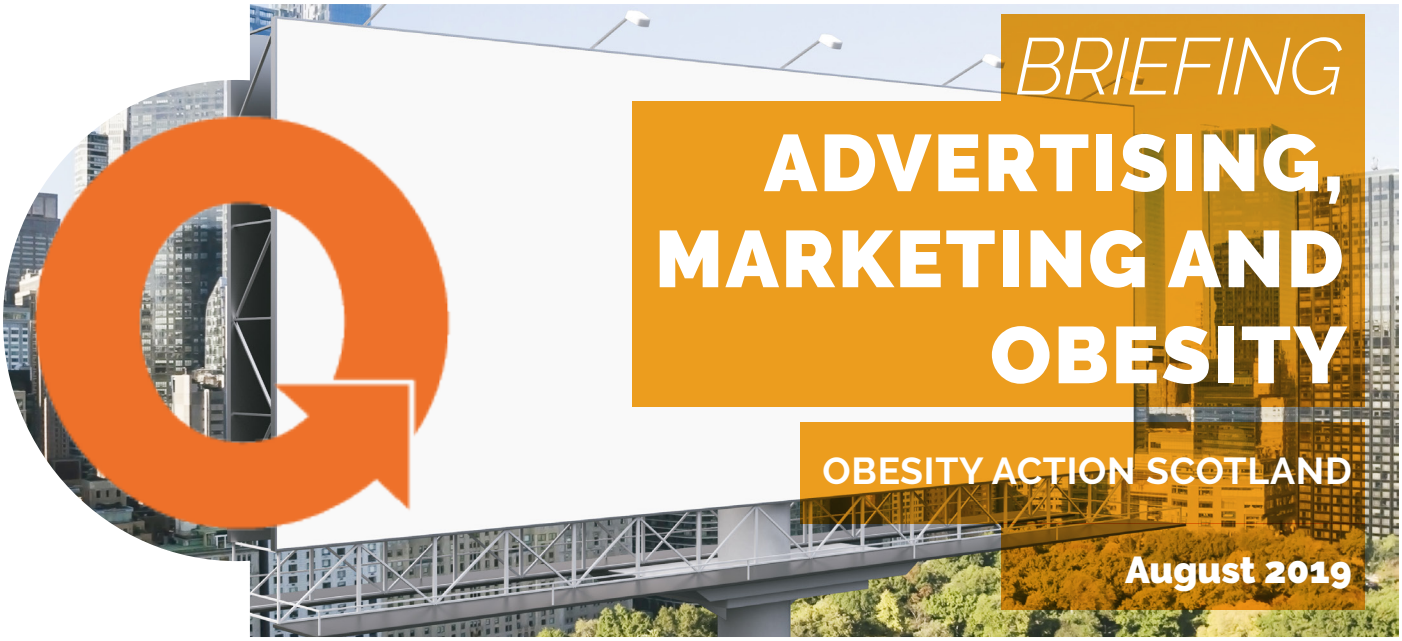

BRIEFING

ADVERTISING, MARKETING AND OBESITY

OBESITY ACTION SCOTLAND

August 2019

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
- The UK 2004/5 nutrient profiling model, that defines foods high in fat, sugar and/or salt (HFSS) for the purpose of advertising restrictions during children's programmes, has been reviewed by Public Health England with a consultation held on its technical aspects in 2018.
- Although advertising of HFSS food and drink is officially banned on children's TV and children's programmes, many loopholes still exist. Additionally, these restrictions fail to cover most family TV viewing time, meaning most children are still exposed to large numbers of HFSS adverts
- Junk food marketing also saturates online and digital media, as viewing patterns evolve
- Current restrictions fail to protect children from exposure to advertising of products high in fat, sugar and salt. The loopholes need to be rapidly closed.

KEY ACTIONS

- A 9pm watershed for advertising of food high in fat, sugar or salt (HFSS) should be applied to all digital advertising including TV, TV on demand, radio, online, social media, apps, in-game, cinema and digital outdoor advertising
- 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
- Nutrient profiles for advertising should be regularly reviewed and updated and applied to protect children from harmful marketing of HFSS products
- Sponsorship of events and sports by HFSS brands should be restricted and then phased out
- All cartoon characters used to promote HFSS products to children should be phased out, whether licensed or unlicensed

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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 particular 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. ITV Hub, My5, Sky On Demand)

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), placement of product (i.e. eye level, end of aisle, point of sale displays, position on seller's website) and price promotions

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 are the topic of our other briefing

The Current Situation

BROADCAST MEDIA

- While control over broadcast advertising is reserved to the UK Government, the Scottish Parliament has power over a range of advertising and marketing types (see Box 1).
- In 2007 the UK Office of Communications (Ofcom) - an independent regulator and competition authority for the UK communications industries - placed restrictions on the advertising of high fat, sugar and/or salt (HFSS) products specifically during children's programmes[5] on TV and radio. The UK 2004/5 nutrient profiling model (NPM, see Box 2) has been used since then, to determine which food and drink can be advertised during children's programmes. The 2004/5 NPM does that by scoring positive (fruit, vegetables, protein, fibre content) and negative (salt, sugar, fat content) factors.[6]

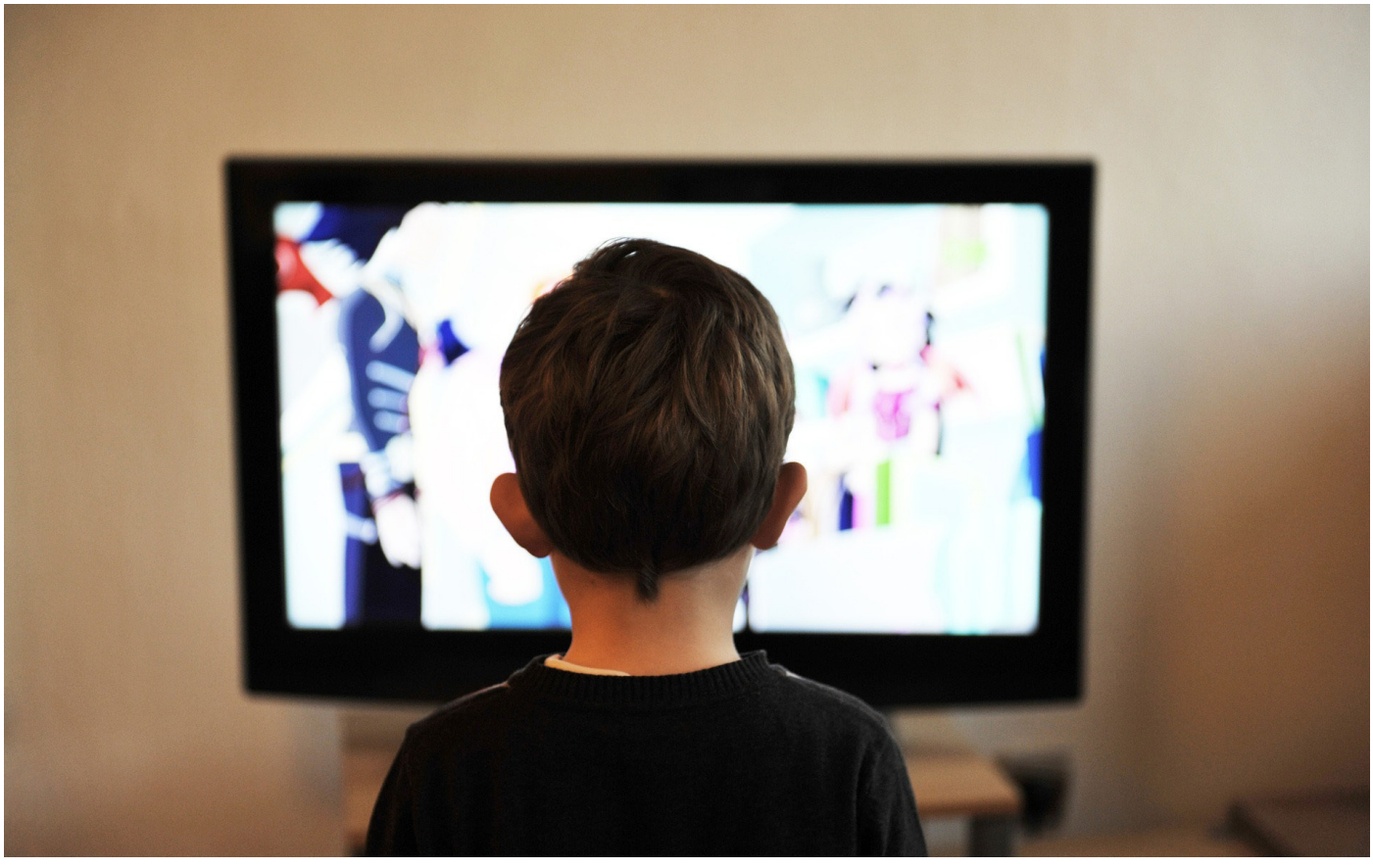
- In their report Sugar Reduction: The Evidence for Action (2015), Public Health England (PHE) identified that the 2004/5 NPM was not stringent enough. They felt that the model prevented advertising of products with the highest amounts of fat, sugar and salt (HFSS) but permitted advertising of products relatively high in just one of these nutrients.

- PHE carried out a review of the NPM on behalf of the Department of Health, suggested a new updated nutrient profiling model (2018 NPM), and published a consultation on the review's technical aspects in March 2018. The consultation closed in June 2018 and summary of responses was published in September 2018.[7]

- In their regulatory statement, Committee of Advertising Practice (CAP) acknowledged that an updated 2018 NPM may change the standards against which food and soft drink products are classified. However, in their consultation response, CAP has only committed to consider the proposed 2018 NPM once PHE have decided an outcome and they have assessed the "proportionality, usability and credibility" of a new model. The outcome is expected to be published by PHE soon.[8]

- The current Ofcom (2007) broadcast restrictions on the advertising of HFSS products only cover children's TV and radio programmes and there has been an increase in exposure to HFSS food and drink advertising during programmes not covered by these criteria.[1] An earlier evaluation of the regulation showed that, while they were well adhered to, they failed to change the relative exposure of children to HFSS products.[9] Children view many programmes not classified as children's TV and these are not covered by the Ofcom (2007) regulation. This was confirmed by more recent evaluation from Cancer Research UK, which revealed that HFSS products marketing was mostly seen on family shows not covered by this regulation.[10]

- In their report 'A Watershed Moment', the Obesity Health Alliance, alongside researchers at the University of Liverpool, reported that HFSS advertising made up 60% of food and drink adverts viewed by children during family viewing time (adverts which would be banned on TV channels specific to children).[11]



BOX 1. Advertising: reserved and devolved matters

The Scotland Act 1998 (as amended by the Scotland Acts of 2012 and 2016) confers broad, but not unlimited, legislative competences on the Scottish Parliament. The reserved matters are listed in Schedule 5 of the 1998 Act.

Matters reserved to the UK Parliament:

1. Broadcasting, advertising on TV and radio. Subject matter of the Broadcasting Act 1990 and the Broadcasting Act 1996[12]
2. Consumer protection and trade: (a) sale and supply of goods to consumers; (b) misleading and comparative advertising, except regulation specifically in relation to food, tobacco and tobacco products[13]
3. Internet services and telecommunications[13]
4. Advertising in cinemas[14]
5. Intellectual property,[13] which can include the use of characters common in children programmes, trademarks, copyrights and patents

Matters devolved to the Scottish Parliament:[14]

1. Regulation of press, advertisements in magazines and newspapers
2. Printed adverts such as posters, leaflets, banners, brochures
3. Billboards
4. Outdoor displays
5. Point of sale displays
6. Adverts or hoarding at sporting events, music and cultural events; book, comedy and film festivals
7. Sponsorship of events
8. There is also a view expressed in the document of the Secretariat to the Expert Group on the Levenson Inquiry in Scotland that there might be scope for regulation of website content because the reserved matter of internet services might relate to infrastructure of internet provision rather than the content of websites. Therefore, possibly, social media to some extent is within the competence of the Scottish Government
9. Advertising in public spaces: streets, parks, public transport, bus shelters
10. Schools and education. Vending machines in schools.

BOX 2. Comparison of Nutrient Profiling Models

The World Health Organization (WHO), in its implementation plan for the report of the Commission on Ending Childood Obesity (ECHO), recommended that member states establish a national NPM to regulate marketing, taxation, labelling and provision in public institutions, based on WHOs regional or global nutrient-profile models.[15]

The current 2004/5 NPM classifies 55% of foods as unhealthy, compared to 64% by the French Nutri-Score model, 70% by WHO_EURO model, and 84% by PAHO model.[16] The FSANZ and HCST models

classify similar amounts of foods as unhealthy as the UK NPM, at 51% and 49%, respectively. The draft 2018 UK NPM proposed in the consultation, would see the number of food and drinks classified as unhealthy rise to 58%.[17] This includes fewer passes for food and drinks high in free sugars, total sugars and saturated fat. Fewer high fibre foods, such as cereal bars, pass due to their free sugar content.

NON-BROADCAST MEDIA

While TV remains an important marketing outlet, effective at influencing food preferences, many different types of marketing become increasingly influential; these include: advergames, apps, video-sharing platforms, internet pop-ups, use of characters and spokespeople, branding, product size, supermarket product placement and discounting. Additionally, using food imagery on social media (i.e. on Instagram) is popular among adolescents; it is associated with commercial elements and often depicts high-calorie foods.[18]

World Health Organisation warned that "digital marketing (including for HFSS foods) amplifies advertising in traditional media, achieving greater ad attention and recall, greater brand awareness and more positive brand attitudes, greater intent to purchase and higher product sales".[19]

In 2017, the UK had their biggest advertising spend on record, at £22.2bn. More money was spent on online advertising than TV advertising: £11.6bn vs £5.1bn. Mobile advertising accounted for almost half of the online spend, at £5.22bn, an increase of 37% from 2016-2017.20 These figures are set to increase by 3.8% in 2019.[20]

This advertising spend reflects the change in children's media habits. The 2018 Ofcom report shows that children now go online between 9 (3-4 year olds) and 20.5 (12-15 year olds) hours a week.[21] Watching programmes via services such as Netflix and Amazon Prime have also become popular, with between 32% and 58% of children ages 3-15 using these services.

For non-broadcast advertising, advertisers and marketers must adhere to 'The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing', regulated by CAP.[22] Section 1523 covers the promotion HFSS products to children, including:

- "Marketing communications must not condone or encourage poor nutritional habits or an unhealthy lifestyle in children"
- "HFSS product advertisements that are targeted through their content directly at pre-school or primary school children must not include a promotional offer"
- "Marketing communications must not encourage children to eat more than they otherwise would"
- "Marketing communications for collection-based promotions must not seem to urge children or their parents to buy excessive quantities of food"
- The regulations also cover the use of licensed characters and celebrities to promote products, stating that product advertisement aimed directly at pre-school children "must not include celebrities or characters popular with children"; however, this does not cover characters created by advertisers and brands themselves.

In June 2017 CAP introduced a new regulation for non-broadcast media targeted at under-16s.[24] The changes bring media such as print, cinema, online and social media into line with television and radio (BCAP rules). TV-like content online, such as on video-sharing platforms or 'advergames', must also adhere to the new rules. The new restrictions apply when it can be shown that at least 25% of the audience are children. However, the current regulations only go part way towards tackling children's exposure to HFSS products, creating potential loopholes:

1. Large numbers of children can still be exposed to HFSS advertising, for example by being exposed to social media influencers (see section 'Celebrity Endorsement and Social Media Influencers')
2. It is difficult for marketers to determine the age of online users (see section 'Celebrity Endorsement and Social Media Influencers')
3. The rules do not cover sponsorship of sports and family attractions. Although sponsorship by HFSS brands may seem helpful to local authorities on low budgets, it allows such brands and products to become associated with healthy lifestyles and activities (see section 'Sport and Event Sponsorship')
4. Marketing communications in schools are not currently covered by the regulations
5. The rules do not adequately cover using child-friendly brand characters on food and drink packaging (see section 'Use of Characters to Market HFSS Foods')

A recent analysis on the effect of HFSS digital advertising to children by Cancer Research UK found that children are exposed to, and take part in, HFSS marketing through many different digital channels, including through paid and owned media, and user-generated content such as sharing, following and commenting.[25] The food and drinks industry was found to be taking advantage of the marketing opportunity digital media presents, with unhealthy foods being advertised most often. The researchers found that such exposure in youth is associated with positive brand and product reactions, consumption of HFSS products and intention to consume the products in the future.[25] This increased consumption is itself associated with outcomes related to health behaviours and obesity.

A report by the Advertising Standards Authority (ASA) in 2019 found that, despite the current restrictions, HFSS adverts are still being targeted to children online.[26] Researchers at ASA created 'Avatars', online profiles set up to represent children and adults of different ages and sent them to over 250 websites and YouTube channels, in order to assess whether such ads were still being targeted at children. They found that 2.4% of all ads were for HFSS products, and HFSS ads represented 70% of all food and drink ads seen during the monitoring period.[26]

Of those shown to children, 2.3% were for HFSS products. One third of the websites aimed at children (13/39) showed HFSS ads, with 43 ads shown in total. Worryingly, ads for HFSS products appeared on 20 of the 21 YouTube channels clearly aimed at children, with 490 ads shown in total across 55 YouTube channels aimed at children.[26]

Advertisers and retailers of HFSS products are also coming up with novel ways of marketing their products that require consideration. This has been observed with global fast-food chain McDonalds, who recently spent a reported $300m purchasing a technology firm specialising in machine-learning.[27] This technology, to be used on drive-through ordering displays, uses algorithms to analyse data such as the weather, surrounding events and historical sales data to show customers popular menu items that have been purchased in similar circumstances, as well as prompting upsells.[27] The move to this digital marketing technology introduces further considerations around regulation.

Celebrity Endorsement and Social Media Influencers

Although current regulations do not allow the use of celebrities popular with children to promote products aimed at pre-school or primary school-aged children, this does not go far enough. They do not adequately protect children from celebrity or influencer-marketing online, as online rules only apply when more than 25% of the audience are children. Using YouTube as an example, a channel with a large number of subscribers can potentially expose large numbers of children to HFSS marketing without restrictions.

Celebrity endorsement has previously been seen to affect preference and increase calorie intake, leading to overconsumption in children aged 8-11, even when seeing the celebrity outside of the original promotional context.[28]

Brands are now also using social media influencer marketing as a means of product promotion.[29] Social media influencers are individuals who often 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, Facebook and Snapchat. They can use their influence to shape beliefs and behaviours, including purchasing habits, of their 'followers'.[30] A Norwegian report published in February 2019 warned that social media was being actively used to market and promote unhealthy food and drink products to children between the ages of 12 and 18.[31,32]

A 2019 study assessing the effect of social media influencer marketing on children's food intake found that children who viewed Instagram influencers with unhealthy snacks consumed significantly more calories ad libitum than those who viewed non-food products (448 vs 357kcal, p=0.001).[33] Similarly, the calories consumed from unhealthy foods were significantly increased in the group viewing influencers with unhealthy snacks,

compared to the non-food group (389 vs 292kcal, p=0.001).[33] This stresses the need to remove current loopholes in legislation surrounding celebrity endorsement and extend any HFSS marketing bans to the online environment.

In their 2018 report on media use and attitudes by children and parents, Ofcom reported that YouTube is extremely popular with children, with use increasing by age from 45% of 3-4 year olds, up to 89% of 12-15 year olds.[21] The most popular YouTube vloggers have millions of subscribers, many of which are children; however, as the advertising threshold is set as a percentage (25%), this can often lead to large numbers of children being exposed to HFSS adverts. This is the case with popular vlogger, Zoella, with 12 million subscribers, 21% of which are children aged 13-17.[34] Although millions of children may be exposed to Zoella's HFSS advertising, this is not going to be subject to restrictions until over 25% of Zoella's audience are children. Worryingly, evidence from ASA has shown that social media users often register using a false age, opening them up to be exposed to regulated adverts.[35] This can be seen by the YouTube user figures, which are extremely high in young children, despite children under 13 not being able to create an account. Similarly, recent research from Australia found consumer profile targeting accuracy to be only 59%,[36] demonstrating that online targeting by age is not reliable and this must be considered when reviewing and updating current regulations.

Sport and Event Sponsorship

Current regulations do not cover sponsorship of sports and family attractions. Although sponsorship by HFSS brands may seem helpful to local authorities on low budgets, it allows such brands and products to become associated with healthy lifestyles and activities. Examples include:

- Coca-Cola has sponsored the Olympic Games since 1928 and has recently signed a 3.5-year partnership with the English Premier League[37]
- In Scotland, the soft drink IRN-BRU now sponsors the Scottish Professional Football League's 'Scottish Challenge Cup'. As part of the sponsorship deal, the competition has been renamed 'The IRN-BRU Cup', and features IRN-BRU advertising, brand colours and emblems[38]
- McDonald's sponsors millions of youth club sports kits every year at grassroots level[39,40]
- The ParkLives programme, offering local activities in parks in the UK to encourage physical activity, is sponsored by Coca-Cola[41]

To address this loophole, the House of Commons Health Committee recommended that brands overwhelmingly associated with HFSS product should not sponsor sports clubs, venues, youth leagues and tournaments.[42]

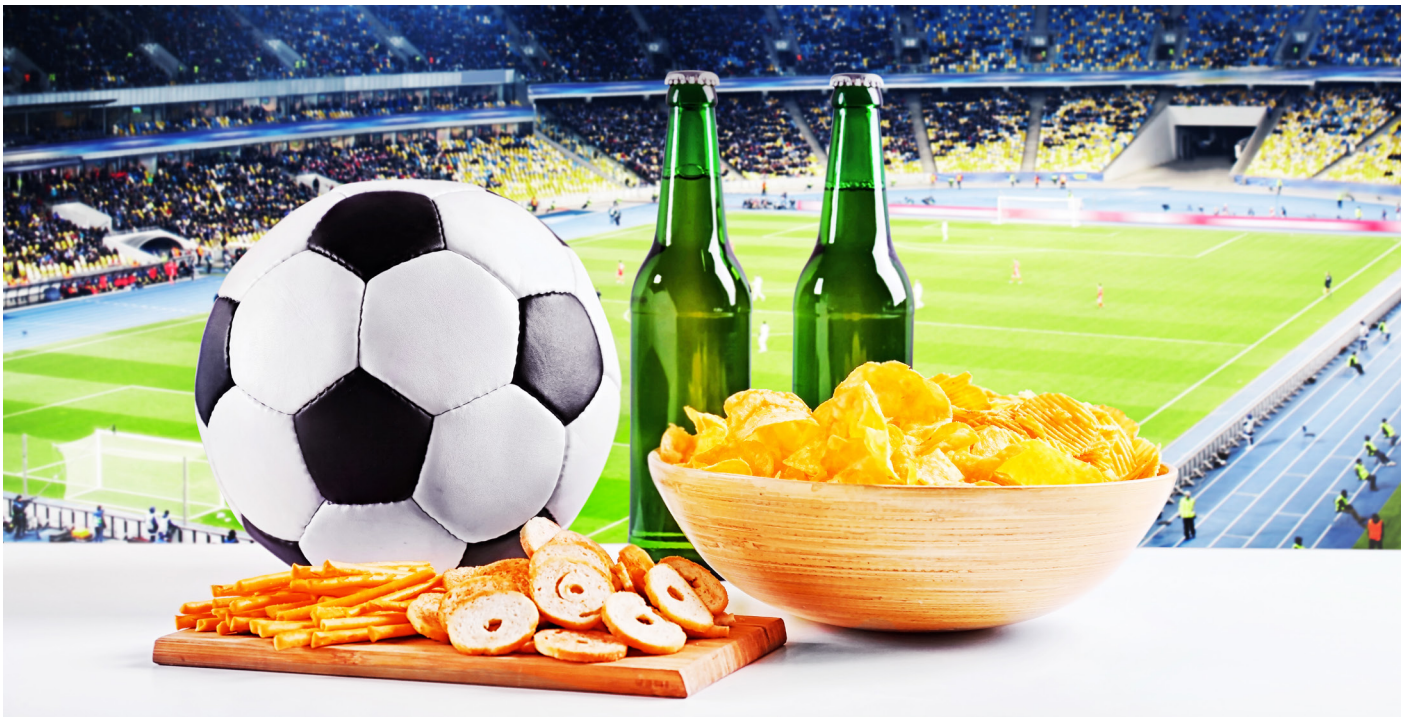
Research from across the world demonstrates how HFSS brand partnerships with sport organisations can affect children:

- In the New Zealand KidsCam study, it was found that children are exposed to alcohol marketing around 4.5 times a day, with sports sponsorship (including merchandise) being the biggest contributor[43]
- The Cancer Council and the Prevention Research Collaboration in Australia found that 69% of children believed the brands sponsoring their clubs to be 'cool' and 59% liked to purchase the brands products as a means of 'returning the favour'.[44] Almost 75% of parents believed their children to be influenced by sponsorship in elite sports
- A 2018 US study found that millions of children are exposed to junk food advertising by HFSS sponsors of sporting events.[45] 76% of foods advertised had poor nutrition scores, and sugar-sweetened beverages accounted for over 52% of all non-alcoholic beverages shown

The Scottish and UK Governments have yet to introduce restrictions surrounding HFSS partnerships in sport,

despite both addressing other forms of HFSS marketing. In January 2019, Healthy Stadia, a European organisation working with clubs and stadiums to position them as 'health promotion settings'[46], wrote an open letter to MPs calling for mandatory regulation of HFSS sponsorship with football organisations.[47] Sarah Wollaston MP, Chair of the Health and Social Care Committee, replied to the letter saying that "the Committee may wish to push the Government to accept your recommendation of bringing in regulation to prevent marketing and advertising across sporting organisations" if current measures continue to be ineffective.

In February 2019, the 'Cross Party Group on Improving Scotland's Health: 2021 and beyond' heard from the Chair of Scottish Women's Football, Vivienne MacLaren, about their stand against alcohol and gambling sponsorship. They have stated that they will not accept sponsorship from gambling and alcohol brands; if this was extended to HFSS brands and if more organisations followed suit, the sponsorship agenda in Scottish and UK sport could be greatly improved.



Use of Characters to Market HFSS Foods

Under the current regulations, the use of licensed characters popular with children is prohibited in advertising and marketing aimed at pre-school or primary school-aged children. Licensed characters are those created by, for example, a movie studio such as Disney. Importantly, the use of unlicensed characters in the same situation is not prohibited, meaning that child-friendly characters can still be used to promote HFSS foods to children, providing they are unlicensed. Many brands have long distinguished and well recognised characters associated with their brands, for example Tony the Tiger or Coco the monkey, designed specifically to appeal to children. These are unlicensed characters. Additionally, as the use of licensed characters and celebrities to advertise to children under age 11 is allowed for products that pass 2004/5 NPM, this practice means less healthy products that would fail the new model are still allowed to have licensed characters on them. Until the new model is in use, this can continue.

In 2018, the House of Commons Health Committee heard from Sustain, an alliance that advocate for healthy policy surrounding food and agriculture, who called for advertising and marketing restrictions to go beyond that of the 9pm watershed, with an extension to the rules on the use of children's cartoon characters to include product packaging and in-store promotions.[42] The Jamie Oliver Food Foundation supported this proposal, calling for "meaningful sanctions for non-compliance." Dan Parker, health campaigner from Living Loud named product packaging as one of the main methods used to advertise and market products to children, even more than TV

advertising.[42] He noted that the current code excludes many of the main ways in which advertisers market products to children, stating that is why there have not been any breaches. In response, the UK Government acknowledged that children's cartoon characters used to promote HFSS products, whether licensed or brand-generated, should be banned in the next childhood obesity plan.[48]

Why regulate to limit advertising and marketing of HFSS products?

In 2010, the World Health Organization (WHO) published a set of recommendations,[1] aiming to reduce the power of HFSS marketing through reducing children's exposure. In 2016, they highlighted the need for regulations and extending broadcast protection online. WHO evaluated the implementation of their 2010 recommendations in 2018, finding that they had not been widely adopted.[49] They advised member states that by doing so they would reduce both exposure and power of marketing to children, reducing impact on food preferences, purchase requests and consumption. Regulations in this area have the potential to impact obesity rates, as junk food marketing and obesity are causally related,[50,51] as determined using Bradford Hill causality framework.[52] In 2014, the former Special Rapporteur on the Right to Health noted that member states have a positive duty to regulate unhealthy food advertising.[2]

As existing UK regulations designed to protect the public from advertising and marketing of HFSS products are inadequate and present several loopholes, it is vital that we introduce further regulations to limit the advertising and marketing of HFSS products. Evidence shows that such updates are required, particularly in relation to children as:

- Advertised food and drinks are generally less healthy than those recommended as part of a healthy balanced diet.[53,54] A good illustration of this is the 2017 advertising spend: only 2.5% of annual food and drink advertising spend was for fruit and vegetables, while 46% was for confectionery, sweet and savoury snacks and soft drinks.[55]

- Exposure to unhealthy food and drink advertising is associated with children's food preferences for advertised products,[56,57] and increased intake of unhealthy food overall, [10, 57, 58, 59] negatively affecting their health,[19,51] including dental health.[60] For example, a 2018 study found that children consumed more calories (kcal) when exposed to food advertising on both TV (60kcal) and through advergames (53kcal), than those exposed to non-food advertising.[61] This effect was even more pronounced in children with obesity.

- TV regulations do not cover enough 'family viewing time'. In 2017, Ofcom recognised that around one million children continued to watch TV between 9-10pm.[21] A 2016 analysis found that, of all food and drink adverts shown during programmes popular with families, around 60% were for HFSS foods. These would have been banned from children-specific TV channels.[11]

- A 2018 study by Cancer Research UK found that children who remember being exposed to daily HFSS advertising on billboards, social media and TV are twice as likely to have obesity.[62]

- Cancer Research UK also showed that 11-19 year-olds who normally watched TV more than 3h a day were almost twice as likely to consume sugary drinks, takeaways and fried potato products; and 2.7 times more likely to have high total HFSS consumption.[10]

- Children see an extensive volume of HFSS adverts on TV. One study found that, in the worst example, children were exposed to nine HFSS adverts within only half an hour of one TV show.[11]

- Research from the Institute for Fiscal Studies showed that, in 2015, 50% of all TV advertisements seen by 4-15-year-olds were for either for HFSS products or restaurants and bars that were mostly fast-food outlets.[63] 70% of this advertising took place before 9pm.

- An Austrian study showed that confectionery placement in films influences children's (aged 3-9) selection and behaviour in real life situations: the risk of selecting a placed product was >9 times higher for children exposed to it in films.[64] Additionally, younger children were more likely to select advertised products.

- Children are also exposed to HFSS advertising in the online environment, the extent of which is more difficult to measure. In 2018, ASA received several complaints regarding HFSS advertising to children. Not all complaints were upheld; however, those that were upheld were a 'squashies' advergame[65] and a 'chewits' Facebook page.[66] In both cases, no formal action was taken.

- Research commissioned by the Obesity Health Alliance found that the Kantar advertising spend assessments, which were used to estimate children's exposure to HFSS advertising in the UK Government's Impact Assessments, were largely underestimated.[67] Therefore, children's exposure to digital advertising of HFSS products may also be underestimated, by a factor of sixteen times.[67]

- Advertising restrictions aimed at youth may also have a positive impact on adults (see Box 3).

BOX 3. The impact of HFSS advertising on adults[68]

An evidence review commissioned by the Obesity Health Alliance found that there is a growing body of moderate evidence to suggest that HFSS advertising also affects adults, impacting on both their food-related beliefs and behaviours. Although there is not yet enough evidence to demonstrate a causal link between adults advertising exposure and subsequent food consumption, associations have been observed in relation to:

- "Improved attitudes towards those products
- Increased consumption intention towards those products
- Increased purchase intention towards those products
- Greater likelihood of trying a brand's products
- Desire to eat an available food
- Greater consumption of those products"

Adults can also be affected by regulations that restrict HFSS advertising to youth, through general reductions in HFSS products sales and fast-food household expenditure.

Public opinion

- 74% of Scottish adults would support a ban on junk food adverts being shown on TV before 9pm; 69% would support the same ban online[69] (YouGov survey published by Obesity Action Scotland in June 2019)
- 72% of public in the UK support a 9pm watershed on junk food adverts during popular family TV shows, 70% support a 9pm watershed on junk food adverts online, and 68% support a 9pm watershed on junk food adverts digital advertising outside of the home (e.g. cinemas, digital posters at bus stops/ on roadsides)[70] (YouGov survey published by Obesity Health Alliance in February 2019)
- 69% of people agree that children seeing junk food marketing contributes to childhood obesity[70] (YouGov survey published by Obesity Health Alliance in February 2019)
- 74% of the UK public back a ban on junk food advertising before the 9pm TV watershed[71] (YouGov survey published by CRUK in February 2016)
- 69% of public thought advertising junk food online should be reduced[71] (YouGov survey published by CRUK in February 2016)
- 58% of respondents backed banning adverts for sugary fizzy drinks, and 53% supported banning adverts for high fat foods, like crisps and chocolate[72] (British Social Attitudes survey 2015)
- 65% of respondents supported a ban on the use of children's cartoon characters and sportspeople to advertise HFSS foods. Additionally, 63% supported banning sponsorships by HFSS food and drinks companies at sporting events. An outright ban on TV advertising of HFSS foods was supported by 53% of respondents[73] (NHS Health Scotland survey on public attitudes to reducing levels of overweight and obesity in Scotland 2017)

Local action

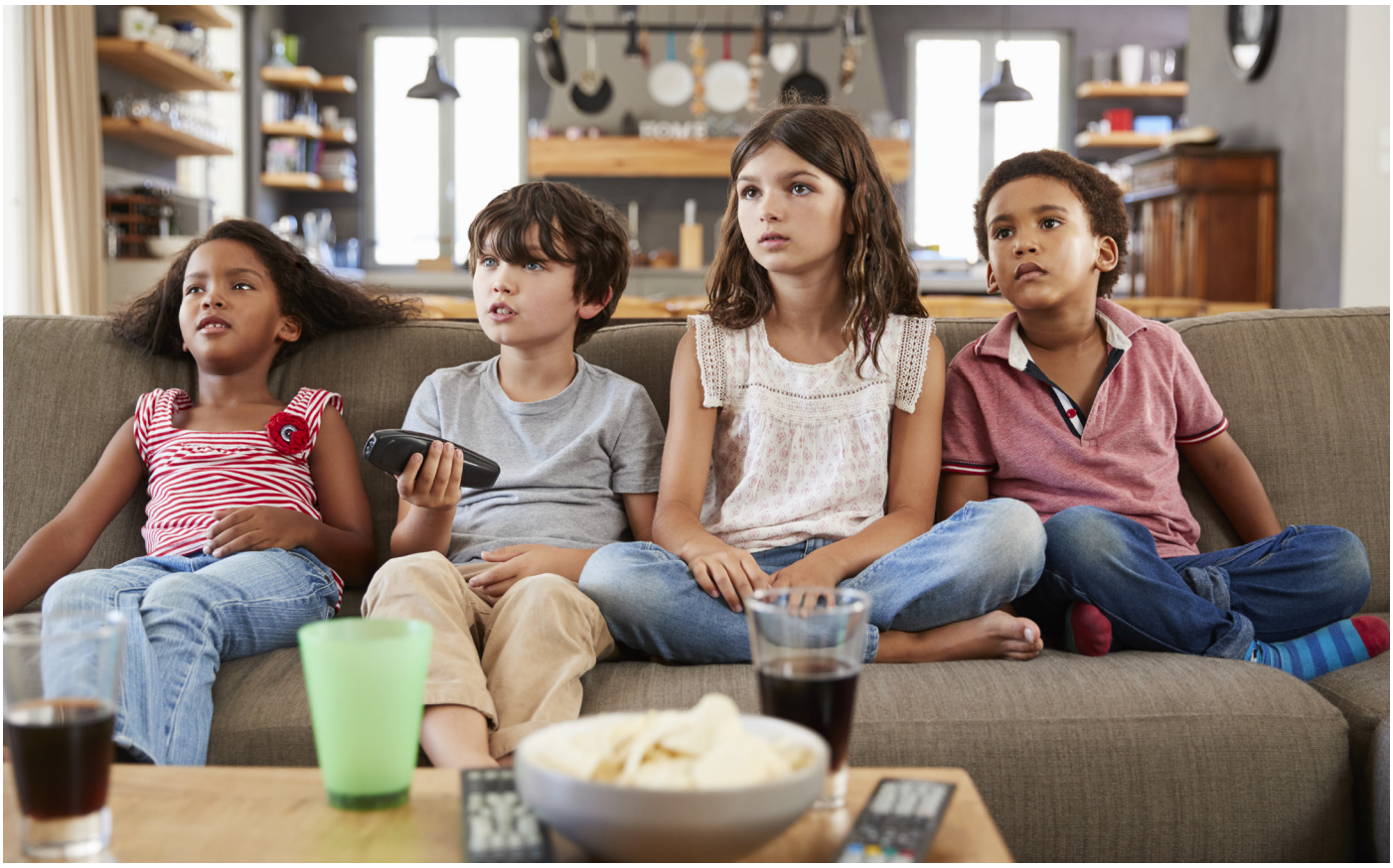
In November 2018, London Mayor, Sadiq Khan confirmed a ban on 'junk food' advertising across London's public transport network, Transport for London (TfL). In February 2019, Sadiq Khan and TfL announced the commencement of the ban, covering London's entire public transport network, including buses and bus shelters, trams, Overground and Underground trains and stations.[74] The ban was put in place in a bid to help reduce the rates of childhood obesity in London, following a public consultation in which 82% of 1,500 survey respondents backed the proposals.[75]

At a meeting of The City of Edinburgh Council in October 2018, Green Party Councillor Melanie Main had a motion passed that called for the development of a policy on council advertising and promotion in Edinburgh.[76] It is hoped that this will allow the council to control fast food and alcohol advertising; a report of recommendations is expected in 2019. In December 2018, The City of Edinburgh Council again discussed a potential advertising ban of fast-food on council-owned sites, noting the Mayor of London's decision.[76]

The 9pm Watershed

After 9pm Ofcom allows the broadcast of programmes and adverts deemed unsuitable for children, such as those containing violence, sexual themes or strong language. This is known as the '9pm watershed'. There have been calls by many organisations to ban junk food advertising on TV until after the watershed, rather than only during children's TV programmes. This would provide greater impact as studies have found that almost half of children's viewing time takes place during adult air time, which is not affected by the ban. Such ban would

reduce the number of HFSS adverts seen by children by 82% compared to just 37% under current regulations.[77] Further calls have been made to extend a similar ban across all media sources.



A 9pm TV watershed: the effect on industry

In 2017 the UK food industry spent almost £652 million on advertising and marketing of all food and drink; 46% of this (£352 million) was spent on advertising of confectionery, sweet and savoury snacks and soft drinks.[55] In comparison, Change4Life, the English flagship healthy eating campaign, spent only £5.2 million in 2015.[78]

Responses to the Scottish Government consultation suggest that the food and drink industry believe that a 9pm TV watershed would lead to loss of earnings in many areas and also impact upon the Scottish economy.[79] Corporations typically oppose such types of government intervention and exert their political influence to prevent regulation.[80]

The UK Government recently launched a public consultation 'Further advertising restrictions for products high in fat, salt and sugar.' This focuses on the implementation of a 9pm watershed on broadcast TV and online.[81] Alongside this, is an Impact Assessment with estimated costs and benefits of implementation, showing that savings to both the NHS and wider economy as a result of implementation off-set the cost to industry.[82]

Present value total costs are estimated to be around £2.5bn, with £1.9bn and £531m and £35m HFSS advertising revenue loss from broadcasters, online platforms and advertising agencies, respectively.[82] Profit loss to HFSS retailers and manufacturers in estimated at £35m. Present value benefits are estimated to total over £5bn, with almost £2bn of that coming from additional revenue from adverts displaced from traditional media, and £1.9bn in consumer health benefits.[82] Savings to the NHS are projected to be £804m, with a further £52m and £41m in social care savings and wider economic benefits, respectively. Retailers and manufactures are also projected to save £464m on unspent advertising budgets.[82]

Current Policy Developments

The UK Government in chapter 2 of Childhood obesity: a plan for action published in 2018, pledged to consult on a 9pm watershed before the end of 2018. In January 2019, the UK Government fully endorsed the calls for a 9pm watershed on HFSS food and drinks advertising and declared they expected to see this measure included in the next round of the Government's childhood obesity plan.[48] A public consultation on introducing this measure was launched on 18th March 2019, which was open to responses until 10th June 2019. The UK Government presented several options, including the introduction of a 9pm watershed for both TV and online advertising and marketing of HFSS products to children; however, they stated that they did not have a preferred option.[81] In July 2019, the UK Government released a Green Paper 'Assessing our health: prevention in the 2020s'. Within this, they acknowledged the consultation and stated that they would be setting out their response and next steps as soon as possible.[83]

The Scottish Government urged the UK Government to ban the showing of HFSS adverts (a reserved matter) before the 9pm watershed in their 2018 Diet & Healthy Weight Delivery Plan.[84] They welcomed the announcement of a UK Government consultation on the matter and noted that if no action was taken, they would request devolving these powers to the Scottish Parliament.

The Health and Sport Committee wrote a letter to the Minister for Public Health and Sport in the Scottish Government, where they highlighted areas which they felt should be covered in a new obesity strategy, based on a review of evidence. This included "restrictions on advertising of unhealthy foods and drinks, especially before the 9pm 'watershed', and particularly where children will be exposed to such advertising."

The Health and Social Care Committee, in 2018 fully endorsed the 9pm watershed on HFSS food and drink advertising and urged the UK Government to 'tighten regulation around non-broadcast media to bring them in line with broadcast media restrictions, and to ensure that sites such as Facebook and YouTube amongst others are taking responsibility for helping to reduce exposure of children to inappropriate advertising and marketing, including advergames'.[42]

Support for an 'All Media' 9pm Watershed

In February 2019, the Obesity Health Alliance (which includes 44 leading health charities, medical royal colleges and campaign groups) and Obesity Action Scotland released a joint policy position statement urging the UK Government to enforce a ban on HFSS product advertising before the 9pm watershed, implemented across all media devices and channels, to protect children from the harmful effects HFSS advertising.[85] This position was also supported by Living Loud, academics at the University of Liverpool, the Open University and The Jamie Oliver Foundation.

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