

## Consultation on Health Canada's discussion paper: Toward Restricting Unhealthy Food and Beverage Marketing to Children – response by World Cancer Research Fund International

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### About World Cancer Research Fund International

World Cancer Research Fund International leads and unifies a network of cancer prevention charities with a global reach. We are the world's leading authority on cancer prevention research related to diet, weight and physical activity. We work collaboratively with organisations around the world to encourage governments to implement policies to prevent cancer and other non-communicable diseases (NCDs).

We advocate for the wider implementation of more effective policies that enable people to follow our Cancer Prevention Recommendations<sup>1</sup>. Our NOURISHING policy framework brings together ten policy areas where governments need to take action to promote healthy diets and reduce overweight, obesity and diet-related NCDs. The framework is accompanied by an extensive, regularly updated database of implemented government policy actions from around the world. "Restrict food advertising and other forms of commercial promotion policies" is one of the ten policy areas outlined in the NOURISHING framework.

More information on World Cancer Research Fund International can be found at <http://www.wcrf.org/> and [www.wcrf.org/NOURISHING](http://www.wcrf.org/NOURISHING).

### Contact

This consultation response was prepared by Bryony Sinclair, Senior Policy & Public Affairs Manager. For any queries about World Cancer Research Fund International's submission, please contact [policy@wcrf.org](mailto:policy@wcrf.org).

### Summary

We advocate for governments to take a comprehensive policy approach to promoting healthy diets and reducing overweight, obesity and diet-related non-communicable diseases (NCDs). Unhealthy food and beverage marketing is a major contributor to childhood obesity. It influences food preferences that track into adulthood, laying a foundation for unhealthy eating habits.<sup>2,3</sup> This contributes to poor diets, weight gain and diet-related NCDs.

Modern marketing is pervasive, sophisticated and rapidly evolving. Children are particularly vulnerable to food marketing, as they are impressionable, cannot distinguish between marketing messages and factual information, lack nutritional knowledge and are motivated by immediate gratification. Children are regularly exposed to marketing of products that are

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<sup>1</sup> <http://www.wcrf.org/int/research-we-fund/our-cancer-prevention-recommendations>

<sup>2</sup> Sadeghirad B et al. Influence of unhealthy food and beverage marketing on children's dietary intake and preference: a systematic review and meta-analysis of randomized trials. *Obesity Reviews* 2016; 17(10):945-959.

<sup>3</sup> Boyland EJ et al. Advertising as a cue to consume: A systematic review and meta-analysis of the effects of acute exposure to unhealthy food and nonalcoholic beverage advertising on intake in children and adults. *American Journal of Clinical Nutrition* 2016; 103(2):519-533.

calorie-dense and nutrient poor through a variety of settings, channels and techniques. Marketing is effective at increasing children's awareness, recognition and recall of brands and creates lasting food preferences.<sup>4,5,6</sup> The vast majority of foods that are marketed to children go against International and Canadian recommendations for a healthy diet (a diet rich in wholegrains, vegetables, fruit and legumes).

Self-regulation has been ineffective at reducing exposure of children to the marketing of unhealthy food and beverages, in Canada and elsewhere.<sup>7,8,9</sup> Strong, comprehensive mandatory regulations that cover all marketing channels and set clear nutritional standards are needed, together with a transparent monitoring process with effective sanctions for violations of the marketing restrictions.

We therefore applaud Health Canada for prioritising developing federally regulated restrictions on the marketing of food to children, which will apply to all provinces and territories in Canada.

Health Canada is consulting on the extent of restrictions necessary to support children and parents to build healthy eating habits. World Cancer Research Fund International believes that to protect children, all forms of marketing of unhealthy foods and beverages should be banned. In order to effectively reduce the exposure and power of marketing to children, policies need to be clear and consider four main criteria: how "marketing" is defined (it should include all marketing techniques through all communication channels), how "food" is defined (both in terms of what foods should be marketed and which foods should be banned), how "marketing to" is defined (marketing with a specific appeal to children, marketing directed exclusively at children and marketing intended for adults but viewed by children) and how "children" is defined (age of "child", in this case persons under the age of 17).

### Consultation questions

**QUESTION 1: Based on your knowledge of nutrients, should Health Canada's marketing restrictions focus on sodium (salt), sugars, and saturated fat?**

**Yes**

No

Not sure

If no/not sure, please explain

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<sup>4</sup> Cairns G, Angus K, Hastings G, Caraher M. Systematic reviews of the evidence on the nature, extent and effects of food marketing to children. A retrospective summary. *Appetite*. 2013; 62:209-215.

<sup>5</sup> Tatlow-Golden M, Hennessy E, Dean M, Hollywood L. Young children's food brand knowledge. Early development and associations with television viewing and parent's diet. *Appetite*. 2014;80:197-203.

<sup>6</sup> Roberto CA, Baik J, Harris JL, Brownell KD. Influence of licensed characters on children's taste and snack preferences. *Pediatrics*. 2010;126(1):88-93.

<sup>7</sup> Galbraith-Emami S, Lobstein T. The impact of initiatives to limit the advertising of food and beverage products to children: A systematic review. *Obesity Reviews* 2013; 14(12):960-974.

<sup>8</sup> Potvin Kent M et al. Self-regulation by industry of food marketing is having little impact during children's preferred television. *International Journal of Pediatric Obesity* 2011; 6(5-6):401-408.

<sup>9</sup> Potvin Kent M, Wanless A. The influence of the Children's Food and Beverage Advertising Initiative: change in children's exposure to food advertising on television in Canada between 2006-2009. *International Journal of Obesity* 2014; 38(4):558-562.

**QUESTION 2: In your estimation, which is more appropriate as the basis for restricting marketing to children: Option 1 (~5% DV) or Option 2 (15% DV) thresholds for sodium, sugar and saturated fats?**

**Option 1**

Option 2

Neither

Please explain

Of the two options, Option 1 is more appropriate as the basis for restricting marketing to children. It is essential that marketing restrictions restrict foods that are unhealthy. This includes foods that would be allowed to be advertised under Option 2 (e.g. frosted wheat cereal, granola bars, potato chips, French fries). Allowing these types of products to be advertised would undermine Health Canada's goal of creating an environment supportive of healthy growth and development, where children are protected from the negative influence of advertising. Additional testing of Health Canada's proposed Nutrient Profile may be necessary to ensure foods that are "allowed" to be advertised are consistent with healthy diets rich in wholegrains, vegetables, fruit and pulses, and monitored over time. While marketing restrictions may influence the reformulation of products, it is essential that products "allowed" to be advertised remain consistent with healthy diets versus foods that are "less unhealthy" within a product group.

**QUESTION 3: Based on your understanding of non-sugar sweeteners (such as Aspartame and Sucralose), should Health Canada prohibit the marketing to children of all foods and beverages containing non-sugar sweeteners?**

**Yes**

No

Not Sure

Please explain:

The marketing to children of all foods and beverages containing non-sugar sweeteners should be prohibited for two main reasons:

1. For reasons of brand identity. As noted in Health Canada's discussion paper, marketing beverages containing non-sugar sweeteners may influence children's preference for other beverages in the same brand that are sugar sweetened.
2. Due to inconsistent and limited evidence that non-sugar sweeteners can help prevent weight gain, overweight and obesity.

**QUESTION 4:**

**Health Canada proposes the following definitions for "child-directed" marketing:**

**"Child-directed" marketing on television includes all unhealthy food and beverage marketing aired, on weekdays from 6:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 9:00 p.m., and on weekends between 6:00 a.m. and 9:00 p.m.**

**"Child-directed" marketing on the internet includes all unhealthy food and beverage marketing on websites, platforms and apps that are popular with children, even when these digital channels are intended for adults as well.**

**Would the definitions proposed adequately protect children from unhealthy food and beverage marketing?**

Yes

**No**

Not Sure

Please explain

Restricting marketing of food and beverages to children is challenging because it is difficult to define what is “child-directed” or appealing to children.

**TV:** We support banning all unhealthy food and beverage marketing on television between specific hours of the day. We recommend extending the ban to 10pm on weekdays and weekends, as adolescents are likely to be watching TV later than 9pm.

**Internet/digital marketing:** We support this definition that marketing on the internet includes all unhealthy food and beverage marketing on websites, platforms and apps that are *popular* with children, even when these digital channels are intended for adults as well. How will the popularity of specific marketing channels with children be determined? This definition should be expanded to not just include websites, platforms and apps that are popular with children, but that *appeal* to children. A “particular appeal” test should be applied to determine the probability that a child may see the commercial messaging.

**QUESTION 5:**

Marketing techniques that influence children include traditional and digital tactics.

Traditional	Digital
<ul style="list-style-type: none"> <li>• packaging and labelling</li> <li>• use of characters and celebrities (on packages, in ads, at events, etc.)</li> <li>• sponsorship (of sports teams, events, school supplies)</li> <li>• sales promotions/premiums (e.g., toy give-away; contests)</li> <li>• branding (logo, symbol, word or images associated with a food product)</li> <li>• advertisements (commercials; direct appeal)</li> <li>• product design</li> <li>• content (e.g., colours, voices, images)</li> <li>• product placement</li> </ul>	<ul style="list-style-type: none"> <li>• advertisements (e.g., banner ads; popup ads)</li> <li>• advergames (video game that advertises a branded product as part of the game)</li> <li>• buzz marketing (peer-to-peer)</li> <li>• word-of-mouth (“liking”, sharing, tweeting)</li> <li>• marketing “influencers” through blogging, vlogging (blogging with video), or social media</li> <li>• neuromarketing (emotional analysis through sensors)</li> <li>• behavioural advertising (informed by analytics use of shared personal data or tracking through cookies, device fingerprinting, geo-location)</li> </ul>

**Based on your experience, are there any other marketing techniques that influence children and should be considered as part of the marketing restrictions?**

**Yes**, please specify

No

The following marketing techniques should be specified:

- Traditional marketing techniques: brand equity characters (e.g. the Nesquik rabbit or Ronald McDonald), licensed characters, mascots, sports team uniforms.
- Digital marketing techniques: apps, competitions through social media.

Children form emotional bonds with brand equity characters, licensed characters and celebrities as if they were their friends, which influences their food preferences and choices.<sup>10</sup> Many food products that are not high in fat or salt or sugar (non-HFSS) are not healthy, despite the classification as “healthier” foods and beverages. Non-HFSS products should not be promoted using celebrities or licensed characters.

#### **QUESTION 6:**

**The following communication channels are commonly used to market food and beverages to children.**

- television
- radio
- print media (e.g youth magazines; comic books)
- billboards
- DVDs
- video games
- digital channels (e.g. websites; social media platforms; game platforms; apps)
- mobile devices (e.g. texting)

**Based on your experience, are there any other channels used for marketing to children that should be considered as part of the marketing restrictions?**

**Yes**, please specify

No

World Cancer Research Fund International commends Health Canada for setting out to restrict both traditional and digital forms of food and beverage marketing. It is essential both are covered in order to protect children.

Additional communication channels that should be considered as part of the marketing restrictions include packaging, in school marketing (branded vending machines, fundraising sponsored by food and beverage companies, donations to schools, curricula material and reward programmes), point-of-sale marketing and in-store promotion. It is important to restrict all communication channels since children are not able to distinguish between commercial messaging and factual information.<sup>11</sup>

The Internet has significantly changed the marketing environment. Many children have unrestricted and unsupervised access to internet on computers, tablets and smart phones exposing them to many novel marketing techniques. It is therefore critical that digital marketing of unhealthy foods and beverages is restricted.

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<sup>10</sup> Bond BJ and Calvert SL. A model and measure of U.S. parents' perceptions of young children's parasocial relationships. *J Child Media* 2014; 8:286-304.

<sup>11</sup> Gosliner W and Madsen KA. Why licensed commercial characters should not be used to sell healthy products to children. *Pediatrics* 2007;119:1255-1256.

Social media uses engaging techniques to interact directly with children and youth, techniques that are often not recognized as marketing by children.<sup>12</sup> Social media is used to increase consumer interaction and engagement with brands and products. Competitions are often based on user-generated content that capitalize on users' social networks and expand the reach and personal relevance of marketing messages.<sup>13</sup> For example, any engagement on brand pages on Facebook may then appear in the newsfeed of the users' friends, spreading marketing messages across social networks.

**QUESTION 7: Are there certain situations where some marketing techniques should be exempted from broad marketing restrictions?**

**Yes**

No

Not Sure

Please explain

Marketing campaigns focused on promoting healthy foods should be exempt from broad marketing restrictions. For example, fruit and vegetable campaigns. Marketing of fruit and vegetable products with no added fat, sugar or salt should not be permitted if the celebrity or licensed character used to promote these products can be associated with a corporate brand or product family of mostly foods that are high in fat, sugar and salt and/or "healthier products" that are just below the threshold of HFSS products.

**QUESTION 8: Do you have any other feedback?**

A recent report<sup>14</sup> by the Special Rapporteur on the Right to Food, Ms Hilal Elver, highlighted the importance of adopting a rights-based framework to food and nutrition-related policies to tackle social inequalities and prevent overweight, obesity and diet-related NCDs. Nutrition is the vital link between the right to food and the right to health, and a rights-based framework reaffirms the right of vulnerable populations, including children, to the highest attainable standard of health and nutritious food. As such, governments should utilise a rights-based approach to develop and implement the most robust policy framework available to protect children from the harmful effects of marketing. Adopting a combined right to health and right to food approach supports governments in implementing legislative, judicial and administrative mechanisms that respect, protect and fulfill citizens' rights, including those which help to regulate food and beverage industry marketing pressures, including mandatory regulation, as opposed to voluntary measures.

Furthermore, how does Health Canada intend on monitoring the marketing restrictions? Both in terms of ensuring they protect children and youth from the marketing of unhealthy food and beverages, and to ensure compliance? A transparent monitoring process, as well as

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<sup>12</sup> European Commission. *Study on the impact of marketing through social media, online games and mobile applications on children's behaviour*. Brussels 2016.

<sup>13</sup> Freeman B et al. Digital junk: food and beverage marketing on Facebook. *American Journal of Public Health* 2014; 104(12): e56-64.

<sup>14</sup> Elver, H. 'Right to Food and Nutrition', UN General Assembly 71<sup>st</sup> session 3<sup>rd</sup> August 2016, (A/71/282), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/247/21/PDF/N1624721.pdf?OpenElement>

effective sanctions for violations of the marketing restrictions are essential for enforcement. Compliance will be maximized if marketers perceive that they are likely to be caught and face meaningful penalties.<sup>15</sup>

Consider including a definition of marketing in the policy document. We recommend using the WHO definition<sup>16</sup>: *“Marketing” refers to any form of commercial communication or message that is designed to, or has the effect of, increasing the recognition, appeal and/or consumption of particular products and services. It comprises anything that acts to advertise or otherwise promote a product or service.*

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<sup>15</sup> Galbraith-Emami S and T Lobstein. The impact of initiatives to limit the advertising of food and beverage products to children: a systematic review. *Obesity Reviews* 2013; 14(12):960-974.

<sup>16</sup> World Health Organization. A Framework for Implementing the Set of Recommendations on the marketing of foods and non-alcoholic beverages to children. Geneva: WHO; 2012. Available at: <http://www.who.int/dietphysicalactivity/MarketingFramework2012.pdf>