

Review of the ASA Food and Children's Codes

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 50 nationally organised societies and national members. It has 26 branches throughout the country attended by representatives of those societies and 150 other societies as well as individual members. The Council's function is to serve women, the family and the community at local, national and international levels through research, study, discussion and action.

Thank you for giving NCWNZ the opportunity to comment on these draft codes for advertising food 2009 reviews. NCWNZ did not participate in the Consultation on the review of the Code for Advertising to Children or the Code for Advertising of Food initially. As we did not write a submission in April 2009 we are making only final comments on the proposed changes. NCWNZ has maintained a long involvement in this subject dating back to 1978 when they participated in consultation on "The Johnson Report" concerning the growth, education and learning of the children of New Zealand. At that time they expressed concerns at "the power of the media and particularly television", with particular reference to food and product advertising affecting children.

NCWNZ has over the years, maintained representation on the Advertising Standards Authority (LAPS and TAPS) and ANZFSANZ and written many submissions on these topics, as well as passing many resolutions at Conferences in the past. The Consumer Affairs Standing Committee of NCWNZ has considered the Draft Code for Advertising Food 2009 and the Draft Children's Code for Advertising Food 2009 and has sought comment from Corresponding and Nucleus Group members nationally and wish to present the following comments on the proposed Codes.

NCWNZ continues to monitor and express concerns about the influence of advertising and the potential dangers for the exploitation of consumers and particularly vulnerable members of society i.e. children, the elderly and those who have English as their second language.

General Comment

Members accepted that the use of the word 'children' means all persons below the age of 14 years, though would have preferred 16 years as the age block definition. Provided that the 14 – 18 year old age group is included in the Code for Advertising Food, members considered this would be acceptable with special attention made, where appropriate, to exercise a particular duty of care for food advertisements directed at the 14 – 18 year age group. A comment expressed by several members referred, with concern, to the volume of advertisements bombarding consumers at all hours from Radio and Television and the effect this advertising has on the watcher and listener. Several responses also recommended that a reduction or ban in advertising of unhealthy food particularly between the hours of 6am to 9pm, when children are a likely audience, would be a definite advantage.

Principle 1

Members responses agreed with the proposed guidelines that all advertisements should be prepared with and observe a high standard of social responsibility to consumers and to society. Concerns were expressed about parental responsibility (or lack of it) and lack of assurance that this would, in reality, be effective unless the advertising was strictly monitored. Many parents, it was considered, needed education as well as their children, about balanced diets and healthy eating.

NCWNZ would support the Consumer NZ recommendation made in their submission that “a pre-approval system for food advertising directed at children, such as that used in LAPS and TAPS, be introduced to ensure only advertisements deemed to be appropriate by an independent authority are allowed to be shown.”

We strongly endorse this option which would ensure consumers and particularly children, would be protected from advertisements for treat food, snacks, fast foods, large portions etc. This form of advertising, we consider, is unethical. Not only does it target children but is dominated by advertisements for food high in sugar and fat and/or low in other nutrients. There is, as we know, increasing evidence that marketing of unhealthy food contributes to obesity and poor diets especially in children.

Principle 2

Members supported the guidelines that ensure food advertisements should not mislead or deceive consumers (including children), abuse the trust of or exploit their lack of knowledge or without reason play on fear.

Members considered that children used in advertising of food should be presented as children and not ‘mini-adults’. Members also expressed concern that the increasing trend in advertising presented children in a highly sophisticated manner. Role models used in TV advertising in particular, may lead to peer-group viewers imitating looks and copying fads encouraging eating disorders in young girls, as well as age inappropriate behaviour.

NCWNZ members endorsed the guideline 2 (f) and considered that extreme care should be taken with advertisements promoting a competition, premium or loyalty/continuity programme to ensure that these advertisements do not encourage frequent, repeat purchases of foods high in fat, salt and sugar.

Principle 3

Draft Children’s Code for Advertising Food

Members strongly endorsed guidelines 3 (a) and 3 (b). The use of celebrities, sports icons or characters well-known to children etc were considered to be unfair advertising practise and targeted those ‘at risk’ members of society. We reiterate that a pre-vetting system would ensure that this practice – used so commonly – would not affect a vulnerable audience if advertisements were deemed unsuitable.

Members also recommended that any advertisement which is the focus of a complaint should be withdrawn as soon as possible and not published or shown until a decision has been made. We agree with this recommendation which was proposed by Consumer NZ in their submission and urge the ASA to consider this option when reviewing the Children’s Code for Advertising Food.

This would achieve consistency with the “recommendations for an International Code on

Marketing of Foods and Non-Alcoholic Beverages to Children” – March 2008 – Consumers International.

Also recognising that “the best interests of the child shall be the primary consideration” which is stated in the United Nation’s Convention of the Rights of the Child – Article 3 – further vigilance of advertising of food and advertising for children in general, will provide greater protection by taking appropriate and immediate action.

Revision of the ASA Code is an opportunity to help provide an advertising environment that supports healthy eating.

NCWNZ members agree with and endorse the introduction of the new Children’s Code for Advertising Food and congratulate ASA on presenting a clear definition between the two food Codes. These draft Codes presenting revised Principles and Guidelines will provide an opportunity to ensure that advertising of food, on any media, will be conducted in a manner that is socially responsible and does not mislead or deceive the consumer. By adhering to the Principles and Guidelines the health and well being of individuals and particularly children will be improved.

NCWNZ look forward to the outcome of this review and would welcome ongoing involvement.

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