



November 18, 2024

Canadian Association of Broadcasters' Recommendations to the 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)*

As the Committee considers Bill C-252, the Canadian Association of Broadcasters submits the following proposed amendments to the legislation in advance of its appearance on Thursday, November 21, 2024.

About the CAB

The Canadian Association of Broadcasters (CAB) is the national voice representing private Canadian programming services, including private radio and television stations, networks, and discretionary services.

Recommendation 1

In the preamble, on page 2, lines 16-20, the legislation states:

Whereas marketing of food and beverages to children remains widespread in Canada despite voluntary measures such as the Broadcast Code for Advertising to Children and the Canadian Children's Food and Beverage Advertising Initiative;

In this instance, the legislation is incorrect with regard to the Broadcast Code for Advertising to Children. This is not a voluntary measure, but rather, is a condition of licence placed upon regulated broadcasters. Adherence to the Code is not voluntary, and as such, the mention of this should be removed from the legislation.

Recommendation 2

The CAB recommends that a new provision be added to the Bill to set parameters around the definition of "advertising directed primarily at children." More specifically, we recommend the following language, on page 3, at line 15, mirroring the language used in Section 249 of *Quebec's Consumer Protection Act*.

7.1 (2) *In determining whether or not an advertisement is directed primarily at children, account must be taken of the context of its presentation, including:*

- (a) the nature and intended purpose of the goods advertised;*
- (b) the manner of presenting such advertisement; and,*
- (c) the time and place it is shown.*

Recommendation 3

The CAB recommends the deletion in total of section 7.3 of the Act, under the heading of *Review by Committee*.

We believe that it would be inappropriate and outside the norms of legislative process to allow for the powers of this legislation to be expanded significantly without an appropriate legislative examination.

Expanding the powers of this legislation to include those aged 13 to 18 years old should be done through a thorough examination and discussion of the merits, costs and benefits of the legislation, with a full and up-to-date understanding of how this specific age group makes decisions on food and beverages, and how they interact with media.

As delineated in the current section 7.3, the only measure for consideration would be whether if advertising on this group had increased over the space of five years. We believe that this is an inadequate gauge, and an undemocratic means of expanding the government's powers in this area.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Desjardins', with a stylized flourish at the end.

Kevin Desjardins
President