

But Monica says ...: does
regulation actually limit children's
exposure to food advertising?

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Flinders
UNIVERSITY
inspiring achievement

The co-regulatory system for free-to-air TV

- Australian Communications and Media Authority (ACMA – *Children’s Television Standards*, or CTS)
- Broadcasting industry body (FreeTV Australia – *Commercial Television Industry Code of Practice*, or CTICP)
 - Broadcasters themselves hear and determine complaints under CTICP
- Advertising Standards Bureau/Board (various advertising codes, covering all media)

The Children's Television Standards (CTS)

- Administered directly by ACMA
- apply in 'C periods'
 - periods during which broadcasters have indicated they will show special, high-quality children's programming
in fulfilment of a quota obligation
 - currently very difficult to tell when they are
BUT we know ratings very low

Also ...

- They are picked up by the TV industry code (CTICP) and applied to all ...

advertising 'directed to' children

- TV industry code also picks up advertising codes
- Including Food and Beverage Advertising and Marketing Communications Code (FBAMCC)

AND NOTE whole system relies on consumer complaints

What don't the CTS do?

- Anything about advertising at the times when children do the vast bulk of their viewing
- Anything to limit volume of food advertising
- Anything to distinguish healthy and unhealthy foods

Case study I: Endorsements by personalities

FBAMCC:

3.6 ... shall not use popular personalities or celebrities ... in a manner that obscures the distinction between commercial promotion and program or editorial content.

The clause in action: 'Thorpie says it's fully sick'

1. Swimmer is talking to mother on phone, not directly to children
2. As he is not (primarily) a TV personality, his appearance can't blur the distinction between programmes and ads

Compare CTS 35

- (1) No material [etc] may contain an endorsement, recommendation or promotion of a commercial product or service by:
 - (a) a principal personality or character from a C program or P program;
 - (b) a popular program or movie character
 - (c) a popular cartoon, animated or computer generated character;
 - (d) a popular personality or celebrity; or
 - (e) a licensed character.
 - (f) (2) ...

Case study II: Premium offers

CTS 31

An advertisement that contains a premium offer:

- (a) must not make reference to the premium in a way that is more than merely incidental to the reference to the advertised product or service; and
- (b) must not stimulate any unreasonable expectation ...

What is a 'premium'?

- Definition: 'anything offered with or without additional cost that is intended to induce the purchase of an advertised product or service'

CTS 33(2): *Example* If an advertisement advertises a product that has both food and non-food components, and the non-food component is a premium, the reference to the non-food component must be merely incidental ...

Case study III: Nutritional information

CTS 30 (7)

An advertisement for a food product may not contain any misleading or incorrect information about the nutritional value of that product.

UK Code again ...

8.3.1 Accuracy in food advertising

...Ambiguous wording that could be understood as a nutritional claim must be avoided. ... The scientific meaning of the word 'energy', i.e. calorific value, should not be confused with its colloquial meaning of physical vigour.

An overarching issue: What advertising is 'directed to' children?

- CTICP doesn't define 'directed to' except in relation to Clause on overeating and unhealthy lifestyles
- 'Advisory Note' includes:
 - the product;
 - the theme;
 - the story line;
 - the visuals;
 - the language;
 - the age of actors; and
 - the target audience.
- Doesn't pick up use of a children's entertainer or other personality popular with children

What's needed

- Clear and unambiguous provisions eg not 'directed to children'
- Applying at times when children most likely to be watching
- Addressing the techniques that are most effective with children
- Stricter on less healthy foods (?)

Thank you

