protection from marketing and advertising as multimedia and marketing develops, innovates, and evolves
- » Further evidence should be gathered on examples of advertising regulation, such as the Transport for London ban, to demonstrate effectiveness and build support for wider action
- » Nutrient profiles for advertising should be regularly reviewed and updated to ensure they reflect the latest evidence on recommended nutrient intakes



DEFINITIONS

Marketing: any form of commercial communication or message that is designed to, or has the effect of, increasing the recognition, appeal and/or consumption of products and services. It comprises anything that acts to advertise or otherwise promote a product or service.¹ The aim of food marketing is to increase demand for products by making people develop the habit of consuming the product regularly.²

Advertising: (*in Business English*) the activity of making products or services known about and persuading people to buy them (Cambridge Dictionary online)

Advertising and marketing techniques can be grouped into^{3,4}:

Broadcast: TV and radio (including video-on-demand services i.e. All 4

Non-broadcast: print, cinema, traditional and digital billboards/displays, online (social media, video sharing platforms, internet pop-ups, apps), advergames

In-store and online: product packaging (incl. character usage for brand and license)

Sponsorship: sport events and clubs, cultural events, public activities

Commercial partnerships: for example, a retailer and charity or manufacturer and consumer group

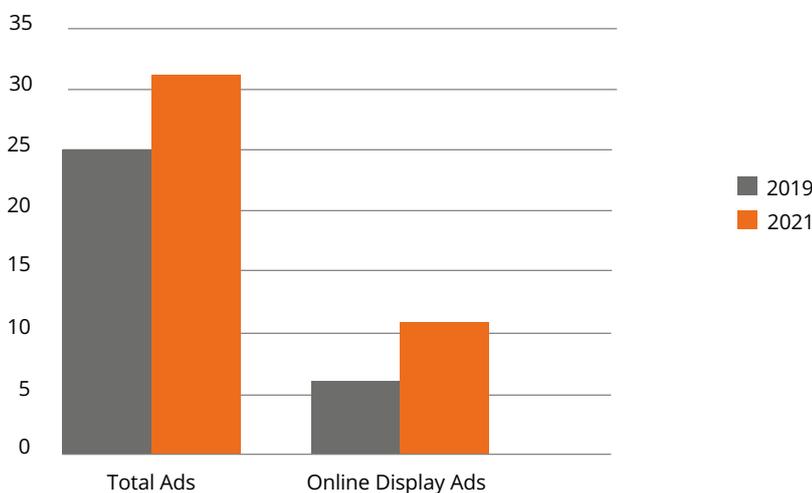
**This briefing does not cover promotions which is another form of food marketing. There is a dedicated [briefing](#) on this topic on our website.*

THE UK ADVERTISING MARKET

The UK advertising sector invested significantly as the UK began recovering from COVID-19 restrictions in 2020. In 2021, the sector reached a record spend of £39.1 billion – a year on year growth of 34%.

A surge in online advertising was a key driver of the growth, which now makes up 75% of all advertising spend in the UK.⁵ Advertising through social media is a particularly fast-growing space. Investment is expected to reach over £8 billion in the UK in 2022. By 2027, this is projected to rise to nearly £12 billion.⁶ These current and projected spends indicate that adverts will become increasingly visible in people's lives. Recent data showing nearly every child in the UK (99%) now goes online, with 72% using a mobile phone, highlight they will also be exposed to a growing number of adverts.⁷

UK Total and Online Advert Spend 2019 vs 2021 (£billion)



(Advertising Association; 2022. Pandemic recovery boosts UK adspend to record level of £32bn in 2021. Available at: <https://adassoc.org.uk/advertising-spend/>)

FOOD ADVERTISING SPEND

Food advertising in the UK is a sector that is especially unbalanced in terms of what is marketed. The 2022 Broken Plate report by The Food Foundation found that 32% of total food marketing spend is funnelled towards unhealthy products compared to just 1% used to advertise fruit and vegetables (Figure 1)⁸. This advertising skew is supported by analysis from Bite Back 2030 which showed children across the UK see almost 500 adverts for junk food products per second while online.⁹

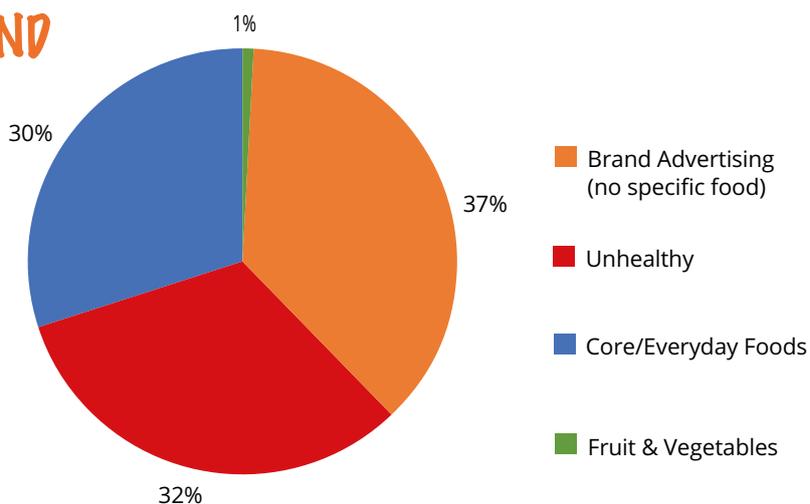


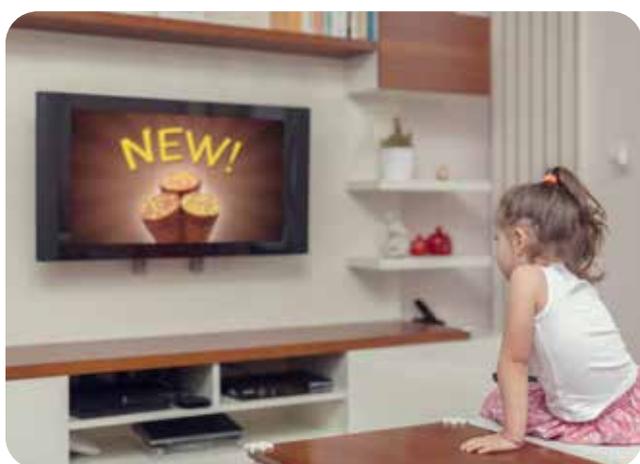
Figure 1

WHY SHOULD HFSS PRODUCTS ADVERTS BE REGULATED?

The modern advertising landscape is constantly evolving and provides multiple avenues for reaching potential customers, including children. This is a huge concern given the ability of adverts to influence children's food choices and preferences.¹⁰ There is now an abundance of evidence which has examined food advertising and its effects on diet-related outcomes, with most research to date focusing on TV advertising. Children's consumption of broadcast TV content is not as common as it was previously due to the growth of digital media such as streaming services. However, in 2022 almost half of children aged 3-17 in the UK (47%) said they still watch live TV which confirms it is still a significant medium for advertising exposure.¹¹

Key findings on the influence of HFSS product advertising include:

- » Advertised food and drinks are generally less healthy than those recommended as part of a healthy balanced diet.⁸
- » Children and adults from more deprived backgrounds are up to 50% more likely to be exposed to unhealthy food advertising than less deprived groups.¹²
- » For every four minutes of TV food and drink advertising exposure, children consume approximately 60 calories more than children exposed to non-food adverts. The effect of TV adverts on dietary intake is also shown to be greater for children already living with overweight or obesity.¹³
- » Exposure to unhealthy food advertising causes increased overall calorie intake in children and results in a higher chance of them preferring the advertised product when making food choices.¹⁴
- » For children, additional food consumption caused by food advertising is not compensated for in other meals on the same day meaning total calorie consumption increases.¹⁵





FOOD ADVERTISING POLICY AND REGULATION

The UK Health & Care Act (2022)

In April 2022, the UK Government gave royal assent to the Health and Care Act (2022).¹⁶ This was a highly anticipated development for public health groups across the UK given its inclusion of legislation to restrict advertising of HFSS products. Specifically, the Act introduced amendments to the Communications Act 2003 which would ban companies from advertising HFSS products on TV between 5:50am and 9pm (a watershed) and from using paid-for online adverts of HFSS products.¹⁷ These restrictions were primarily aimed at reducing children's exposure to this type of content.¹⁸

The Act stated that the restrictions would officially come into force in January 2023. However, in May 2022, only a month after it had received royal assent, the UK government announced that the implementation of the advertising restrictions would be delayed by a year to 1st January 2024.¹⁹ This decision prompted huge outcry from the public health community which accused the UK government of using the policy to appease industry and political allies.²⁰ Despite this push back, things only got worse in December 2022 when the UK government, now

with a different prime minister in office, decided to delay the advertising restrictions once again to 1st October 2025.²¹ As with the first delay, the government cited a need to give industry more preparation time as the reason for its decision, despite the bill having first been brought to the UK parliament in 2021.²² This means that by 2025 the food industry and advertisers will have had over four years to prepare for what is a relatively simple marketing restriction.

Scotland's Diet and Healthy Weight Delivery Plan (2018)

Although TV and online advertising are policy areas reserved to the UK Government, the Scottish Government has the devolved powers to regulate in other areas such as outdoor advertising, event sponsorship, and print media (newspapers and magazines).²³

In 2018 the Scottish Government published *A Healthier Future: Scotland's diet and healthy weight delivery plan* which is the latest government document aimed at addressing poor diets and high levels of overweight and obesity.²⁴ The delivery plan explicitly states support for a number of policy actions relating to HFSS food advertising for which the UK government has reserved powers. It urges the UK government to instate the 9pm TV watershed and restrictions online, and pushes for the loophole around cartoon characters on food packaging to be closed (*see page 12*).²⁴ It also calls for tougher UK regulation codes on advertising of HFSS products and the adoption of Public Health England's 2018 draft Nutrient Profile Model within the codes (*Box 1*).²⁴ In terms of areas within Scotland's devolved powers, the strategy states the Scottish government will engage with relevant stakeholders to restrict advertising of HFSS foods on public transport spaces such as bus stops and trains.²⁴ However, there has been no progress on this action since publication over four years ago.

Box 1

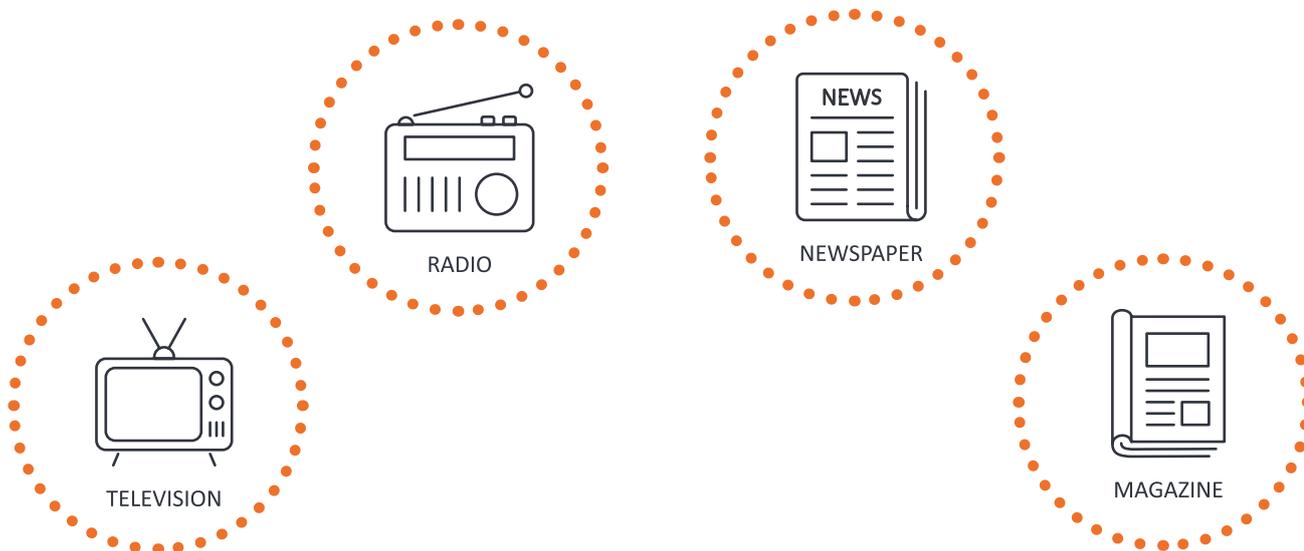
THE UK NUTRIENT PROFILING MODEL AND THE MISSING UPDATE

WHO defines nutrient profile modelling (NPMs) as *"the science of classifying or ranking foods according to their nutritional composition for reasons related to preventing disease and promoting health"*.³⁴ A key function of NPMs is their ability to easily determine whether a food product is suitable or not to be advertised and marketed to children (according to regulators).

Currently in the UK, advertising regulators and relevant policies use a NPM which was first developed in 2004/5. In 2015, Public Health England (PHE) indicated that the 2004/5 NPM was not stringent enough. They felt that the model prevented advertising of products with the highest amounts of fat, sugar, and salt (HFSS) but permitted advertising of products relatively high in just one of these nutrients (e.g., highly processed fruit-based drinks). On top this, the current model does not account for changes in dietary recommendations over the last 20 years (e.g., new guidance on free sugars which recommends they should not account for more than 5% of daily energy intake³⁵).

PHE carried out a review of the NPM on behalf of the Department of Health and suggested a new updated nutrient profiling model (2018 NPM). A consultation on the review's technical aspects was published in March 2018 and a summary of responses published in September 2018.³⁶ However, four years on (in 2022) there has been no further updates on the new model or when it will be implemented. In the meantime, new policies aiming to regulate HFSS food advertising will be less effective as they are still guided by an outdated model. The draft 2018 UK NPM proposed in the PHE consultation would see the number of food and drinks classified as unhealthy rise by 8%, underlining its more stringent requirements for foods to pass.³⁷ The WHO regional office for Europe developed a NPM in 2015 and encourages countries to align the model with their own national contexts.³⁴

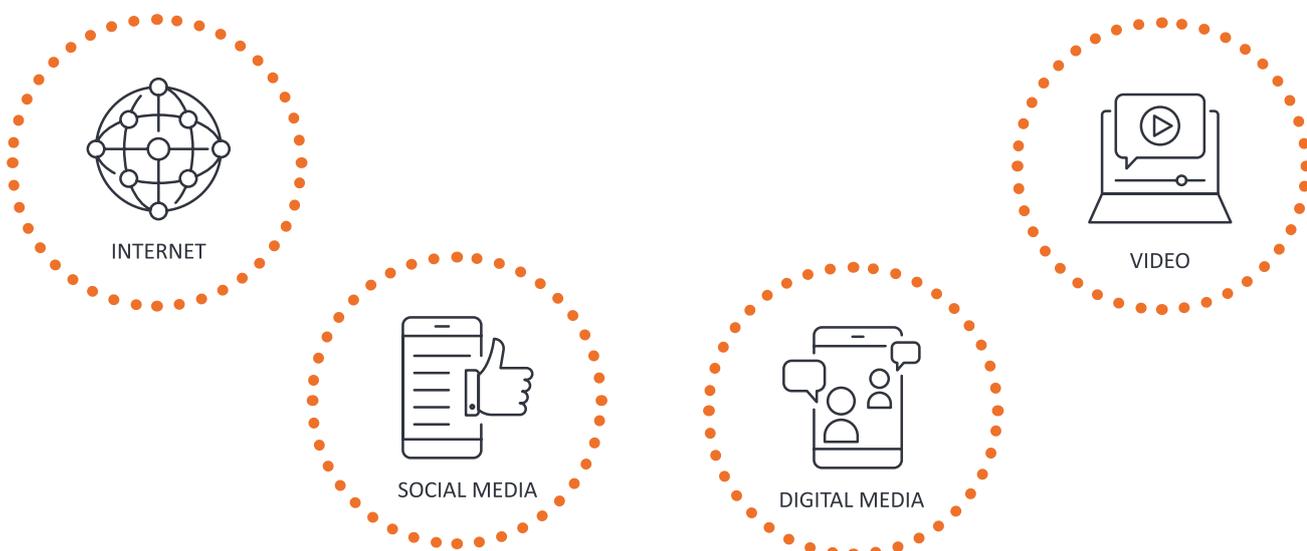




Existing Legislation

Current UK broadcasting regulations (TV and radio) place restrictions on the advertising of HFSS products specifically during children's TV and radio programmes.²⁵ Despite this restriction aiming to protect children, evidence has emerged showing it does not go far enough in preventing children's exposure to such content. A study by the Obesity Health Alliance revealed that nearly 60% of food and drink adverts shown during family TV viewing times (when large numbers of children are also watching) would be classified as HFSS.²⁶ Evidence such as this helped build support for the 9pm watershed policy which would later be included in the Health and Care Act.

For non-broadcast advertising (all other advertising aside from TV and radio) marketers must adhere to 'The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing', outlined by the Committee of Advertising Practice (CAP).²⁷ Restrictions on advertisers apply when it can be shown that at least 25% of the audience viewing the media are children.²⁷ However, this rule is incredibly difficult to regulate stringently, and can be viewed as especially ineffective in spaces where there are high numbers of people being exposed to adverts (e.g., social media, outdoors). For example, it is estimated that children aged up to 15 years old in Scotland only make up around 16% of the whole population.²⁸ This population split makes it very difficult to prove instances where children are evidently more than 25% of the advertising audience. Furthermore, if a city centre in Scotland had a footfall of 100,000 people per day, with 16% being children, this would mean HFSS food marketers would be permitted to advertise despite the content potentially reaching 16,000 children on a daily basis.



INTERNATIONAL POLICY DEVELOPMENTS

In recent years, countries around the world have gradually started to introduce legislation to regulate certain forms of HFSS food advertising with the aim of reducing rates of obesity and improving public health. It is clear many governments now recognise the evidence around the effects of advertising on eating habits, however very few countries have implemented broad approaches to cover the multiple advertising channels companies utilise.

CHILE



Chile is arguably the world-leader in this policy area. In 2016, its government introduced extensive measures to regulate a wide range of HFSS product advertising often targeted at children, including on television, cinema, and physical packaging.²⁹ The action included prohibiting specific marketing activities used by HFSS brands such as including cartoon characters on food packaging and offering free toys alongside product purchases.³⁰ To combat the attractiveness of HFSS products at point of purchase, Chile was also one of the first countries to introduce warning labels on products to indicate they are harmful to health.²⁹ Research examining the effects of Chile's policies has so far confirmed a reduction in children's exposure to HFSS food advertising, primarily through measures imposed on TV which prohibit broadcasting of such adverts between 6am and 10pm.^{29,30}

SPAIN



Spain is another country currently in the process of introducing tighter regulations. In 2021, its Consumer Affairs Ministry announced plans to ban HFSS product advertising targeted at children on TV, radio, social media, websites, apps, cinemas, and newspapers.³¹ Like Chile's restrictions, the policy would encompass an all-day ban on children's TV as well as other radio and TV channels during times when children would be expected to be watching, while other platforms such as social media and newspapers would see an all-out ban.³¹ The ministry stated the rules would be enforced using the World Health Organization nutrient profile model to ensure the measures are stringent enough.³¹ Spain has also confirmed plans to restrict marketing of HFSS products by prominent public figures such as online influencers, sports stars, and TV presenters – effectively any individual or group with a platform large enough to influence children.³² These public figures will instead be encouraged to promote health messages covering healthy eating and physical activity.³²

USA



In 2022, the Food and Drug Administration (FDA) in the USA opened a consultation on the issue of what defines 'healthy' food and the use of the term on food packaging.³³ The FDA is proposing to create a regulated 'healthy' symbol for which food products must meet certain standards to attain. These include foods needing to contain a meaningful amount of 'real food' while also not containing "more than certain upper limits for saturated fat, sodium, and added sugars".³³ Although this appears to be a positive move by regulators, it still avoids measures to issue warning labels on products which definitely are unhealthy, like those implemented in Chile.³³



GAPS IN REGULATION

The UK Health and Care Act will hopefully be the start of wider restriction around HFSS food and drink advertising through its regulation of both TV and online marketing. However, aside from these, there remains a variety of food and drink advertising spaces which are currently un-regulated despite research to confirm their reach and potentially harmful influence. Below, we outline some of these advertising channels and the related evidence.

ADVERTISING MATTERS DEVOLVED TO SCOTTISH PARLIAMENT



Outdoor Advertising

Outdoor advertising is a unique form of marketing as it is largely unavoidable for people and is highly visible in everyday life.³⁸ Examples include billboards, public transport spaces (bus stops, train platforms), and posters.³⁸ It is an area that is more opaque in research and policy given there is currently no agreed definition for it across the research community.³⁹ This aspect is likely to play into the hands of the food advertising industry which often creates significant barriers to regulation through channels such as government lobbying.³⁸

Research examining outdoor food advertising is relatively limited compared to other forms of marketing (e.g., television), with studies to date mostly focusing on types of outdoor adverts and levels of exposure.³⁹

- » A review of 53 studies around the world found that approximately 22% of all outdoor adverts are for food products while, importantly, 63% of those food products advertised are classified as unhealthy.³⁹ The same study also confirmed that outdoor adverts utilise the full spectrum of marketing tactics, from product nutrition claims through to emotional appeals.³⁹
- » A recent study in Scotland showed similar results when surveying bus stop adverts in the city of Edinburgh. Out of the 298 adverts that were recorded, 66% were for fast-food outlets and fruit juices high in sugar.⁴⁰
- » Another Scottish study explored children's exposure to unhealthy food advertising on transport networks across the central belt of Scotland. It revealed that children from more deprived backgrounds were at greater risk of exposure given their higher usage of public transport networks, such as bus routes, compared to less deprived groups.⁴¹
- » There is also some evidence which suggests that such adverts concentrate around schools and other popular routes for young people.³⁸



Another important aspect of outdoor adverts is their frequent appearance on publicly owned or controlled assets. This plainly places the responsibility for such adverts and their impacts with governments and local councils.³⁸ The Mayor of London was the first policymaker in the UK to fully recognise this and take action (see Box 2).

Our [2021 report](#) examined Scottish local authorities' views on outdoor advertising of HFSS foods and the potential for regulation. The report found that local authorities do have influence over the content of adverts marketed by third-party groups, however their agreements do not cover HFSS advertising specifically. It was also found that they recognised the benefits of restricting HFSS outdoor advertising such as reductions in health inequalities and healthcare costs. However, they claimed there was hesitation to act without national-level policy which would create an even playing field for all local authorities.



Box 2

THE TRANSPORT FOR LONDON ADVERTISING POLICY

In 2018 the Mayor of London, Sadiq Khan, announced plans to implement a ban on all junk food advertising across the Transport for London network. He actively recognised the issue of childhood obesity in London and viewed advertising as an important driving factor. The advertising ban would encompass the whole of the city's transport networks including the underground, buses, and railways (all common sources of outdoor advertising). The policy was designed to push food companies to only advertise their healthiest products.⁴²

As part of the decision-making process, the mayor put out an outline consultation for Londoners to respond to, which showed that 82% of people supported the action.⁴² Evidence has since emerged revealing the efforts by the food industry to block the

policy to protect commercial interests. A 2021 study revealed the various tactics used by the industry in the consultation period before the policy was launched:⁴³

- » Attempts to distract decision makers from policy benefits by focusing on unfounded costs and 'alternative solutions' to childhood obesity
- » Framing poor diet and obesity as a matter of individual choice as opposed to a structural issue
- » Stating that food adverts are not actually effective without providing any evidence to prove otherwise
- » 'Ganging up' in coalitions of various companies and representatives to apply maximum pressure to policymakers

Interestingly, the same study found that smaller businesses were more likely to support the policy, while the Advertising Standards Association opposed it.⁴³

Despite this industry pushback, the policy went ahead and was officially implemented in February 2019.⁴² Since then, it has shown positive results in terms of both economic and public health outcomes. Contrary to industry concerns, in its first year the revenue of Transport for London grew by £2.3m,⁴⁴ while a recent study suggests it has resulted in fewer junk food products being purchased per household in London compared to areas unaffected by the policy.⁴⁵ Following this positive coverage it has been reported that dozens of other local authorities across England are planning implementation of similar outdoor advertising restrictions.⁴⁶

Sport Sponsorship

Sport events have a long history of sponsorship by brands, and they are an extremely effective way of getting a company's name out in the public domain. Coverage of brands can be achieved through a number of channels including promotion by high-profile celebrities or athletes, and sponsorship of global events (see Figure 2).⁴⁷ Such events have the ability to reach millions of people on a regular basis with many of them being impressionable children. Furthermore, as sport sponsorship is an area that largely focuses on promoting brands, it is an even stronger advertising channel for junk food companies given policy proposals to restrict food marketing have, so far, solely focused on product-specific advertising.^{25,4}

A report by Sustain explored the views of parents on junk food advertising in sport and how it affects children's diets in the UK. It found 90% of parents believed this form of advertising made it more difficult to feed their children a healthy diet, while 78% said it causes children to prefer the food brands associated with their favourite sport team or player.⁴⁷ Evidence supports this, with studies finding associations between children's exposure to sport sponsorship products and subsequent consumption.⁴⁸

Brands behind advertising in sport and certain media channels will often frame their marketing activity as corporate social responsibility whilst positioning themselves as part of the 'solution' to a wider public health issue (e.g., obesity).⁴⁹ Additionally, when companies do

market specific food products, they will often claim it is one of their 'healthier' options in their portfolio. These industry stances help improve public image whilst taking advantage of a highly effective marketing space.⁴⁸ Despite these attempts, it is obvious that the core purpose of any such commercial activity in sport is to promote the brand name and maintain customer loyalty.

HFSS food and drink advertising is present across sport in Scotland. Examples include soft drinks company A.G. BARR and takeaway pizza brand Papa John's having sponsorship deals with Scottish rugby⁵⁰, while McDonalds is a large sponsor of grass roots football across Scotland and the rest of the UK.⁵¹ There is currently no legislation to regulate food advertising in UK or Scottish sport, however, there has been positive engagement from Scottish Women's Football (SWF) on the issue. In February 2019, the 'Cross Party Group on Improving Scotland's Health: 2021 and beyond' heard from the Chair of SWF, Vivienne MacLaren, about their stand against alcohol and gambling sponsorship. They have stated that they will not accept sponsorship from gambling and alcohol brands. In 2021, SWF renewed its partnership with Scottish Health Action on Alcohol Problems (SHAAP) through its sponsorship of the women's National Performance League.⁵² The partnership aims to create a positive environment in football for girls and demonstrate alternatives to alcohol sponsorship,⁵² while also setting an example to sport as a whole of using sponsorships that do not undermine public health efforts.

Figure 2: Coca-Cola Sport Sponsorship Deals (2022)⁵³



Nutrition Claims on Food Packaging

The health and wellbeing sector has grown significantly in recent years and people are now more attuned to the health benefits of products they buy.⁵⁴ The food industry has undoubtedly picked up on this trend with the increasing use of nutrition claims on food packaging to create positive impressions of their products – the ‘health halo’ effect.⁵⁵



Examples of common nutrition claims:

‘High in protein!’

‘All natural colours and flavours’

‘Low in fat’

Concerningly, many products use nutrition claims despite their food containing high quantities of unhealthy ingredients. A study by [Bite Back 2030](#) surveyed 500 food products in the UK which included a nutrition claim on its packaging. It found over half of the products (57%) had high amounts of either saturated fat, salt, or sugar (as defined by the UK NPM).⁵⁵ The study also looked at the impact of nutrition claims on young people’s perceptions of certain products. It showed 90% of young people believed yoghurts to be healthy despite over a third of flavoured yoghurts (35%) in the sample containing excessive amounts of sugar. Cereal bars in the sample also often contained high amounts of salt, fat or sugar (81% of bars), however 80% of young people viewed them as a healthy food option.⁵⁵ People understandably believe products such as these should be classified as healthy, yet it is clear that regulated reformulation efforts from industry are needed to ensure they truly are.



more sugar by volume than Coca-Cola, despite many being labelled with ‘*no added sugar*’. Examples of other claims on the food pouches included ‘*nutritionally approved*’ and ‘*organic*’.⁵⁶ Another survey by Action on Sugar examined breakfast products targeted at infants and toddlers covering cereals, muesli, porridges, yoghurts, and baby rice.⁵⁷ It also found products contained high quantities of total sugar* (natural and free sugars) despite many having misleading ‘health halo’ nutrition claims on packaging. For example, a

porridge product by Heinz claims it contains ‘*only natural ingredients*’ despite plain sugar (not naturally present) being listed as an ingredient on its packaging.⁵⁷ A 2022 study showed commercial baby foods in the UK average two nutrition claims per product and suggested the dominance of sweet-tasting products in the sector may contribute to less healthy eating habits in the long-term.⁵⁸ These findings confirm the confusing and often misleading nature of nutrition claims on food packaging, primarily used to encourage sales.

Other research in this area has examined marketing of commercial baby foods. The British Dental Association carried out a market analysis and revealed that over a quarter of baby food pouches sold in the UK contain

*Although these analyses do not distinguish between natural and free sugar content, the total sugar contents recorded are excessively high and can also lead to dental issues in children regardless of the type of sugar consumed.⁵⁹



ADVERTISING MATTERS RESERVED TO UK PARLIAMENT



Digital Advertising

The World Health Organisation warns that digital marketing “*amplifies advertising in traditional media, achieving greater advert attention and recall, greater brand awareness, more positive brand attitudes, greater intent to purchase and higher product sales*”.⁶⁰ Digital advertising makes use of a variety of spaces and channels to promote products, including social media, websites, apps, advergames, and streaming sites.⁶¹ It is now one of the most prominent forms of marketing used by companies, and children are especially vulnerable in this environment given their high usage of digital devices.⁷ Furthermore, all advertising in the digital environment is driven by data collected by websites and brands which can then be used to more acutely target people and be more appealing using individual data profiles.⁶²

The UK Health and Care Act states that it will impose a ban on paid-for online adverts for HFSS foods.¹⁷ This should include all UK on-demand streaming services, adverts from social media influencers, website adverts and advergame, amongst other types of paid-for adverts.¹⁸ Despite these restrictions appearing thorough on paper, there is still a lot of uncertainty over the terminology and detail regarding what will be covered. In fact, when announcing the delay to the implementation of these restrictions to 2025, the UK government also launched a consultation with the aim of ensuring ‘clarity of the definitions used’ in the legislation.²¹ On top of this, the significant delay to implementation means children and young people will continue to face the damage caused by online HFSS food advertising for years to come.

Will social media influencers be regulated?

Adverts for HFSS products posted by social media influencers is one area expected to be restricted by the Health and Care Act.¹⁸ Social media influencers are individuals who have large online followings and engagement with the public through their online output, for example, blogs or YouTube vlogs (video blogs), or social media such as Twitter, Instagram, TikTok, and Snapchat.

Evidence shows that influencers are trusted sources of product information for children,⁶³ and their adverts can lead to increased consumption of HFSS products.^{64,65} The CAP’s 25% audience rule also applies to online influencers, however, as mentioned previously, it is a relatively vague regulation that is difficult to impose effectively. Although some influencers may avoid the regulation due to the demographics of their audience, they may still be promoting HFSS products to large numbers of children.



The online influencer environment is becoming ever more difficult to define,⁹ which may play into the hands of HFSS product marketers when the Health and Care Act restrictions come into force. Research from 2022 highlights that TikTok, a global social media platform with one billion users,⁶⁶ is allowing HFSS food brands to turn users, including children, into ‘unofficial brand ambassadors’ who promote products through trending challenges and hashtags.⁶⁷ This tactic effectively exploits children and young people by getting them to carry out advertising on behalf of large food and drink corporations, despite the two parties not having any official paid partnership. It is likely that this tactic will be used as a loophole by HFSS marketers given the planned legislation is only expected to restrict paid-for adverts online. Similar loophole exploitation by industry has been demonstrated in efforts to restrict alcohol and tobacco advertising, underlining the need for regulatory policy to be comprehensive and adaptable.⁶⁸

Impact of COVID-19

The growth in online advertising following the COVID-19 pandemic is reflected by advertising spend data for pre and post 2020 (see page 2). Digital marketing was accelerated during this period as people, including children and young people, were forced to spend more time online than usual increasing potential exposure to digital advertising channels.³⁴ There is evidence to show people are especially vulnerable to the power of adverts during times of heightened stress,⁶⁹ and so it is not unreasonable to assume they may have had more influence during the course of the pandemic. The true long-term effects of the pandemic and its control measures on population health will not be understood fully for some time. However, our [report on health determinants](#) throughout the lockdowns in Scotland and the most recent Scottish Health Survey data indicate that they may have contributed to increased weight across the population.^{70,71}



Children's Cartoons

The use of cartoon characters to promote food products is one of the most prominent marketing tactics employed to target children.⁷² The use of licensed cartoon characters popular with children is prohibited in advertising and marketing aimed at pre-school or primary school-aged children across the UK.⁷³ Licensed characters are those created by, for example, a movie studio such as Disney. However, the use of **unlicensed** characters is not prohibited, meaning that child-friendly characters can still be used to promote HFSS foods to children (e.g., Tony the Tiger of Frosties).



Children and young people are more attracted by the physical presentation of food packaging (colours, cartoons, decoration etc) than brand names in isolation.⁷⁴ Evidence shows children prefer food products associated with a cartoon character compared to those without, and their memory of a product is strengthened when the character is displayed on packaging.^{75,74} Characters are used to create trust with children and, subsequently, brand loyalty.^{75,76} This marketing tactic exploits the lack of cognitive development in children which means they cannot recognise the commercial use of the characters.

A recent report from Action on Salt and the Children's Food Campaign surveyed children's food products in the UK and found that over half (51%) of products carrying a cartoon on the packaging were high in fat, salt and/or sugar.⁷⁷ This is an issue recognised by parents in the UK, with 91% saying cartoons on food packaging cause children to want the product more and pester for it. On top of this, 68% said cartoons make it more difficult to feed their children a healthy diet.⁷⁸

Discount supermarket Lidl set an example to the industry in 2020 when they stated they would stop using all cartoon characters on the packaging of children's cereals.⁷⁹ Lidl's head of corporate social responsibility cited 'pester power' (when children try to persuade parents to buy products they like) and reducing its pressure on parents as the reasons behind the move.⁷⁹ This was an encouraging development for public health campaigners, however there is currently no regulation in the UK to stop brands using unlicensed cartoon characters on products.

FOOD ADVERTISING FOR THE BETTER:

Eat them to defeat them

The positive power of adverts has been demonstrated by the *Eat Them to Defeat Them* campaign in the UK. This initiative involved running adverts and providing schools with resources to promote vegetable consumption in children with the help of TV network sponsors such as ITV. Its 2022 evaluation report revealed that 60% of children who saw the adverts said it made them want to eat more vegetables, with 50% of parents feeling the same.⁸⁰ Furthermore, the campaign was shown to have directly contributed to an additional £92m worth of vegetable sales in the UK.⁸⁰ It has provided further proof that advertising has an influence on the food preferences of children, and that advertising used in a responsible way can increase purchases of healthy options.



PUBLIC OPINION ON HFSS FOOD ADVERTISING

Various polling of both the UK and Scottish public has been carried out in recent years to gauge levels of support for government intervention on HFSS food and drink adverts. Overall, the majority of people appear to be in favour of policies to regulate HFSS food and drink advertising across a range of advertising spaces:

- » 74% of UK adults support banning junk food adverts on TV before 9pm (2022)⁸¹
- » 74% of UK adults support banning junk food adverts online (2022)⁸¹
- » 86% of UK parents support measures to stop partnerships between junk food brands and sport (2021)⁴⁷
- » 84% of UK parents support banning children's characters from appearing on unhealthy food products (2020)⁷⁸
- » 60% of UK adults do not support the delay of the 9pm TV advert watershed policy (2022)⁸²
- » 56% of adults in Scotland would support policy measures to ban adverts for unhealthy foods in outdoor spaces such as billboards, bus stops and train stations (2022)⁸³
- » 59% of adults in Scotland would support banning sponsorship of sports events by unhealthy food and drinks brands (2022)⁸³
- » After taking part in a project relating to online marketing, 65% of UK teenagers believed the government should take action to ban HFSS food advertising online⁸⁴

REFERENCES

- World Health Organization. Set of recommendations on the marketing of foods and non-alcoholic beverages to children [Internet]. 2010 [cited 2022 Oct 11]
- Grover A. Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health [Internet]. 2014 [cited 2022 Oct 7]
- Tedstone A, Targett V, Allen R. Sugar Reduction. The evidence for action [Internet]. 2015
- Foundation TF. UK's restrictions on junk food advertising to children. International learning series / 3. 2017
- Advertising Association. Pandemic recovery boosts UK ad spend to record level of £32bn in 2021 - Advertising Association [Internet]. 2022 [cited 2022 Oct 12]
- Statista. Social Media Advertising - UK | Statista Market Forecast [Internet]. 2022 [cited 2022 Oct 12]
- Ofcom. Children and parents: media use and attitudes report 2022 Welsh overview available. 2022
- Goudie S, Hughes I. THE BROKEN PLATE 2022: The State of the Nation's Food System [Internet]. 2022 [cited 2022 Oct 12]
- Bite Back 2030. Lifting the lid on the secretive online strategies global food giants are using to manipulate British children [Internet]. 2021 [cited 2022 Nov 30]
- Folkvord F, Naderer B, Coates A, Boyland E. Promoting Fruit and Vegetable Consumption for Childhood Obesity Prevention. *Nutrients* [Internet]. 2022 Jan 1 [cited 2022 Oct 12];14(1):157
- Ofcom. Children and parents: media use and attitudes report 2022
- Yau A, Adams J, Boyland EJ, Burgoine T, Cornelsen L, De Vocht F, et al. Sociodemographic differences in self-reported exposure to high fat, salt and sugar food and drink advertising: a cross-sectional analysis of 2019 UK panel data. *BMJ Open* [Internet]. 2021 [cited 2022 Oct 12];11:48139
- Russell SJ, Croker H, Viner RM. The effect of screen advertising on children's dietary intake: A systematic review and meta-analysis. *Obes Rev* [Internet]. 2019 Apr 1 [cited 2022 Oct 13];20(4):554-68
- Boyland EJ, Nolan S, Kelly B, Tudur-Smith C, Jones A, Halford JCG, et al. Advertising as a cue to consume: a systematic review and meta-analysis of the effects of acute exposure to unhealthy food and nonalcoholic beverage advertising on intake in children and adults. *Am J Clin Nutr* [Internet]. 2016 Feb 1 [cited 2022 Nov 7];103(2):519-33
- Norman J, Kelly B, McMahon AT, Boyland E, Baur LA, Chapman K, et al. Sustained impact of energy-dense TV and online food advertising on children's dietary intake: a within-subject, randomised, crossover, counter-balanced trial. *Int J Behav Nutr Phys Act* [Internet]. 2018 Apr 12 [cited 2022 Dec 2];15(1):37-37
- The King's Fund. The Health and Care Act: six key questions [Internet]. 2022 [cited 2022 Dec 12]
- Forde H, Boyland EJ, Scarborough P, Smith R, White M, Adams J. Exploring the potential impact of the proposed UK TV and online food advertising regulations: a concept mapping study. *BMJ Open* [Internet]. 2022 Jun 1 [cited 2022 Dec 12];12(6):e060302
- GOV.UK. Government delays restrictions on multibuy deals and advertising on TV and online [Internet]. 2022 [cited 2022 Nov 4]
- Sustain. Shock as Government pauses on obesity plans [Internet]. 2022
- UK Government - Department of Health and Social Care. Health Update - Statement made on 9 December 2022 [Internet]. 2022 [cited 2022 Dec 12]
- UK Parliament. Health and Care Act 2022 Stages - Parliamentary Bills [Internet]. 2022. [cited 2022 Dec 12]
- Alcohol Focus Scotland. Promoting good health from childhood. Reducing the impact of alcohol marketing on children in Scotland. 2017
- Scottish Government. A Healthier Future - Scotland's Diet & Healthy Weight Delivery Plan [Internet]. 2018 [cited 2021 May 10]
- Office of Communications. Television Advertising of Food and Drink Products to Children Final Statement [Internet]. 2017
- Cerny C. A "Watershed" Moment: Why it's Prime Time to Protect Children from Junk Food Adverts [Internet]. 2017
- CAP. The CAP code. The UK code of non-broadcast advertising and direct & promotional marketing. Edition 12. 2014
- Mid-2021 Population Estimates Scotland. National Records of Scotland. National Records of Scotland. National Records of Scotland; 2022
- Dillman Carpentier FR, Correa T, Reyes M, Taillie LS. Evaluating the impact of Chile's marketing regulation of unhealthy foods and beverages: pre-school and adolescent children's changes in exposure to food advertising on television. *Public Health Nutr* [Internet]. 2020 Mar 1 [cited 2022 Nov 3];23(4):747-55
- Campbell M. Chile: Front-of-Package Warning Labels and Food Marketing. *J Law* [Internet]. 2022 [cited 2022 Nov 3];50:298-303
- El Pais. Child obesity in Spain: Spanish government to ban advertising aimed at children of unhealthy foods such as chocolate, juices and ice creams | Society | EL PAÍS English Edition [Internet]. 2021 [cited 2022 Nov 3]
- The Guardian UK. Spain plans ban on influencers pushing unhealthy foods to children | Spain | The Guardian [Internet]. 2022 [cited 2022 Nov 3]
- Nestle M. More on FDA's proposed definition of "healthy" - Food Politics by Marion Nestle [Internet]. Food Politics. 2022 [cited 2022 Nov 4]
- World Health Organization. WHO EUROPEAN REGIONAL OBESITY REPORT 2022. 2022 [cited 2022 Oct 11]
- Scientific Advisory Committee on Nutrition. Carbohydrates and Health [Internet]. 2015 [cited 2022 Dec 8]
- Public Health England. Consultation on the UK Nutrient Profiling Model 2018 review. Summary of consultation responses [Internet]. London; 2019
- Public Health England. Annex A -The 2018 review of the UK nutrient profiling model [Internet]. 2018 [cited 2022 Oct 11]
- Chung A, Zorbas C, Riesenber D, Sartori A, Kennington K, Ananthapavan J, et al. Policies to restrict unhealthy food and beverage advertising in outdoor spaces and on publicly owned assets: A scoping review of the literature. *Obes Rev* [Internet]. 2022 Feb 1 [cited 2022 Oct 24];23(2):e13386
- Finlay A, Robinson E, Jones A, Maden M, Cerny C, Muc M, et al. A scoping review of outdoor food marketing: exposure, power and impacts on eating behaviour and health. *BMC Public Health* [Internet]. 2022 Dec 1 [cited 2022 Oct 24];22(1):1-48
- Robertson T, Jepson R, Lambe K, Olsen JR, Thornton LE. Socio-economic patterning of food and drink advertising at public transport stops in Edinburgh, UK. *Public Health Nutr* [Internet]. 2022 May 10 [cited 2022 Oct 24];25(5):1131-9
- Olsen JR, Patterson C, Caryl FM, Robertson T, Mooney SJ, Rundle AG, et al. Exposure to unhealthy product advertising: Spatial proximity analysis to schools and socio-economic inequalities in daily exposure measured using Scottish Children's individual-level GPS data. *Health Place*. 2021 Mar 1;68:102535
- Transport for London. Mayor confirms ban on junk food advertising on transport network - Transport for London [Internet]. 2018 [cited 2022 Oct 7]
- Lauber K, Hunt D, Gilmore AB, Rutter H. Corporate political activity in the context of unhealthy food advertising restrictions across Transport for London: A qualitative case study. *PLOS Med* [Internet]. 2021 Sep 1 [cited 2022 Oct 27];18(9):e1003695
- London Assembly. Londoners buy less junk food due to ad restrictions on TfL network [Internet]. 2022 [cited 2022 Oct 27]
- Yau A, Berger N, Law C, Cornelsen L, Greener R, Adams J, et al. Changes in household food and drink purchases following restrictions on the advertisement of high fat, salt, and sugar products across the Transport for London network: A controlled interrupted time series analysis. *PLOS Med* [Internet]. 2022 Feb 1 [cited 2022 Oct 27];19(2):e1003915
- The Grocer. Councils set to follow TfL in junk food ad crackdown [Internet]. 2022. [cited 2022 Oct 27]
- Sustain. Kicking Out Junk Food: sports sponsorship and a better deal for children's health | Sustain [Internet]. 2021 [cited 2022 Oct 19]
- Chambers T, Sassi F. Unhealthy sponsorship of sport. *BMJ* [Internet]. 2019 Dec 4 [cited 2022 Oct 19];367
- Carters-White LE, Patterson C, Nimegeer A, Hilton S, Chambers S. Newspaper framing of food and beverage corporations' sponsorship of sport: a content analysis. *BMC Public Health* [Internet]. 2022 Dec 1 [cited 2022 Oct 19];22(1):1-11.

continued...

50. SPONSORS AND PARTNERS - Scottish Rugby [Internet]. 2022 [cited 2022 Dec 5]
51. McDonald's. Grassroots Football UK | McDonald's UK [Internet]. 2022 [cited 2022 Dec 5]
52. SHAAP and Scottish Women's Football announce renewed partnership during Awareness Week on Alcohol Related Harm - Scottish Women's Football [Internet]. 2021 [cited 2022 Dec 5]
53. The Coca-Cola Company. Sports & Entertainment Partnerships | The Coca-Cola Company [Internet]. [cited 2022 Oct 19]
54. McKinsey & Company. The future of the \$1.5 trillion wellness market | McKinsey [Internet]. 2021 [cited 2022 Oct 20]
55. Bite Back 2030. Calling on food and drink companies-Don't hide what's inside! 2021
56. British Dental Association. "As sugary as Cola": Dentists call for sweeping action on baby pouches [Internet]. 2022 [cited 2022 Oct 20]
57. Action on Sugar. Baby & Toddler Breakfasts [Internet]. 2022 [cited 2022 Dec 7]
58. Garcia AL, Menon R, Parrett A. Extensive use of on-pack promotional claims on commercial baby foods in the UK. *Arch Dis Child* [Internet]. 2022 [cited 2022 Dec 7]
59. BDJ Student. "As sugary as Cola": Dentists call for sweeping action on baby pouches. *BDJ Student*. 2022 Jul 29;
60. WHO REGIONAL OFFICE FOR EUROPE. Tackling food marketing to children in a digital world: trans-disciplinary perspectives Children's rights, evidence of impact, methodological challenges, regulatory options and policy implications for the WHO European Region [Internet]. 2016 [cited 2022 Oct 14]
61. Granheim SI, Løvhaug AL, Terragni L, Torheim LE, Thurston M. Mapping the digital food environment: A systematic scoping review. *Obes Rev* [Internet]. 2022 Jan 1 [cited 2022 Oct 14];23(1):e13356
62. Tatlow-Golden M, Garde A. Digital food marketing to children: Exploitation, surveillance and rights violations. *Glob Food Sec* [Internet]. 2020 Dec 1 [cited 2022 Oct 14];27:100423
63. Coates AE, Hardman CA, Halford JCG, Christiansen P, Boyland EJ. "It's Just Addictive People That Make Addictive Videos": Children's Understanding of and Attitudes towards Influencer Marketing of Food and Beverages by YouTube Video Bloggers. *Int J Environ Res Public Heal* 2020, Vol 17, Page 449 [Internet]. 2020 Jan 9 [cited 2022 Dec 5];17(2):449
64. Coates AE, Hardman CA, Halford JCG, Christiansen P, Boyland EJ. The effect of influencer marketing of food and a "protective" advertising disclosure on children's food intake. *Pediatr Obes* [Internet]. 2019 Oct 1 [cited 2022 Dec 5];14(10):e12540
65. Coates AE, Hardman CA, Halford JCG, Christiansen P, Boyland EJ. Social media influencer marketing and children's food intake: A randomized trial. *Pediatrics* [Internet]. 2019 Apr 1 [cited 2022 Dec 5];143(4). Available from: /pediatrics/article/143/4/e20182554/37177/Social-Media-Influencer-Marketing-and-Children-s
66. Statista. Most popular social networks worldwide as of January 2022, ranked by number of monthly active users [Internet]. 2022 [cited 2022 Dec 14]
67. Brooks R, Christidis R, Carah N, Kelly B, Martino F, Backholer K. Turning users into "unofficial brand ambassadors": marketing of unhealthy food and non-alcoholic beverages on TikTok. *BMJ Glob Heal* [Internet]. 2022 [cited 2022 Dec 7];7:9112
68. Scottish Government. Restricting alcohol advertising and promotion: consultation. Vol. 19. 2022. p. 66–75
69. Gerritsen S, Sing F, Lin K, Martino F, Backholer K, Culpin A, et al. The Timing, Nature and Extent of Social Media Marketing by Unhealthy Food and Drinks Brands During the COVID-19 Pandemic in New Zealand. *Front Nutr*. 2021 Mar 5;8:65
70. Obesity Action Scotland. IMPACT OF COVID-19 CONTROL MEASURES ON HEALTH DETERMINANTS - AN OVERVIEW (2020-2021). 2022
71. Hinchliffe S, Wilson V, Authors P, Birtwistle S, Deakin E, Whitford R, et al. *The Scottish Health Survey - 2021*. 2022;
72. Elliott C, Truman E. The Power of Packaging: A Scoping Review and Assessment of Child- Targeted Food Packaging. *Nutr* 2020, Vol 12, Page 958 [Internet]. 2020 Mar 30 [cited 2022 Oct 20];12(4):958
73. Advertising Standards Authority. Children: Food - ASA | CAP [Internet]. 2017 [cited 2022 Oct 21]
74. Ertz M, Le Bouhart G. The Other Pandemic: A Conceptual Framework and Future Research Directions of Junk Food Marketing to Children and Childhood Obesity. *J Macromarketing* [Internet]. 2022 Mar 1 [cited 2022 Oct 21];42(1):30–50
75. Packer J, Russell SJ, McLaren K, Siovolgyi G, Stansfield C, Viner RM, et al. The impact on dietary outcomes of licensed and brand equity characters in marketing unhealthy foods to children: A systematic review and meta-analysis. *Obes Rev* [Internet]. 2022 Jul 1 [cited 2022 Oct 21];23(7):e13443
76. Ares G, Velázquez AL, Vidal L, Curutchet MR, Varela P. The role of food packaging on children's diet: Insights for the design of comprehensive regulations to encourage healthier eating habits in childhood and beyond. *Food Qual Prefer*. 2022 Jan 1;95:104366
77. Action on Salt, Action on Sugar, Children's Food Campaign. Nutrition, Health and Cartoon Animation on Food and Drink Packaging [Internet]. 2019 [cited 2022 Oct 21]
78. Children's Food Campaign, Food Active. Pester Power or Parent Power? | Sustain [Internet]. 2020 [cited 2022 Oct 21]
79. BBC News. Lidl to ditch cartoons on cereals [Internet]. 2020 [cited 2022 Dec 7]
80. Veg Power. Eat Them to Defeat Them 2022; Impact Report [Internet]. 2022 [cited 2022 Nov 30]
81. Food Active. Health leaders issue stark warning to Prime Minister: Don't U-turn on children's health [Internet]. 2022. [cited 2022 Oct 28]
82. Yahoo. Three in five people do not support a delay to junk food ban – poll [Internet]. 2022 [cited 2022 Oct 28]
83. Obesity Action Scotland. Public support for healthy weight policies [Internet]. 2022 [cited 2022 Oct 24]
84. Nesta. Online food and drink marketing to young people. 2022