Submission to the Standing Senate Committee on Social Affairs, Science and Technology regarding Bill S-228- An Act to amend the Food and Drug Act (prohibiting food and beverage marketing directed at children)

June 7, 2017

By

Monique Potvin Kent, PhD
Assistant Professor
School of Epidemiology and Public Health
Faculty of Medicine
University of Ottawa
600 Peter Morand Cres., Room 301J
Ottawa, Ontario
Canada K1G5Z3
613-562-5800 X7447
mpotvink@uottawa.ca
I am an Assistant Professor from the School of Epidemiology and Public Health, in the Faculty of Medicine, at the University of Ottawa. I am also a member of the Stop Marketing to Kids Coalition and I have been conducting research on food and beverage marketing to children in Canada since 2008.

I support Bill S-228 particularly since the self-regulation of food and beverage marketing in Canada has been a failure and is not protecting Canadian children or adolescents.

- Canada ranked third for the highest proportion of non-core (i.e. unhealthy) food marketing to children on television in a 13 country comparison (Kelly et al, 2010). The most recent research evidence, based on Nielsen Media Research data from May 2013, shows that on English language children’s specialty television channels in Canada, there are 4.7 food and beverage ads/station/hour (Potvin Kent, Roy & Bell, unpublished). The most frequently advertised product categories are restaurants (38%), candy and chocolate (25%) and cakes, cookies, ice cream (11%). Similar results were found in research results from 2009 (Potvin Kent, Dubois & Wanless, 2011a).

- Food and beverage advertising on specialty television channels that targets teens occurs at a rate of 5.2 food and beverage ads/station/hour. Here, the most frequently advertised product categories are beverages (juices, soft drinks and sports drinks; 43%), restaurants (19%), and candy and chocolate (19%) (Potvin Kent, Roy & Bell, unpublished).

- Research shows that 90% of food and beverage products advertised during children’s preferred viewing on television are either high in sugar, salt or fat (Potvin Kent, Dubois & Wanless, 2012).

- Since the implementation of the Canadian Children’s Food and Beverage Advertising Initiative (CAI), children’s total exposure to food/beverage marketing on all stations from all companies between 2006 (before the CAI was developed) and 2009 (after the CAI was implemented) has increased by 17% in Toronto and by 6% in Vancouver (Potvin Kent & Wanless, 2014).

- Research has also shown that, during children’s preferred viewing on television, the companies participating in the CAI are responsible for more food and beverage advertising, use spokes characters more frequently, and that a greater number of their advertised products are classified as “less healthy” compared to companies that are not participating in this initiative (Potvin Kent, Dubois & Wanless, 2011b).

- Since the implementation of the Canadian Children’s Food and Beverage Advertising Initiative, the power (i.e. the use of marketing techniques that particularly appeal to children) of food advertising has increased. Between 2006 and 2011 on children’s specialty channels on television, the companies participating in the CAI
- Targeted children and teens 92% more frequently
- Spokes-character (advertiser generated characters) use increased by 27%.
- Licensed character (i.e. characters that are licensed from another company) use increased by 151% (Potvin Kent et al., 2014b).

- Since the implementation of the Canadian Children’s Food and Beverage Advertising Initiative, the healthfulness of foods and beverages advertised on children’s specialty channels by companies participating in the CAI remains unchanged (Potvin Kent et al., 2014).

- A recent study by Potvin Kent, Smith, Pauzé & L’Abbé conducted in the fall and winter of 2016/2017 that examines the recently implemented CAI Uniform Nutrition Criteria showed that these criteria have not had an impact on the healthfulness of products advertised to children during their preferred viewing. A total of 74% of the foods and beverages advertised to children in May 2013 (before implementation) during periods of high viewership were classified as “less healthy” and in May 2016 (after implementation), 76% were classified as “less healthy” by the UK Nutrient Profile Model. When only the sub-set of ads belonging to the CAI companies was examined, 79% of ads were classified as “less healthy” in both May 2013 and 2016. No change occurred over time.

- **Other drawbacks to the CAI include that:**
  - Participation is voluntary. Only 17 food manufacturers participate in this initiative (including only one fast food restaurant) yet research has shown that 35 other companies that advertise to children on television during their preferred viewing in Ontario (Potvin Kent, Dubois, Wanless, 2011a).
  - There are many exceptions to “advertising to children”
    - It does NOT include
      - Packaging
      - Fundraising, rewards programs in schools
      - Sponsorship
      - Settings where children gather (i.e. recreation centres)
  - There are no limitations regarding
    - Spokes-character use
    - Volume of marketing
  - There are no penalties for non-compliance;
  - Evaluation of compliance is not conducted by an impartial third party and details of evaluation methodologies used by Advertising Standards Canada are scant;
  - Companies can opt out of the CAI at any time with no reason or announcement.
Recommendations that I have regarding the Bill S-228

- To strengthen this bill I would recommend:
  - Raising the age to 16 & under in order to protect our most vulnerable populations;
  - Adopting a robust nutrient profiling system that is informed by public health experts (should the bill be amended to restrict unhealthy food and beverage marketing rather than all food and beverage marketing).
  - Ensuring that independent monitoring is conducted to ensure compliance.
  - Broadly defining the term marketing.

Digital food and beverage marketing must be included in any regulations that restrict food and beverage marketing to children.

- Digital food marketing includes many types of marketing including
  - Company/brand websites
  - Banner, pop-up, video ads on third party websites
  - E-mail ads
  - Company/brand apps
  - Push notifications from apps
  - Within App ads
  - SMS ads (texts)
  - Social media presence
  - Advertising by YouTube vloggers

- Child and teens are very vulnerable to this form of marketing since it is interactive, uses behavioural targeting (targeting individuals based on their online behaviour), and geo-targeting (targeting individuals based on their location), and because there are no limits on exposure.

- 35% of food/beverage/restaurants in Canada have websites with child-directed content, spokes-characters are present on 52% of these websites and that advergames occur on 70% of these sites (Potvin Kent, Dubois, Kent, Wanless 2013).

- A recent study conducted by Potvin Kent & Pauzé in the fall of 2016 and highlighted in the Heart and Stroke Report “The Kids are Not Alright” has shown that children are exposed to a high frequency of food and beverage marketing on their top 10 websites. In fact, more than 54,000,000 banner and pop-up-ads were found on these sites. The most frequently advertised product categories were restaurants (32%), cakes, cookies, ice cream (26%) and cold cereal (11%). The top 5 advertised products were Kellogg’s Pop
Tarts, Kellogg’s Frosted Flakes, the McDonald’s Happy Meal, Redbull and Kraft Lunchables.
  o A total of 74% of the advertised products were classified as “less healthy” according to the U.K. Nutrient Profile Model.
  o A total of 93% of the products were classified as either excessive in fat, sugar or sodium according to Pan American Health Organization Nutrient Profile Model.

- This same study showed that on the top 10- preferred teen sites, the most frequently advertised product categories were cakes, cookies, ice cream (33%), cold cereal (21%), and restaurants (18%). The most frequently advertised food and beverage products were Kellogg’s Pop Tarts, Kellogg’s Fruit Loops, Red Bull, Kellogg’s Frosted Flakes and Tim Horton’s coffee.
  o A total of 84% of the advertised products were classified as “less healthy” according to the U.K. Nutrient Profile Model.
  o A total of 93% of the products were classified as either excessive in fat, sugar or sodium according to Pan American Health Organization Nutrient Profile Model.

In conclusion, I would like to end by saying that mandatory food and beverage marketing restrictions are an effective strategy to improve our children’s food intake, obesity levels and health. I thank the Senate and the Standing Senate Committee on Social Affairs, Science and Technology for examining Bill S-228.
References


Potvin Kent, M., Pauzé, E. The frequency and healthfulness of food and beverages advertised on children’s preferred websites in Canada (Submitted).


Potvin Kent, M., Smith, JR, Pauzé, E, L’Abbé, M. The food and beverage industry’s self-established Uniform Nutrition Criteria are not improving the healthfulness of food and beverage advertisements viewed by Canadian children on television. (Submitted)