



**Heart & Stroke submission to the Senate
Standing Committee on Social Affairs,
Science and Technology on:**

*Bill C-252, An Act to amend the Food and Drugs Act (prohibition
of food and beverage marketing directed at children)*

October 21st, 2024

Preamble

Since 1974, Canadian government representatives from various parties, the two Chambers and Health Canada have strived on numerous occasions to implement laws or regulations focused on the commercial marketing aimed at children¹. Time and time again, our government has been derailed on making progress on this issue due to restrictions on the Parliamentary calendar and last-minute delays supported by the food and beverage industry.

Heart & Stroke has been focused on the topic of marketing to kids since 2008. As we describe below, there is a direct connection between the consumption of unhealthy foods and adverse health outcomes. Exposure to food marketing shapes food preferences, influences food intake and drives pester power (i.e., kids pestering their parents for unhealthy foods)²⁻⁸. Since our involvement in this issue, we have contributed to research studies on the topic⁹⁻¹⁴ and the national federal discourse. In 2019, new hardships and challenges were faced by families, including shifts in family responsibilities, work-life balance and more time being spent online by people of all ages. More recently, tougher economic times have led to higher food prices, often impacting the type of foods that households can purchase.

Unfortunately, the dietary patterns of children and families in Canada are dominated with ultra-processed^{15,16} and less nutritious food whose consumption is associated with increased chronic disease morbidity and mortality later in life¹⁷⁻²⁰. **We call on the federal government to help families address these unfortunate realities and help them make it easier to make healthier food choices. This can be achieved by passing Private Member's Bill C-252** and introducing draft regulations in Canada Gazette Part 1. Addressing marketing to kids represents the final pillar of the Healthy Eating Strategy. These two approaches are quite complimentary to achieving success to lay the foundation for children's lifelong healthy eating habits.

Bill S-228 (Child health protection Act, 2016) introduced by Conservative Senator Nancy Greene Raine, aimed to protect children by restricting the marketing of unhealthy food and beverages. It was passed by the House in September 2018 but died on the Senate order paper in 2019 due to an election call. As Bill C-252 has similar aims as its predecessor (S-228), passing this proposed law will make-up for previous missed opportunities and will help to create a food environment that is supportive of parents and of children's health. The statutory protection of children is essential as research in Canada and internationally has repeatedly shown that industry self-regulation has failed to adequately protect children from the harmful influence of unhealthy food marketing²¹.

Background

The Impact of Unhealthy Diets in Canada

The diets of people in Canada are dominated by ultra-processed foods which are high in salt, sugars and saturated fats.¹⁵ Children and youth (2-18) get over half of their calories from ultra-processed foods.¹⁶ Ultra-processed food consumption is highest in children 9-13 years, making up nearly 60% of the calories in their diet.¹⁶ This is problematic as a high intake of these foods is

associated with the incidence of chronic diseases and conditions including obesity, diabetes and high blood pressure, all risk factors for heart disease and stroke.¹⁷⁻²⁰ In 2019, dietary risk factors contributed to an estimated 36,000 deaths and the burden of chronic diseases mainly impacted by diet and other modifiable risk factors to our health system is \$28 billion annually.²²⁻²³ Along with other food and nutrition policies, the federal implementation of marketing restrictions will help support improvements in children's health and longevity and assist families in making healthier decisions daily.

The Impact of Unhealthy Food and Beverage Advertising on Children's Diet and Health

Children's exposure to food marketing plays a critical role in shaping their dietary behaviours and health. An extensive body of research has shown that food advertising influences children's food preferences, beliefs, and food intake.²⁻⁸ Marketing also influences family purchases by prompting children to pester or nudge their parents to buy promoted products.²⁴ Food marketing is designed to target children with appealing marketing techniques, including spokes characters, fantasy and adventure themes, and appeals to fun and cool.²⁵ Children have yet to develop the cognitive ability to understand these persuasive marketing techniques, leaving them particularly vulnerable to food marketing.^{26,27} Before the age of 5, children are unable to distinguish commercial content from television programs, and those younger than 8 years still do not understand the persuasive intent of marketing messages.^{26,27} While children understand the purpose of advertising by the age of 10 to 12, they are not consistently critical of advertising content.^{26,27} This is particularly concerning given that Canadian and international studies have consistently found that most food products advertised to children are nutrient-poor, and energy-dense.⁴

Children's exposure to food marketing in Canada

Each year, the Canadian food and beverage industry spends \$1.1 billion on marketing that may reach children.²⁸ **Children in Canada are regularly exposed to food marketing across media and settings including television, digital media, schools, recreation centres, restaurants and supermarkets.**^{9, 29, 30}

Television:

- In 2019, as many as 7 food ads were broadcast per hour on child- and youth-appealing television stations and the most heavily advertised products on these stations were fast food, breakfast food (e.g., cereal, waffles), candy and chocolate and snacks (e.g., chips, crackers, granola bars).³¹
- It was estimated that some children aged 2 to 11 years in Canada viewed an average of 2,234 food and beverage ads per child in 2019 on broadcast television alone.³² Over 90% of television ads viewed by children (for which nutrition data was available) were classified as 'of concern' for advertising to children based on Health Canada's proposed nutrient profiling model for exceeding permitted thresholds for sodium, sugars, and saturated fat.

³²

Digital media:

- Some large food, beverage, and restaurant brands in Canada were found to market products high in sodium, sugars, and saturated fat on their own websites and did so using child-directed content (e.g., brand characters).³³
- In 2015-16, over 50 million food and beverage ads were displayed on children's top 10 websites (defined as those where children made up a large percentage of website visitors) and over 90% of those ads were for ultra-processed foods and 73% were classified as promoting 'less healthy' products.³⁴
- One study estimated that children aged 7-11 years may see 1,500 food and beverage ads per year on social media apps.³⁵

Stores and Product Packaging

- According to one study, stores are the third most recalled source of exposure to unhealthy food marketing among Canadian youth aged 10 to 17 years, after television and websites or social media.³⁶
- In grocery stores, an assessment of 15,200 food and beverage products sold in 3 large grocery stores in Ontario identified 747 products with child-directed marketing content on their packaging and most of these products (97%) were classified as exceeding threshold for sodium, sugars, and saturated fat according to Health Canada's proposed nutrient profile model.³⁷
- An audit of 813 food stores in 11 cities across Canada found 53% of stores had a 'junk food power wall' at check-outs – that is product displays containing numerous varieties of candies, salty snacks, or beverages - and more than 85% of stores had one or more unhealthy food product placed at the check-out.⁹ Check-outs are a prime location to push junk food on parents and kids because they are often unavoidable and allow some products to be placed within children's line of sight.

Restaurants:

- An audit of 2,140 restaurants located in 11 cities across Canada found that unhealthy items on children's menus outnumbered healthier ones 50 to one⁹. Children's menus also featured child-appealing content such as jokes and colouring activities and 13% of restaurants provided a free toy or other child-appealing purchase incentives to market their kids menu items⁹.

Recreational environments

- An audit of 51 publicly funded sports and recreation facilities in Alberta, British Columbia, Ontario and Nova-Scotia noted food marketing in 98% facilities. Of the 1740 instances of food marketing identified, 55% promoted products or brands considered "least healthy" and 7% targeted children.³⁸

The success of government-led food marketing restrictions

The Quebec Experience:

In Quebec, all commercial advertising directed to children under 13 years has been prohibited by the province's Consumer Protection Act (CPA) since the early 1980's. This law applies to various media (e.g., television, radio, print and online media) and settings frequented by children (e.g., schools, day cares).³⁹ According to this law, advertising in these media or settings cannot be designed to appeal specifically to kids (e.g., by using child language, imaginary characters, child-appealing special effects) nor can promote products that are intended for children (e.g., toys, candy) in media where they are likely to be exposed.³⁹

Although Quebec's CPA was not designed to protect children from unhealthy food marketing per se, research suggests that it has reduced the persuasive power of food advertising in Quebec and may have had a positive impact on children's dietary behaviors. For instance:

- Children aged 2-11 years in Quebec, particularly Francophones, are less exposed to food advertising featuring child-appealing content than their counterparts in Ontario.^{31,40}
- In 2019, advertising expenditures for food products targeted to children were also lower in Quebec (\$9.40/child capita) compared to the rest of Canada (\$13.91/child capita).⁴¹
- The adoption of the CPA in Quebec has been associated with a 13% reduction in the likelihood of purchasing fast food among Francophones households in Quebec compared to Anglophone households and those in Ontario based on an analysis of expenditure data from 1984 to 1992.⁶⁴ In 1992, this represented a \$65.4 million CAD reduction in fast-food purchases per year (equivalent to \$121.3 million CAD in 2023).^{42, 43}
- While we don't know for certain whether Quebec's law has had impact on children's diet, it is worth noting that youth in Quebec have higher fruit and vegetable intake than in other provinces according to data from 2021.⁴⁴

Although Quebec's law illustrates that statutory advertising restrictions can have a positive impact, it is important to highlight that it does have some gaps. As this law was not designed to protect children from exposure to unhealthy food advertising, children are still exposed to unhealthy food advertising directed to adults on television.³¹ Notably, Anglophone children in Quebec do not benefit from the same protection as their Francophone counterparts because they consume more content originating from outside the province and are consequently more exposed to child-directed food advertising.³¹ The CPA also does not apply to point-of-sale marketing and product packaging, a common source of child-directed food marketing in Quebec.^{45,46} In addition, compliance with the law is not actively monitored and fines for non-compliance are considered low.³⁹

The Chilean Experience:

In 2016, Chile adopted a suite of policies that included 1) a ban on the sale and provision of unhealthy food in schools and childcare settings; 2) front-of-package labeling that provides a quick

reference on nutritional quality and 3) restrictions on the marketing of foods that are high in calories, sugar, sodium and saturated fat⁴⁷. After the adoption of these policies, research noted the following changes:

- A reduction in child-directed marketing content (e.g. brand characters) on product packaging.⁴⁸
- A reduction in children's exposure to advertising content directed to kids and an overall reduction in children's exposure to advertising for products high in energy, salt, sugar and saturated fat on television.⁴⁹⁻⁵¹
- Reformulation of food products and decreases in per capita food purchases of calories, sugars, saturated fats, sodium, and sugary drinks.⁵²⁻⁵⁴ This outcome could be the result of the combined effects of all policies introduced.

Overall, the Chilean experience illustrates that marketing restrictions can reduce the amount and persuasive power of advertising that children see, and when adopted alongside other policies, can incentive food companies to improve the nutritional content of their products.

Other countries:

Several other countries have also adopted government-led restrictions on the marketing of food and beverages to kids including Ireland, Norway, Sweden, Portugal and the United Kingdom⁵⁵. Some countries have restrictions that apply to select media while others have more comprehensive restrictions. Norway for example prohibits all advertising (including those for food and beverages) whose content is directed to children under 18 years on broadcast television.^{56,57} Similarly, the UK has restricted product placements and advertising for 'less healthy' food and beverages on children's programming and those where children under 16 make up a large proportion of the viewing audience.^{56,57} The UK adopted more stringent advertising restrictions by adopting time-based restrictions that limit unhealthy food and beverage advertising on television before 9pm and also extending their restrictions to online advertising.⁵⁸ These new restrictions are expected to be implemented in 2025.⁵⁸ More comprehensive restrictions have also been adopted in Portugal where advertisements for foods high in calories, sodium, sugars, saturated fat and trans-fats that are directed to children under 16 years are prohibited across various media including television, radio, print media, websites and social media.⁵⁹

Self-regulation by the food industry: A history of failure

In June 2023, the food and beverage industry implemented a new self-regulatory code to ostensibly limit marketing directed to children.⁶⁰ However, **research has consistently shown that self-regulatory advertising codes in Canada and many other countries have not been effective and do not limit children's exposure to the marketing of food and beverages high in salt, sugars and saturated fat.**^{9,21,29-37,61-72} During the implementation of Canada's previous industry code (2007-2020), children continued to be frequently exposed to the advertising of unhealthy food in social media and on television, including on children's specialty stations^{31,35,72} and the use of marketing techniques that appeal heavily to children remained pervasive in food advertising on television,^{31,32} online,³⁴ and on food packaging.³⁷ Companies participating in the previous code were also found in some instances to advertise more heavily in media intended for or preferred by children than non-participating companies^{34,73}. One study examining food and

beverage advertising on websites popular with children in Canada found that ads from companies that followed Canada's previous industry code were 2.5 times more likely to be classified as 'less healthy' than ads from companies who did not adhere to this code.³⁴

The food and beverage industry asserts⁷⁴ that its new industry code meets or exceeds Health Canada's policy proposal from 2018 and replicates advertising restrictions in Quebec where companies are not allowed to explicitly target children under 13 years in advertising placed in various media and settings (e.g. television, magazines, digital media, schools).³⁹ However, the revised industry code falls short of Quebec's restrictions in many ways. For instance, its definition of what constitutes child-directed advertising content is narrower than Quebec's law. Similarly, the code's nutrition criteria are also laxer than those proposed by Health Canada and would allow some sugary breakfast cereals to be advertising to children. The new industry code also departs from the World Health Organization's most recent best practice guidelines⁷⁵ and excludes several types of marketing that children are exposed to and influenced by including product packaging,⁷⁶ point-of-sale marketing,^{77,78} premiums (e.g., toy giveaways with purchases),^{79,80} and the use of endorsement characters like spokes or licensed characters or adult influencers.^{8,81} Coupled with an absence of active monitoring by an independent body and fines for code violations,⁸² these weak restrictions will leave Canadian children unprotected from harmful unhealthy food and beverage marketing.

Recommendation

Heart & Stroke urges the Senate of Canada to pass Bill C-252, with no amendments before the end of this Parliament.

As industry-led self-regulatory measures are known to be ineffective, statutory restrictions are needed to adequately protect children from the harmful effects of unhealthy food and beverage marketing. This measure alongside other government policies adopted as part of the Healthy Eating Strategy will support parents and has the potential to improve children's dietary patterns and help stem the tide of diet-related chronic diseases that burden our healthcare systems.

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