

House of Representatives Standing Committee on Social Policy and Legal Affairs

Inquiry into the regulation of Billboard and Outdoor Advertising Supplementary Submission

13 April 2011

1. Introduction

AANA thanks the Committee and appreciates this opportunity to provide a supplementary submission to the inquiry into the regulation of Billboard and Outdoor Advertising. This supplementary submission provides the Committee with information about the self regulatory system as it applies to food advertising.

Food advertising, particularly to children, has been the subject of many inquiries over the past few years, with increasing community concern into obesity. These inquiries include the 2009 Preventative Health Taskforce Report, a Senate Inquiry into the Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008 and a House of Representatives Standing Committee on Health and Ageing Inquiry into Obesity in Australia in 2008.

It is an issue for which there are no clear answers, but what is clear and agreed is that obesity has many causes and contributing factors, and there is no single solution. The proliferation of diet and exercise books and television programs supports the view that there is no single answer or solution.

In response to the Preventative Health Taskforce (PHT) report, AANA congratulated the PHT for identifying and articulating the complexity of the issues influencing the rising rates of obesity in the community. In particular, AANA supported the stated strategic direction of shared responsibility recognizing that public and private sectors as well as individuals have a role to play in promoting improved health and well being. AANA also notes the PHT recognized the role of self regulation in the regulatory mix.

The issue of food and beverage advertising bans was also considered by the Australian Communications and Media Authority (ACMA) in its 2009 review of the Children's Television Standards. The ACMA did not impose bans as it found no evidence of a link between food advertising and obesity.

2. Advertiser's response to community concerns

AANA and its members have responded to community concerns through a number of

self regulatory codes and initiatives.

Advertising and food and beverages industries have proactively responded to Australian and international community and government concerns, by adopting and implementing better practice and self-regulatory measures to meet community expectations.

The AANA self regulatory system contains a number of Codes which address the issue of food advertising and food advertising to children. These Codes apply across the board to all media, including outdoor and billboard advertising. The self regulatory system is supplemented by a number of industry initiatives including the AFGC Responsible Marketing Initiative and the Quick Service Restaurant Initiative. Attachment is a diagrammatic representation of Advertising to Children regulations/initiatives in Australia.

The two AANA Codes which operate in this space are the Food and Beverages Advertising and Marketing Communications Code and the Code for Advertising and Marketing Communications to Children. These Codes are Appendices 4 and 6 to our Submission to this Inquiry. Complaints under these Codes can be directed to the ASB.

a. AANA Code for Marketing & Advertising Communications to Children

AANA Code for Marketing & Advertising Communications to Children came into effect on 1 October 2003. The Code is designed to ensure that advertising and marketing communications directed at Australian children is conducted within prevailing community standards.

It was reviewed commencing 17 April 2007. A number of major changes resulted following this review, including a direct prohibition against the sexualisation of children and a ban on the use of sexual imagery in advertising targeted at children. The revised Code was launched in 2008.

The Code applies to advertising or marketing communications directed primarily to Children. Relevant factors are the theme, visuals and language used. The “directed to children” concept is not unique to the AANA Codes. It also applies in the Commercial Television Industry Code in relation to advertising to children on commercial free to air television. The Commercial Television Industry Code of Practice is registered by the Australian Communications and Media Authority only when it provides appropriate community safeguards.

- Clause 2.15 of the Code provides that advertising or marketing communications for food or beverages must neither encourage nor promote an inactive lifestyle or unhealthy eating or drinking habits.
- The Code also contains other content restrictions in relation to competitions, popular personalities and premiums.

b. AANA Food & Beverages: Advertising & Marketing Communications Code

AANA Food & Beverages: Advertising & Marketing Communications Code became fully operational on 1 March 2007. It has gained international recognition as a world first.

The Code is based on International Chamber of Commerce principles, and is designed to ensure a high sense of social responsibility in advertising and marketing of food & beverage products and services in Australia. The food Code cross references the Children's Code.

3. Scope and Review of the Codes

A review of both of these Codes will be conducted by the Independent Reviewer, Dr Terry Beed in 2011.

These Codes apply to outdoor and billboard advertising. The Outdoor Media Association (OMA) has provided figures from Nielsen Media Research, which says that food and beverages (alcoholic and non-alcoholic) made up only about 16% of expenditure on outdoor.

The Codes do not attempt to draw a line through food and do not distinguish between "healthy" and "unhealthy food". Drawing a line through food has been the subject of much debate among nutritionists. There is no easy answer. Food is an unrestricted product and unlike tobacco and alcohol, is comprised of a wide variety of industries and food types.

The Coalition on Food Advertising to Children has suggested that government utilize the FSANZ model to restrict food advertising. The FSANZ nutrient profiling system is a Trans Tasman initiative developed to ensure that products which carry nutrient content and health claims provide adequate information for consumers and to prevent misleading and deceptive claims on food labels or in food advertising. It was not designed to draw a line down food to determine which foods can and can't be advertised.

Map of Advertising to Children Regulations/Initiatives in Australia

