

Response ID ANON-ME6A-9ZNS-W

Submitted to **Introducing further advertising restrictions of products high in fat, sugar and salt (HFSS) on TV and online**
Submitted on 2019-06-09 18:06:13

Disclosure of responses

About you

What is your name?

First name:

Greg

Last name:

Childs

What is your email address?

Email:

director@thechildrensmediafoundation.org

Is it okay for the Department of Health and Social Care of the Department for Media Culture and Sport to contact you in relation to your consultation response?

Yes

In what capacity are you responding to this consultation?

On the behalf of an organisation

About your organisation

What is the name of your organisation?

What is the name of your organisation?:

The Children's Media Foundation

How would you describe the work of your organisation?

Other - please state

Other, please state:

The Children's Media Foundation is a not-for-profit audience advocacy organisation dedicated to ensuring UK children and young people have access to the best possible media, on all platforms, at all ages.

Media in scope

The Government proposes that any further advertising restrictions on HFSS advertising apply to broadcast TV and online. Do you think that any further advertising restrictions should be applied to other types of media in addition to broadcast TV and online?

Yes

Media in scope continued

Which other media should be subjected to further HFSS advertising restrictions?

Cinema, Radio, Print, Outdoor, Direct marketing

Other, please specify :

Please explain why you think that we should extend additional HFSS advertising restrictions to these types of media.

Will drive further reformulation of products, Will reduce economic impact on broadcasters, Reduces risk of displacing advertising spend, Other - please explain

Other, please explain :

The CMF believes that for this intervention to be effective and for the economic impact to be shared equally, the ban should be extended to all media. Reducing children's exposure to HFSS adverts will reduce demand for those products, so it is logical to extend that ban to all advertising channels with the potential to reach children. The CMF believes the current situation unfairly penalises businesses dedicated to producing and broadcasting original children's media content

for traditional television channels. By reducing the displacement of advertising spend and driving further reformulation of product, a wider advertising ban has the potential to reduce the economic impact on broadcasters and producers over the longer term, and possibly even help to revive the children's production sector.

Food and drink in scope (HFSS definition)

The Government proposes that any additional HFSS advertising restrictions apply to food and drink products included in Public Health England's sugar and calorie reduction programmes and the Soft Drinks Industry Levy, using the 2004/05 Nutrient Profiling Model to define what products are HFSS. Do you agree or disagree with this proposal?

I do not know

If you do not agree with the proposed HFSS definition, what alternative approach would you propose and why? Please provide evidence to support your answer.

Please explain your alternative approach:

Broadcast consultation options

For more detail on the Broadcast consultation options please refer to guidance below or see section 5 of the consultation document.

Option 2

Please select the reason/s for your choice, providing supporting evidence for your answer. (Tick all that apply)

Will drive further reformulation of products, Will reduce economic impact on broadcasters, Reduces risk of displacing advertising spend

Other - please specify :

Supporting evidence for answer :

The CMF believes this option has the potential to encourage the reformulation of manufactured food products and minimise the impact on broadcasters. We appreciate this would not be a simple process and would require monitoring of the impact on the nutritional value of children's food products. We would like to see these changes operate alongside public information campaigns in schools and communities, in food outlets, and on television, encouraging a positive, healthy lifestyle message.

Broadcast Option 2

Do you agree with the NPM thresholds suggested? If not please explain your reasons with supporting evidence.

Not Answered

Please explain your answer :

Should the NPM thresholds remain static or decrease overtime to offer rewards in line with reformulation efforts? Please explain your answer.

Not Answered

Please explain your answer:

The Government proposes to allow products that fall within the middle threshold some advertising before the 9pm watershed. What advertising freedoms do you think these products could be offered?

Please explain your answer :

In your view, how easy would it be to implement a ladder option compared to the approach outlined in option 1?

ladder implementation - Implementation of a ladder would be:

Difficult

The Government proposes an exemption for when there are low child audiences. Should this exemption apply to channels or to programmes? Please explain your answer.

Programme

Please explain your answer:

Children's viewing habits have changed dramatically and content that appeals to children can now be found right across the EPG, from Challenge to ITV3, from Dave to 5USA. This means that some shows may have a relatively large children's audience even though the channel as a whole does not. So an exclusion that applied to channels might allow HFSS advertising on shows that are popular with children.

A programme exemption will provide greater flexibility, allowing, for example, Channel Four to implement the ban for Hollyoaks and use the exemption for Channel Four News.

There are challenges around gathering robust data for the programme exemption approach. BARB does not collect data for under 4's and the data can be erratic for under 16's when the viewing figures for a show are less than around 200,000, which is not uncommon for programmes that appeal to children.

There is also an important question you haven't asked about viewing figures. What is the timescale for audience measurement - BARB overnight figures, consolidated with 'catch-up' viewing across the week, or over a month?

However, government needs that data if it is to respond effectively to children's changing viewing habits. The CMF proposes that policy should set out the principles and objectives of the extended HFSS advertising ban and put the onus back onto the wider media and food production sectors, working with Ofcom and BARB, to devise a robust way of collecting the data to identify the programmes that will be covered by the ban.

Do you agree that 1% of the total child audience (around 90,000 children) is the appropriate level at which programmes or channels should be exempted? Please explain your answer.

No

Please explain your answer :

Many dedicated children's programmes get audiences of less than 150,000, so 90,000 is too high. As previously stated, the children's audience is spread thinly across the channels and VoD services, so realistically an effective ban would often impact on less than 50,000 children for an individual show.

If you do not agree that 1% of the total child audience is the correct threshold to grant an exemption please propose an alternative threshold, providing evidence to support your answer.

x number of children

Other, please specify :

Please explain your answer:

As previously stated, no one really has robust data to evidence our thoughts on this. The CMF believes the principle that would work best would be to use a minimum number of children watching a programme, eg 50,000

If you would like to comment on the options that you have not chosen to support please comment here, providing evidence to support your answer. Please make it clear what option you are referring to.

Option 1 :

The CMF is concerned this option is likely to encourage further displacement of HFSS advertising, so children will still be exposed to those adverts from multiple sources and broadcasters will effectively be incentivised to show programmes that do not appeal to children.

Option 2:

Option 3:

Continuing with the status quo would simply maintain the current disadvantaged position for dedicated children's programming.

Online consultation options

For more detail on the online consultation options please refer to guidance below or see section 5 of the consultation document.

Option 3

Please select the reason/s for your choice, please explain your answer.

Will drive further reformulation of products, Will reduce economic impact on broadcasters, Reduces risk of displacing advertising spend

Other, please specify :

Please explain your answer:

The CMF believes that any extension of the ban should impact equally on online children's media to prevent the displacement of advertising spend and a further skewing of the market.

Online video streaming services are hugely attractive to young people, with YouTube becoming the video content platform of choice for children (Ofcom, Children and Parents: Media Use and Attitudes Report 2018). So there would be little point restricting HFSS advertising for television programmes if that ban did not extend to those popular online services, as food manufacturers would simply move their advertising spend.

Strong evidence for supporting a ban across all forms of children's media is contained in the Ofcom reports on the decline of the children's television production sector in the decade following the introduction of the original ban in 2007. That decline demonstrates advertising bans do have a severe economic impact on broadcasters and producers.

Ideally, we would like to see food advertising return to dedicated children's programmes, which will only happen when we see a further reformulation of products. And that will only happen when producers are denied any other opportunity to promote their current range of HFSS foods.

Online - Option 3

Should a watershed be applied to video advertising online, and a targeting restriction for all other online advertising?

No

If you answered no, how would you divide up online advertising in order to apply a watershed or targeting restrictions to different advertising formats/categories/platforms/sites?:

Children's online media consumption requires an approach that recognises the many different ways companies reach out to children and the different ways children experience media, which is why the CMF supports a mix of time-based and targeted restrictions.

However, as you indicate in your explanation of Option 1, a simple watershed would not work for video advertising online and would need to be combined with a targeted approach that identified the age of the user to allow services like YouTube to continue advertising HFSS to adults. This approach would mirror the targeted approach proposed for television broadcasters, that identifies individual programmes transmitted before 9.00pm that attract a children's audience.

The companies running these platforms are expert at gathering accurate data, although of course GDPR restricts them in terms of gathering data on children, which may make a targeted advertising ban problematic.

So, again, data gathering is a challenge. The CMF supports a policy approach that is not prescriptive on businesses and simply sets out the principles and the objectives. Government should require platforms to come back with proposals on how best to gather the data so that they stay within the GDPR restrictions and are still able to implement a targeted HFSS advertising ban that mirrors the restrictions on television broadcasters.

The CMF is keen any restrictions should not simply target AVOD channels and websites that are clearly child-focused, as this would damage those services, just as the original HFSS advertising ban damaged CITV and other children's broadcast channels.

For advertising subject to a watershed, should exemptions be applied to advertisers who can demonstrate exceptionally high standards of evidence that children will not be exposed to HFSS advertising?

Yes

What evidence should be required to meet the definition of " exceptionally high standards" for the purposes of securing an exemption?

Please explain your answer:

The CMF believes this is the correct principle and the onus should be on the industry to come up with the solutions to this problem.

What exemptions might the Government apply to advertisers who can demonstrate exceptionally high standards of evidence?

Please describe how they would work and provide supporting evidence.:

We do not have a view on this.

For advertising subject to a targeting restriction, where advertisers must consider the totality of audience information to demonstrate that no more than 25% of the audience are under 16, should this threshold be lowered?

Lowered to 10%

Other, please specify :

For advertising subject to a targeting restriction, which has been behaviourally targeted, advertisers are required to use whatever sources of evidence are available to them to prove they have excluded under-16s. Do you think they should have to provide specific sources of evidence over and above the existing rules?

I do not know

If you answered yes, which sources or standards of evidence do you propose? Please provide evidence to support your answer. :

If you would like to comment on the options that you have not chosen to support please comment here, providing evidence to support your answer. Please make it clear what option you are referring to.

Option 1 :

Option 2 :

Option 3:

Option 4 :

Implementation and next steps

The Government proposes to introduce any advertising restrictions arising from this consultation at the same time on TV and online. Do you think restrictions should be applied at the same time for TV and online?

Yes

Public Sector Equality Duty

Do you think that introducing further HFSS advertising restrictions on TV and online is likely to have an impact on people on the basis of their age, sex, race, religion, sexual orientation, pregnancy and maternity, disability, gender reassignment and marriage/civil partnership?

I do not know

If yes, please explain your answer and provide relevant evidence.:

Do you think that any of the proposals in this consultation would help achieve any of the following aims

PSED - Eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010:

I do not know

PSED - Advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it:

I do not know

PSED - Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it:

I do not know

If Yes, please explain which aims it would help achieve and how.:

If No, could the proposals be changed so that they are more effective? :

If you think that proposals could be changed to be more effective please explain what changes would be needed.:

Do you think that the proposed policy to introduce further HFSS advertising restrictions on TV and online would be likely to have a differential impact on people from lower socio-economic backgrounds?

I do not know

If yes, please explain your answer and provide relevant evidence.:

Impact Assessment

Do you want to answer the impact assessment questions?

No

Before you submit your response

How did you hear about this consultation?

Direct communication from third sector organisation or regulatory organisation

If you answered other, please specify:

How satisfied were you with using the digital online consultation form?

Very satisfied :

How could we improve this service?: