



Selfregulation on advertising to children of HFSS foods in the Netherlands

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Three steps of selfregulation

1. Advertising Code for Food products

The Code is part of the Dutch Advertising Code.

Qualitative advertising rules of the ACMSD are transposed by providing for a system of (controlled) selfregulation (no supervision by the government / keep well out of content)

2. Website Dutch Food Industry Federation ('FNLI')

The FNLI has called on its members (representing 90-95% of the food industry) to exercise the utmost care when making food advertisements targeting children aged 7 to 11.

3. The "Kids Vitaal" Foundation

The FNLI and a number of major commercial broadcasters and civil society organisations set up a platform to support projects targeting healthy eating and lifestyle in children aged 7 to 11.



The Advertising Code Authority

- (Controlled) selfregulation:
 - 'freedom' of advertising as the advertising industry takes sole responsibility;
 - consequently the government is prevented from issuing general advertising bans or imposing far reaching legal restrictions.
- For over 45 years the Advertising Code Authority has been the body dealing with the selfregulating system of advertising.
- The three parties that constitute the advertising industry (advertisers, advertising agencies and the media) have formed an agreement regarding the rules with which advertising messages should comply.
- They also take responsibility for the timely correction and/or suppression of conflicting advertising messages.



Public and commercial broadcasters

- Pursuant to the Media Act, all media institutions broadcasting advertising messages are associated with the Advertising Authority.
- They are bound to discontinue distributing an advertising message denounced by the Advertising Code Committee and/or the Board of Appeal (based on an agreement).
- If an organization affiliated with the ACA under the Media Act considers an advertisement offered to be impermissible under the Dutch Advertising Code for broadcasting or distribution, it should bring this decision in writing, giving reasons, to the attention of the advertiser with due speed. The advertiser can lodge an objection to such a decision to the ACC.



The Dutch Advertising Code

- A body of rules with which all advertising should comply.
- A **General Section** and a **Special Section**.
- The General Section stipulates, among other things, that advertisements may not be misleading or untrue, and contains also a number of general standards.
- The Special Codes apply to advertising for specific products and services.
- Advertising is defined as any form of public commendation of goods, services or concepts. The Advertising Code thus applies to all advertising, regardless of the medium used, unless explicitly stated otherwise.



Advertising Code for Food products

Some general rules:

- If in an advertisement a food product is shown as part of a meal, the entire meal shown shall comply with the Guidelines for Good Food (Guidelines of the Health Council).
- Advertisements shall neither show excessive consumption, nor explicitly encourage excessive consumption of any food product. Furthermore, such behaviour shall not be held up as an example and/or be justified.
- An advertisement for food with a lower energy value than the original product may not lead to higher consumption of that product than of the food product with the original, higher energy value.



Children

• **Advertising for food products intended for children under 7 is not permitted.** This means that:

- Media carriers which, according to the generally accepted research of the reach, are specifically aimed at children under 7 shall not contain advertising for food products.

-Media carriers which are not specifically aimed at children under 7, shall only contain advertising for food products if the public for whom the advertising is intended consists of less than 25% of children under 7.

* An advertisement for food products which are associated with certain television and/or radio programmes specifically intended for Children, shall not be broadcast in the advertising blocks during or immediately after that programme.



Children

- A children's idol is not allowed to actively commend a food product and/or related 'premiums' (free gifts) or services in audiovisual advertisements, specifically aimed at children.
- In an advertisement specifically aimed at children, the commendation of a food product shall not make the impression that consumption of the commended food renders them a higher status and greater popularity within their age group than the consumption of any other food product.

Definition of 'Food(s)': any industrially prepared and, as a rule packaged food products and drinks intended for the use by consumers. (Very broad and no distinction between fatty foods and the rest).



Advertising Code for Confectionery

- Advertising shall not encourage excessive consumption, nor shall such consumption be held up as an example or be excused.
- Advertising shall not suggest that confectionery can replace a meal.
- Advertising messages shall not establish a link between the consumption of confectionery and health.
- Situations in which confectionery is consumed by a person immediately after brushing his teeth and before going to bed shall not be shown, nor shall consumption at such times be encouraged.
- Definition of 'confectionery': all foodstuffs and delicacies that do not form part of the regular meals and are consumed between meals because of the sweet taste produced by their simple carbohydrates (saccharose, invert sugar, glucose and fructose).



Committee & Board of Appeal

- The **Advertising Code Committee** is a body which determines whether advertisers comply with the rules of the Advertising Code. The evaluation by the ACC members is independent of the organization which appointed them.
- Anyone who feels that an advertisement violates the Advertising Code may submit a complaint to the Advertising Code Committee.
- After having heard the case of the advertiser, the Committee decides whether the advertisement in question conflicts with the Advertising Code.
- The ACC can also evaluate advertisements without a complaint having been submitted.
- Should the complainant fail to agree with the decision of the ACC, he can lodge an appeal with the **Board of Appeal**.



Decisions on complaint

- The ACC may determine a complaint unjustified (**rejection**), or determine the complaint justified (**allowance**).
- Allowance means that the ACC judges the advertising message to be contrary to the Dutch Advertising Code.
- The ACC then makes a 'recommendation' which means that the ACC recommends to discontinue this way of advertising.
- The ACC may ask the secretariat to distribute a decision as an ALERT, which means that the decision is brought to the attention of the public by means of a press release in associated media, to interested organizations and via placement on www.reclamecode.nl.
- All decisions are put in an online database, accessible to third parties.



Memorandum on Obesity

- In the last few decades an increasing number of professionals observed upward trends in overweight and obesity and the effects of these trends began to form a cause for concern.
- In the past few years, the severity and extent of the problem that has arisen since then has been the subject of extensive coverage in the media.
- Many civil-society organisations and local authorities are involved in the issue of obesity and they are beginning to show more willingness to take action.
- In response to this situation, **a government memorandum on obesity has been published with the subtitle “Out of balance: the burden of obesity”**. (also available in English)
- A special section is devoted to the approach to dealing with children and young people, and their parents and carers.



Website Dutch Food Industry Federation

- On 27 November 2009, following the example of the EU Pledge programme, the FNL launched the 'zorgvuldigreclame.nl' website.
- Companies in the Netherlands who continue to market food to children aged 7 to 11 can set out their policy, and criteria behind it, on the website.
- Eight companies have done so thus far.
- The FNL checks whether these companies stick to their policies, and monitors other food advertisements targeting children made by companies not represented on the site.



“KidsVitaal” Foundation

- Supports projects and programmes (preferably those generated by the voluntary agreement on healthy) by coordinating and supervising them and offering expertise and funding.
- The broadcasters make radio and television air time and internet band width available to promote the projects.
- In December 2009 KidsVitaal launched the first project: the Netherlands Institute for Sport and Physical Activity (NISB)'s 'Dubbel 30' campaign, to encourage children to exercise for half an hour twice a day.
- The results of the first project were positive (reach more than 90% of the children surveyed, 60% think more about exercise).
- The second campaign on television, radio and internet, was 'Heel Nederland Fietst' to promote cycling, run by the NISB and the Dutch Cyclists' Union.



Monitoring

- The Dutch government wants to give the industry the opportunity to take the mentioned initiatives further.
- Given the goal of the mentioned Memorandum on Obesity, the Ministry of Health, Welfare and Sport wants to follow developments closely.
- The Ministry commissioned monitoring the content and scope of food advertisements targeting children aged 11 and under.
- This monitoring should show whether the initiatives are having the desired effect, and whether children are indeed being shielded from advertisements for foods that do not belong in a healthy diet.