

Restricting Children’s Exposure to Junk Food Advertising –Policy Position

This policy position is a joint statement of position with Obesity Health Alliance

Policy Summary – a comprehensive 9pm watershed

Children should be protected from junk food adverts across **all media they are exposed to in and out of the home** with a 9pm watershed on junk food adverts served on all media devices. This includes (but is not limited to) linear TV, TV on demand, radio, online, social media, apps, in-game, cinema and digital outdoor advertising.

Applying the 9pm watershed to all types of advertising served digitally, regardless of media channel or device, reduces the risk of advertising spend being displaced to other media not covered by the regulations.

The Nutrient Profile Model should be used to identify the foods and drinks that can be shown pre-watershed.

The watershed is considered operational from 5.30am-9pm across all media until a rigorous evidence-based approach for omitting media or times with an exclusively 18 plus audience is conceived.

The marketing industry is evolving rapidly, with new innovations in advert delivery developing all the time. Children’s media consumption is also changing, with a move to spending more time online and dual screening. Protecting children from junk food marketing should be considered a work in progress with regular reviews to ensure the right level of protection is in place and emerging loopholes are closed swiftly.

The Problem

Junk food advertising and childhood obesity

- A wealth of evidence shows that there is a clear link between food advertising and the food children choose. ¹ Advertising influences how much children eat,² and can lead to them ‘pestering’ parents to buy unhealthy products.^{3,4}

¹ Public Health England (October 2015). Sugar Reduction: the evidence for action

² Boyland E, Nolan S, Kelly B (2016). 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*

³ Hastings, G. (2006). The extent, nature and effects of food promotion to children: a review of the evidence. WHO 16.

- A recent meta-analysis found that exposure to just 4.4 minutes of food advertising increases a child's food consumption by 60kcal. Children with overweight or obesity are more vulnerable to the influence of advertising, consuming an average of 45.6kcal more than children with a healthy weight when exposed to food advertising.⁵ One study found that children who can recall seeing unhealthy food and drink adverts on television every day are more than twice as likely to have obesity.⁶

The extent of junk food adverts seen by children

TV

- A study by The Institute for Fiscal Studies found that in 2015, 50% of the television advertising for food and drink that children saw was for food and drink that is high in fat, salt or sugar (HFSS) or was for restaurants and bars. 39% of the television adverts for food and drink seen by children were for HFSS products and a further 11% were for restaurants and bars, the majority of which were fast food outlets. 70% of the television advertising that children saw for food and drink high in fat, salt or sugar and for restaurants and bars was shown before the 9pm watershed.⁷
- A 2016 analysis by University of Liverpool and the Obesity Health Alliance found almost 60% of food and drink adverts shown during programmes popular with both adults and children were for HFSS foods which would be banned from children's TV channels. In the worst case example, nine unhealthy food adverts were shown before and during a single episode of Hollyoaks, watched by over 140,000 children.⁸

Online

- Due to the programmatic nature of digital advertising, it's challenging to calculate the number of children regularly exposed to junk food advertising online quantitatively. However, complaints submitted to the ASA during 2018 highlight loopholes in the current Committee of Advertising Practice's rules.
- A Nutella advertising video that was posted on a popular YouTuber's channel could have been seen by nearly a million of his followers who are registered as being aged 13-18.⁹ A nine year old child was shown a Doritos advert while watching a YouTube channel about gaming.¹⁰ Neither of these complaints were upheld by the ASA.

⁴ McDermott L et al. (2006). International food advertising, pester power and its effects. *International Journal of Advertising*.

⁵ Russell SG, Croker H, Viner RM (2018). The effect of screen advertising on children's dietary intake: A systematic review and meta-analysis. *Obesity Reviews*.

⁶ Cancer Research UK. (2018) A Prime Time for Action: new evidence on the link between television and on demand marketing and obesity.

⁷ Institute for Fiscal Studies. (2018). Children's exposure to TV advertising of food and drink.

⁸ Obesity Health Alliance. (2017). A Watershed Moment: Why it's Prime-Time to Reduce Children's Exposure to Junk Food Advertising.

⁹ <https://www.asa.org.uk/rulings/ferrero-uk-ltd-a18-444638.html> (percentage calculated from July 2018 when Pointless Blog has 5.4 million subscribers)

¹⁰ <https://www.asa.org.uk/rulings/walkers-snacks-ltd-a18-449435.html>

- The ASA upheld complaints about a Cadbury’s website¹¹ an advergame featuring ‘squashies’ sweets¹² and a ‘chewits’ Facebook page,¹³ but in all cases no action was taken for several months after the complaint was made meaning children would still have been exposed in the meantime.

Loopholes in the regulations

- Existing regulations meant to protect children from junk food advertising were introduced for TV in 2007 and the non-broadcast environment in 2017.
- These regulations only restrict junk food adverts when a TV programme, film, poster site or website is made specifically for children or deemed to be ‘of particular appeal’ to children. A media channel or environment is deemed to be of particular appeal when children are disproportionately represented in the audience compared to adults, regardless of the volume of children in the audience.
- One issue with this approach is that a large volume of media content (such as TV shows, website content and films) is popular with both adults and children, as older children in particular tend to be an aspirational audience and seek out content designed for older audiences.¹⁴ It is not easy, therefore, to separate media content into two distinct categories of ‘children’s content’ and ‘adult’s content.’
- This approach leads to children being exposed to junk food adverts when they consume media content popular with both adults and children. For example:
 - In October 2018, The X-Factor was the most popular programme with children, watched by 750,000 children aged 4-15. As it was also watched by over 6 million adults, the percentage of children in the audience did not reach the threshold needed to qualify for ‘over-representation’ so junk food adverts were shown during advert break.¹⁵
 - The popular YouTube vlogger Zoella has over 12 million subscribers to her YouTube channel, and data from 2018 showed that 21% of them are aged 13-17.¹⁶ This does not meet the 25% threshold needed to qualify for over-representation. Three million children could be exposed to junk food adverts shown on her channel before the restrictions would apply.
- TV regulations rarely cover ‘family viewing time’, between 6-9pm, which is when the shows most frequently watched by children are aired. These regulations would not have covered seven of the eight most popular programmes with children aged 4-15 shown on commercial channels during 2017.¹⁷
- When choosing where to target their online advertising, HFSS brands are reliant on information about the age of the audience that is highly likely to be inaccurate. The ASA’s own research found that children register on social media using a false age, exposing them to targeting from inappropriate adverts.¹⁸ YouTube is a universally popular online destination for children – used

¹¹ <https://www.asa.org.uk/rulings/mondelez-uk-ltd-a18-446273.html>

¹² <https://www.asa.org.uk/rulings/swizzels-matlow-ltd-a18-410958.html>

¹³ <https://www.asa.org.uk/rulings/cloetta-uk-ltd-a18-410957.html>

¹⁴ Ofcom (2018). Children’s content review: update

¹⁵ Obesity Health Alliance, BARB data on file.

¹⁶ <https://www.asa.org.uk/rulings/ferrero-uk-ltd-a18-444638.html>

¹⁷ Ofcom. (2019). Children and parents: media use and attitudes report 2018.

¹⁸ ASA. (2013). ‘ASA research shows children are registering on social media under false ages’. ([website](#))

by 45% of 3-4s, 70% for 5-7s and 77% for 8-11s.¹⁹ Nearly half of 12 year olds report having a social media account of their own.¹⁹ However, children under 13 cannot register for a YouTube or the majority of popular social media accounts.

- Marketing on the internet is primarily targeted via a user's interests rather than their age. This makes it particularly effective, but also more challenging to regulate. Many interests predominantly enjoyed by adults are also enjoyed by children (e.g. gaming, music videos), and interest, therefore, does not provide a clear separation of child and adult, and so is not a good basis for regulation. Furthermore, as advertising is increasingly programmatic, the targeting by interest may not be a conscious choice by an advertiser but a result driven algorithmic conclusion arrived at by a machine.
- While there is a wealth of interest based targeting tools available to advertisers to try and screen out certain audiences, there is evidence that HFSS brands are not using them. For example, in 2016 Walkers ran a YouTube pre-roll campaign and excluded targeted audiences based on the interests of younger children such as 'Comics & Animation', 'Games', 'Children's Literature', 'Drawing and Colouring' and 'Dress Up and Fashion Games'. As part of this process, they had the option to exclude videos that were rated 'suitable for teens' and 'suitable for young teens', but chose not to. The advert was subsequently shown before a gaming video.²⁰ Gaming videos are regularly watched by 53% of boys aged 8-11 years and 62% of 12-15 year old boys.²¹
- The current online restrictions are *reactive* as opposed to proactive. This means there is a long process of submitting a complaint by which point the advertising campaign has finished and children have been exposed to the advert.

Children's media consumption

Duration and time of day

- Children's media time is split between watching TV, going online using their mobile phone and playing games on gaming devices. In 2018, children aged 5-15 reported watching 13 hours 6 minutes of TV a week, compared to spending 15 hours 18 minutes hours per week online, 14 hours 24 minutes using their mobile phones and 10 hours 54 minutes playing games.²² It's important to bear in mind that there will be a degree of overlap between these estimates. For example, a proportion of the hours spent using a mobile phone could also be included in the estimate for being online. Some of these activities may also be undertaken simultaneously, e.g. using a mobile phone while also watching TV on a TV set (known as 'dual screening').
- Children's TV viewing increases during breakfast hours (6am to 9am), before tailing off and then gradually growing again from 3pm, after school hours. The largest number of child viewers in 2017 was concentrated around family viewing time, between 6pm and 9pm. From 9pm the number of children watching decreases, tailing off sharply from 10pm.²³
- Data from Ofcom shows there are two peaks in children's media and communications activity (including TV or film watching, online browsing, shopping or gaming, using social media and reading). The first peak is between 7.45am and 8.14am, when 68% of children are engaging in

¹⁹ Ofcom. (2019). Children and parents: media use and attitudes report 2018.

²⁰ <https://www.asa.org.uk/rulings/walkers-snacks-ltd-a18-449435.html>

²¹ Ofcom. (2019). Children and parents: media use and attitudes report 2018.

²² Ofcom. (2019). Children and parents: media use and attitudes report 2018.

²³ Ofcom. (2019). Children and parents: media use and attitudes report 2018.

media and communications activity, and the second peak is between 7.45pm and 7.59pm, when 89% of children are. There is a steady decline after this as children start to go to bed.²⁴

The Solution

- A 9pm watershed is an existing concept designed to protect children from unsuitable content on TV and provides a clear cut-off point for parents. After 9pm, children's exposure to junk food advertising will be at parents' discretion, giving control back to parents.
- Applying a 9pm watershed on all types of junk food advertising, across all types of media channels and devices, will ensure that advertising revenue cannot simply be displaced to other types of media, providing comprehensive protection to children in various environments.
- Discussions with technical experts from the marketing industry has confirmed that it is feasible to expect media platforms to utilise existing software or develop new software to enable dynamically served adverts to only be shown post 9pm. This is not considered to be a significant burden on industry.²⁵

Impact on industry

- Broadcasters are not reliant on HFSS food and drink advertising to fill peak time slots. In OHA's analysis of programmes popular with both children and adults shown before 9pm there was significant variation in the level of HFSS advertising – for example in The Voice 75% of food and drink adverts were for HFSS products, but in Ninja Warrior it was just 8%.²⁶ Whilst this low amount of HFSS adverts is certainly not the norm during programmes broadcast in family viewing time, this exception demonstrates that these prime time shows are not dependent on adverts for unhealthy food and drink.
- There are a number of different options open for food advertisers:
 - Brands with a portfolio of products could shift their advertising to promote their non HFSS products before 9pm.
 - Manufacturers could reformulate their products by reducing saturated fat, sugar and salt so they would be exempt from restrictions. This would have a beneficial effect on everyone's health.
 - Brands could shift their HFSS advertising to post 9pm in order to continue to reach adults, whose peak viewing time extends through until 11pm.

Public support

There is strong public support for comprehensive measures to protect children from junk food marketing across all media.²⁷

²⁴ Ofcom. (2016). Children's Digital Day Report.

²⁵ Internal note from Cancer Research UK roundtable with representatives of media buying and marketing agencies, December 2018.

²⁶ Obesity Health Alliance. (2017). A Watershed Moment: Why it's Prime-Time to Reduce Children's Exposure to Junk Food Advertising.

²⁷ All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 2078 adults. Fieldwork was undertaken between 12th - 13th February 2019. The survey was carried out online. The figures have been weighted and are representative of all GB adults (aged 18+).

- 69% of people agree that children seeing junk food marketing contributes to childhood obesity
- 72% support a 9pm watershed on junk food adverts during popular family TV shows
- 70% support a 9pm watershed on junk food adverts online
- 68% support a 9pm watershed on junk food adverts in digital advertising outside of the home (e.g. cinemas, digital posters at bus stops/ on roadsides)

Specifics of a comprehensive 9pm watershed across all media

The protections outlined should be applied in addition to existing regulations set by Ofcom and the current CAP code which limit the targeting of children by content and scheduling, but do not protect children from exposure.

Linear TV (real-time or live TV) plus time shifted or recorded live TV

- 9pm watershed to apply to all live TV, across all channels between 5.30am-9pm. The watershed will automatically apply to time-shifted or recorded content shown live pre 9pm but watched post 9pm as adverts are not served dynamically. It will not apply to time-shifted or recorded content shown live post 9pm but watched pre 9pm for the same reason.
- 9pm watershed to apply to adverts, sponsorship idents, programme sponsorship and product placement.

Non-Linear TV (TV watched via an on-demand service via a TV or any other device including tablet, smart phone or PC)

- 9pm watershed to apply to all programmes previously shown live before 9pm watershed regardless of the time of day they are watched on-demand.
- 9pm watershed to apply to all programmes shown live after the 9pm watershed when they are watched on-demand between 5.30am and 9pm.
- 9pm watershed to apply to programmes that have never been shown on linear TV when they are viewed between 5.30am and 9pm.

Online (including websites, social media and apps)

- 9pm watershed to apply to all forms of dynamically served advertising including (but not limited to) banner adverts, page takeovers, video seeding, pre-rolls and social media adverts and sponsored posts.
- 9pm watershed to apply to all influencer video content where a paid sponsorship, endorsement or product placement arrangement is in place.
- Companies' own websites featuring HFSS products must be age-gated with a robust verification system. The exception is nutritional information which must be freely available.
- Online platforms should take steps to ensure that the 9pm watershed will apply to content that is posted organically by a brand on its own social media site or channel, meaning it cannot be served before 9pm. This may require the development of new technology.
- It will not apply to content that originates from a brand when it is shared from one person to another.

Linear Radio, plus time-shifted or recorded live radio)

- 9pm watershed to apply to all live radio across all channels between 5.30am-9pm. The watershed will automatically apply to time-shifted or recorded radio broadcast live pre 9pm but listened to post 9pm as adverts are not served dynamically. It will not apply to time-shifted or recorded content shown live post 9pm but watched pre 9pm for the same reason.

Non-Linear radio (radio accessed via an on-demand service via a TV or any other device including tablet, smart phone or PC)

- 9pm watershed to apply to all programmes previously broadcast live before 9pm watershed regardless of the time of day they are accessed on-demand.
- 9pm watershed to apply to all programmes broadcast live after the 9pm watershed when they are watched on-demand between 5.30am and 9pm.

Digital Out of Home

- 9pm watershed to apply to all digital advertising shown out of the home.

In-game advertising

- 9pm watershed to apply to all digital advertising shown in-games including product or brand endorsement or placements.

Brand advertising – across all media

- Food manufacturers, retailers, out of home and delivery companies must prominently display a non-HFSS product only in their brand adverts served before 9pm.

Use of the Nutrient Profile Model

The nutrient profile model (NPM) is an established evidence based tool to define food and drinks as HFSS based on their nutritional composition and should be used as the basis of identifying the food and drinks that can be advertised before 9pm. The Government should commit to reviewing any new regulations to enable the latest version of the NPM to be applied.

Compliance

- The regulations should apply to all adverts promoting food (whether they are from a food manufacturer, retailer, out of home or delivery service).
- Adverts promoting food must be labelled as HFSS or non-HFSS (as is the case currently with TV). This is the responsibility of the brand placing the advert.
- Sanctions for non-compliance or breaches should apply to the brand responsible for the advert. Fines should be levied to bring advertising in line with sanctions for non-compliance with promotions and calorie labelling regulation.
- The Government should monitor trends in children's media consumption.
- The Government should commit to reviewing and updating regulation regularly to close any loopholes.

Glossary

Age-gating – an age verification system which is a technical protection measure used to restrict access to digital content to those that are not appropriately-aged.

Dynamic advertising – this is advertising that is personalised based on information about the viewer it is being served to. The use of dynamically targeted adverts means different adverts could be delivered to different groups of readers while they are reading the same page.

Influencer – a user on social media who has established credibility. A social media influencer usually has access to a large audience and can be hired by brands to endorse products in their own content.

Linear TV/ radio – real-time television or radio service that broadcasts scheduled programs, conventionally over the air or through satellite/cable, not streamed to a specific user.

Non-linear TV/ radio – content that is delivered ‘on demand’ as opposed to linear, broadcast content

Programmatic advertising – this is the use of software to buy digital advertising. Whereas the traditional method includes tenders, quotes and human negotiation, programmatic buying uses machines and algorithms to purchase display space.