



EUROPEAN COMMISSION

Doc CC TVSF (2009) 3

**STRATEGY FOR EUROPE ON NUTRITION, OVERWEIGHT AND OBESITY RELATED HEALTH
ISSUES - MARKETING OF FOODS TO CHILDREN**

INFORMATION BY THE COMMISSION

OVERWEIGHT AND OBESITY

In the European Union, the number of children who are overweight is expected to rise by 1.3 million children a year, with more than 400,000 of them becoming obese each year without urgent action to counteract the trend. The adverse impact on health has also led researchers to suggest that, based on the most conservative estimate, over 20,000 obese children in the EU have type 2 diabetes, while over 400,000 have impaired glucose tolerance. Over a million obese children are likely to show a range of indicators for cardiovascular disease, including hypertension and raised blood cholesterol levels, and have three or more indicators of the metabolic syndrome. Over 1.4 million may have early stages of liver disorder.

Obesity and overweight among children in Europe is also associated with the socio-economic status of their parents, especially their mothers. Furthermore, cross-country comparisons show the prevalence of childhood overweight is linked to a Member State's degree of income inequality or relative poverty.

Such increase of childhood obesity is particularly worrying. Furthermore, lifestyles, including diet, eating habits, levels of physical activity as well as of inactivity, are formed during the early years of life.

MARKETING OF FOODS TO CHILDREN: THE COMMISSION'S PERSPECTIVE

***A STRATEGY FOR EUROPE ON NUTRITION, OVERWEIGHT AND OBESITY RELATED HEALTH
ISSUES: A COMPREHENSIVE FRAMEWORK***

While there is a more and more solid consensus on the negative impact of advertising to young people, the issue of marketing of food to children remains a complex one. The policy tools to address the issue and frame marketing of food to children are controversial.

This issue is considered in the White Paper "A strategy for Europe on Nutrition, Overweight and Obesity related health issues" adopted by the Commission on 30 May 2007 that was responding to repeated calls from the Council for the Commission to develop actions in the field of nutrition and physical activity.

As well as setting out how the European Union policies could be marshalled towards improving diet and counteracting obesity and overweight, the strategy encourages more action orientated partnerships across the EU involving Member States, private actors, the European Commission and international organisations such as the WHO.

The Strategy puts forward the EU Platform for Diet, Physical Activity and Health as one model for better partnerships at national and local levels. It comprises 34 EU level umbrella organisations (from industry to consumer protection sector) who have delivered more than 200 commitments for action.

In the context of this platform for action, some progress has been achieved towards the introduction of self-regulatory approaches that limit and/or improve the responsibility of food adverts to children. While individual companies (such as Unilever and Coca-Cola) have launched major self-regulatory initiatives in the area as an indirect consequence of the platform, some European associations have also launched new self-regulatory initiatives in this field (especially UNESDA, the European soft drinks association). In December 2008, eleven major food and beverage companies made a common commitment to change the way they advertise to children through the EU Pledge programme.

THE AUDIOVISUAL MEDIA SERVICES DIRECTIVE: A FRAMEWORK FOR MEMBER STATES' APPROACH

The new Audiovisual Media Services Directive (2007/65/EC), which came into force on 19 December 2007, provides the legal framework for advertising in audiovisual media services at EU level. The Directive defines both the qualitative and quantitative rules for advertising. The Directive recognizes that co- and/or self-regulation have proven to be valuable instruments in some Member States and obliges the Member States to encourage such mechanisms at national level to the extent permitted by their legal systems (Art. 3 (7)). In addition, Art. 3e (2) of the new Directive obliges Member States and the Commission to encourage media service providers to develop codes of conduct¹.

DG SANCO'S WORK ON SELF-REGULATION

Between October 2005 and March 2006 the Commission conducted a series of roundtable meetings with the key stakeholders involved in advertising self-regulation (including representatives of consumer group BEUC). The main objective of this Advertising Round Table was to enable stakeholders to share their views and to identify possible gaps for improving the effectiveness of self-regulation. As a result, a first attempt towards a best practice model for self-regulation was drafted and attached to the Round Table report. There has been also a consensus that Self-Regulation is not an alternative to law but that on the contrary it works best within a clear legal framework. The World Federation of Advertisers and the European Advertising Standards Alliance (EASA) were among the key stakeholders involved in the development of the Best Practice Model for self-regulation, and have since been involved in its implementation across Europe.

¹ " Member States and the Commission shall encourage media service providers to develop codes of conduct regarding inappropriate audiovisual commercial communication, accompanying or included in children's programmes, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended."

The Best Practice Model for self-regulation is based on the following elements:

Effectiveness:

- The provision of non-binding, prepublication advice to advertisers, agencies or media. Existence of clear and efficient complaints mechanism based on performance objectives
- Systematic duty to publish decisions
- Compliance mechanisms (minimum training standards in the industry, clear internal compliance processes, compliance clauses in contracts)
- Sanctions for non-compliance with code, for repeat offences and for consistently ignoring codes or adjudications.

Openness, Independence and Transparency:

- Effective contribution of non-business stakeholders to the elaboration of codes
- Monitoring indicators designed to verify stakeholders' involvement
- Adjudication bodies composed of a substantial proportion of independent persons
- Existence of a Jury to guarantee the independence of the process.

Coverage:

- Global and comprehensive coverage
- Constant adaptation to include new trends/product types that may escape the scope
- Basic legal requirements need to be provided

As regards effectiveness of self-regulation in this area, the standards defined in the Advertising Self-Regulation Round Table Report should apply and are being taken into account in the industry's efforts to improve self-regulatory schemes throughout the EU.

MONITORING AND ASSESSMENT

In its White paper, the Commission underlined that at this stage, as foreseen by the Audiovisual Media Services Directive, it will pursue promoting voluntary approach at EU level. It is considered that concerned stakeholders can potentially act quickly and effectively to tackle rising overweight and obesity rates.

The Commission with the support of WHO² and Member States will assess this self-regulatory approach and the various measures taken by industry in 2010 and determine whether other approaches are also required. In this context, WHO Europe established a group of National Focal Points which are aimed at consolidating data gathering in Member States.

The support by the Contact Committee as well as by national regulators (when existing) to these National Focal Points will be crucial to ensure the quality of Member States contributions to the 2010 reporting exercise.

² Project funded by the Commission "Monitoring progress on improving nutrition and physical activity and preventing obesity in the European Union".

Minimal key process and output indicators should include:

- Existence of a regulatory framework and/or self-regulatory mechanism to limit the marketing of food and non alcoholic beverages to children.
- Existence of an independent monitoring system or self-regulatory mechanism for the marketing of food and non alcoholic beverages to children.
- Percentage of television advertisements for food and non alcoholic beverages targeting children during children's television viewing time.

Delegations are invited to contact their WHO National Focal Point to cooperate as appropriate.