



Canadian Beverage Association

Association canadienne des boissons

November 15, 2024

Standing Senate Committee on Social Affairs,
Science and Technology
The Senate of Canada
Ottawa, Ontario K1A 0A4
Via email: soci@sen.parl.gc.ca

Re: Bill C-252: An Act to Amend the Food and Drugs Act (prohibition of food and beverage marketing directed at children)

Thank you for inviting the Canadian Beverage Association (CBA) to submit written comments to the Standing Senate 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)*. Our comments are included below, and we would welcome the opportunity to discuss our thoughts further.

Who we are

The Canadian Beverage Association (CBA) is the national industry association for the Canadian non-alcoholic beverage sector. Together, the association represents over 60 brands of non-alcoholic refreshment beverages consumed in Canada and the companies that manufacture and distribute them. CBA members' facilities are located in every region of the country. The beverage industry directly and indirectly employs over 56,000 Canadians and contributes over \$5 billion to the Canadian economy.

Comments on Bill C-252

The Canadian Beverage Association has provided similar comments to the previous iterations of the current proposed legislation and the policy proposals examining restrictions for food advertising primarily directed at children. Over the past four years, we have worked extensively with government and a diverse group of stakeholders to develop and launch the *Responsible Advertising of Food and Beverage Products to Children* ("Code" and "Guide") to achieve the shared objective of a comprehensive and workable regime that applies to all advertising, including television and digital media. We believe that sector-wide adoption and compliance with the new Code will achieve the same policy outcomes that Bill C-252 and the presumed regulatory language to be proposed by Health Canada aim to achieve. Therefore, we support the recommendation that Health Canada adopts the Code *via* Incorporation by Reference, as the industry Code is aimed at the same outcomes as the government's proposed policy and, in some instances may exceed the scope of restrictions of that proposed Policy (i.e. television and digital media) by covering **all media**.

As of June 28, 2023, the Code now delivers exactly what the government says it wants - a *de facto* mandatory requirement binding on all Canadian advertisers that will restrict child exposure to



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child-directed food advertising. The Code is being administered by Ad Standards Canada, a neutral third-party, dedicated public service agency with deep expertise in advertising regulations. Ad Standards is now implementing a robust review and preclearance regime for any food or beverage advertising that might reasonably be seen as primarily directed to children in any media and is actively enforcing the Code and Guide through a complaints-based mechanism for both precleared and non-precleared advertising.

This complaints-based mechanism mirrors Ad Standards' work, which has ensured compliance with the broader Canadian Code of Advertising Standards since 1967. This broader Code is now recognized as the industry standard for being effective in ensuring that advertising to Canadians is truthful, fair and accurate. Under both the Canadian Code of Advertising Standards and the new Code and Guide, reporting, compliance and enforcement apply to all advertisers in all media, regardless of membership in Ad Standards or any of the food and beverage associations. Ad Standard's approach to ensuring compliance has been proven very effective and is *de facto* mandatory for all advertisers across all media.

Therefore, we submit that the incremental benefits to society from Health Canada's proposed regulatory amendments over and above the Code will be minimal. The current proposed Health Canada policy relies on outdated, inaccurate, and demonstrably overbroad advertising data (including adult-directed ads, as well as non-advertising internet content) to dramatically overstate the level of child food ad exposure that could be affected by the Policy. Child-directed food advertising was already nearly nonexistent as the industry prepared to adopt the Code, and it is only more so today. Thus, the Policy cannot deliver any meaningful "benefits" from reducing (already minimal) child food ad exposure.

CBA, along with industry partners, believe that the Code provides a comprehensive, *de facto* mandatory and rigorous framework that will achieve outcomes equivalent to the proposed regulatory amendments. At a time when food inflation continues to concern all Canadians, we respectfully urge the Senate Standing Committee on Social Affairs, Science and Technology to give this Bill the thorough and complete study it needs, including the implications of Incorporating the Code by Reference, and consider all aspects of this important area of concern before open-ended and unnecessary regulations are introduced.

Sincerely,

Krista Scaldwell
President, Canadian Beverage Association