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Consultation response from the National Consumer Council

Television advertising of foods and drink products to children: option for new restrictions

Summary

The National Consumer Council (NCC) welcomes the opportunity to comment on Ofcom's proposal to extend the age range to include all children aged up to 16 in the restriction of foods high in fat, salt and sugar (HFSS). NCC believes that in order better protect children, controls of advertising of HFSS foods should define children as 'under 16'.

We welcome Ofcom's decision to implement nutrient profiling as a means of differentiation of HFSS foods in accordance with the Food Standards Agency's specifications. We consider that the implementation of such a tool is proportionate, targeted and in line with Government policy to encourage greater consumption of 'healthier foods' while reducing the intake of those foods which are less healthy. We also note that Ofcom accepts in principle that advertising restrictions of HFSS foods and drinks should apply to children up to age 16.

We are disappointed, though, that a pre-9pm watershed ban has not been implemented, despite offering twice the impact in reduction of exposure to HFSS advertisements - 82%. Ofcom's proposal will only offer a 41% reduction in impacts.

The NCC is also concerned that Ofcom continues to use a tool to identify programmes 'of particular appeal' to children which we have identified as being flawed. We do not support the use of the BARB 120 index, nor do we

consider it an accurate method to determine when large numbers of children are watching TV programmes aimed at an adult audience.

With regard to the content rules proposed by BCAP, in limiting their application to pre-school and primary-aged children, they would not be consistent with the proposed scheduling restrictions and would not offer protection to older children.

Detailed response to consultation question

In light of the impact of modified package 1 in particular on the revenues of music channels, Ofcom is seeking views on modified package 1 in so far as it extends the restrictions contained in package 1 to children up to 16.

1. Scheduling restrictions should be extended to all children up to age 16

We are pleased to see Ofcom define 'children' as those up to age 16. We welcome the fact that the new scheduling rules will protect children from the advertising of HFSS foods and drinks.

2. Ofcom to clearly define 'programmes of particular appeal' to children

We are very disappointed that Ofcom continue to use a tool that we believe to be flawed in capturing when most children are watching TV outside children's viewing time. In using the BARB 120 index, modified package 1 fails to address fully the times that the greatest numbers of children are watching (before 9pm) and is therefore not well targeted. For example, nearly 70% of children's viewing is outside children's airtime. This means, for instance, that four times as many children are watching Coronation Street compared with Saturday morning ITV. Yet Coronation Street is not deemed to be a programme 'of particular appeal' to children using the BARB 120 index and thus would allow the advertising of HFSS food and drinks during the commercial breaks. Other popular programmes watched by large numbers of children such as Ant and Dec's Saturday Night Take-away, Emmerdale and the X-factor would not be covered by the proposed restrictions¹.

3. Content rules will only protect pre-school and primary-aged children

We are concerned that the content rules do not apply the same principle as the scheduling rules and therefore do not offer any protection to older children. We consider that the content rules should be consistently applied to all children aged up to 16.

¹ Viewing figures for the period 16 – 29 October 2006 for 4 – 15 year-olds from *Which?* research.

4. Consider a pre-9pm watershed ban to offer greatest protection to children watching TV.

We believe that the proportionate reduction in the exposure of under-16s to HFSS advertising will only be achieved by a pre-9pm watershed ban. The benefits of implementing such a ban would reduce the impacts of HFSS advertising by 82% - twice the amount proposed by modified package 1.

General comments

The NCC welcomes the restriction of the advertising of HFSS foods and drinks up to age 16. We are concerned and very disappointed that the same principle for scheduling rules is not proposed for the content rules. We urge Ofcom to apply a consistent approach to both content and scheduling rules and to implement a pre-9pm watershed ban which we believe to be the most effective way of protecting children. While we recognise that the advertising of HFSS foods and drinks is only one of a number of factors that influence food choice and that tackle obesity and diet-related ill-health, we urge Ofcom to recognise fully its public interest obligations and to implement restrictions that are proportionate and consistent to better protect children from HFSS food and drink advertising on TV.

As we pointed out in our more detailed consultation response in June 2006, if Ofcom does not consider that it can fulfil this expectation to fully protect children, then the NCC thinks that the Government should step in to ensure that restrictions in the interests of public health are implemented.