

# A junk-free childhood 2012

## The 2012 report of the StanMark project on standards for marketing food and beverages to children in Europe

A briefing paper from the  
**International Association for the Study of Obesity**  
Prepared by Mikaela Persson, Ruth Soroko, Aviva Musicus  
and Tim Lobstein



The marketing of foods and non-alcoholic beverages with a high content of fat, sugar or salt reaches children throughout the world. Efforts must be made to ensure that children everywhere are protected against the impact of such marketing and given the opportunity to grow and develop in an enabling food environment — one that fosters and encourages healthy dietary choices and promotes the maintenance of healthy weight.

Dr Ala Alwan, Assistant Director General, World Health Organization, 2010



**StanMark**

## Standards for marketing to children

The StanMark project brings together researchers and policy-makers to develop a set of standards for marketing foods and beverages consistent with the World Health Assembly Resolution of 2010.

### Objectives

**Convene** a series of meetings in Europe and the USA to bring together key members of the scientific research community and policy-making community to consider how marketing food and beverages may affect children's health.

**Identify** current 'best practice' approaches to the control of marketing, including measures not specifically addressing food and beverage marketing, or not specifically directed to the protection of children.

**Explore** the use of standards and marketing codes to influence commercial activity, including standards from other industrial sectors.

**Propose** a set of standards to form the basis for a cross-border code of marketing of foods and beverages.

**Develop** web-based resources for policy development concerning food and beverage marketing to children and related materials to support policy development.

### Project partners

- International Association for the Study of Obesity, London, UK
- Rudd Centre for Food Policy and Obesity, Yale University, New Haven, Connecticut, USA
- Public Health Nutrition, Metropolitan University College, Copenhagen, Denmark

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The authors have attempted to ensure the accuracy of the information presented in this document. However, readers are advised that errors of interpretation may have occurred and information available at the time of the research may be different to that available subsequently.

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The StanMark project was initiated in 2010 with the assistance of the European Union within the framework of the Pilot Project on Transatlantic Methods for Handling Global Challenges. The contents of this report are the sole responsibility of the authors and cannot be taken to reflect the views of the European Union.

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## Background

During the last decade, consumer groups, parents and teachers' bodies, and public health advocacy organisations have called for greater control on the marketing of foods and beverages to children. A number of reports have highlighted the need to protect children from undue influence to consume foods high in fats, sugar and salt. A 2009 review (the PolMark study<sup>1</sup>) suggested that successful regulation required government leadership with specified timelines and clear, measurable objectives.

These increasing calls for action have led to a series of policy responses, including government-led voluntary agreements with industry and statutory regulation. In 2010 the World Health Organization issued a set of recommendations identifying the approaches that could be taken<sup>2</sup> Regulatory measures have been introduced by some member states in Europe, but the preferred approach is for self-regulation by industry.

Of particular importance is the response of leading food and beverage companies, who have proposed a series of company-led pledges to reduce their marketing activities directed at children. These pledges cover types of marketing practices which may lie outside the traditional industry-wide codes of conduct and national regulations on advertising, and they specifically address controls on marketing food and beverages to children.

However, comparison of different company pledges and statements shows a degree of inconsistency, as shown in this report, which makes evaluation of the impact of the pledges hard to assess. Furthermore there appear to be lapses in the adherence to these pledges within Europe, and evidence that they are not applied in other regions (giving rise to 'off-shore' marketing to European children via the internet) so calling into question the companies' strength of commitment.

**This report considers policy developments and industry activity, updated to mid-2012.**

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<sup>1</sup> See <http://www.iaso.org/policy/euprojects/polmarkproject/>

<sup>2</sup> See <http://www.who.int/dietphysicalactivity/marketing-food-to-children/en/index.html>

# 1. Policy development

The issue of food marketing to children has been on the policy agenda in Europe for several years. In 2005 the then EC Health Commissioner, Markos Kyprianou, called for the food industry to regulate itself, or face regulation imposed by the European Commission. In September 2006, the pan-European Ministerial Charter on Obesity – approved unanimously by some 50 WHO member states meeting in Istanbul<sup>3</sup> – called for “the regulations to substantially reduce the extent and impact of commercial promotion of energy-dense foods and beverages, particularly to children, with the development of international approaches, such as a code on marketing to children in this area”.

The European Commission’s 2007 White Paper on obesity noted the need for action in this area and, while supporting voluntary initiatives, promised a review in 2010 to determine whether other approaches are required.<sup>4</sup> The Commission’s Health and Consumer Directorate, DG Sanco, has hosted a series of meetings between civil society and industry representatives in the European Platform on Diet, Physical Activity and Health discussing industry self-regulation. In 2007 the World Health Assembly called for recommendations on marketing to children, including cross-border issues<sup>5</sup> which were presented to the World Health Assembly in 2010. In 2009, the WHO European Regional Network on reducing marketing pressure on children, chaired by Norway, proposed a set of standards for advertising food to children.<sup>6</sup>

In early 2012 the World Health Organization issued a set of Guidelines to assist member states in the development of national marketing controls<sup>7</sup>, and in June 2012 the government of Norway issued draft proposals for a new regulation limiting the marketing of a wide range of foods and beverages to children under age 18, across a wide range of media.<sup>8</sup>

## Trends

In the last decade there have been dramatic changes in the technology available for advertising, with newer forms of media (i.e. internet, mobile phones) becoming available, offering low-cost, effective means of reaching children directly for marketing purposes. Across the European region the trends in mobile phone usage and internet usage show rapid increases with populations in eastern parts of Europe fast catching up with those in west and central Europe (see graphs).

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<sup>3</sup> *European Charter on counteracting obesity*, paragraph 2.4.6, EUR/06/5062700/8, 61995. World Health Organisation, Regional Office for Europe, 2006. See [http://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0009/87462/E89567.pdf](http://www.euro.who.int/__data/assets/pdf_file/0009/87462/E89567.pdf).

<sup>4</sup> *A Strategy for Europe on Nutrition, Overweight and Obesity related health issues*. COM(2007) 279 Page 6. Brussels.

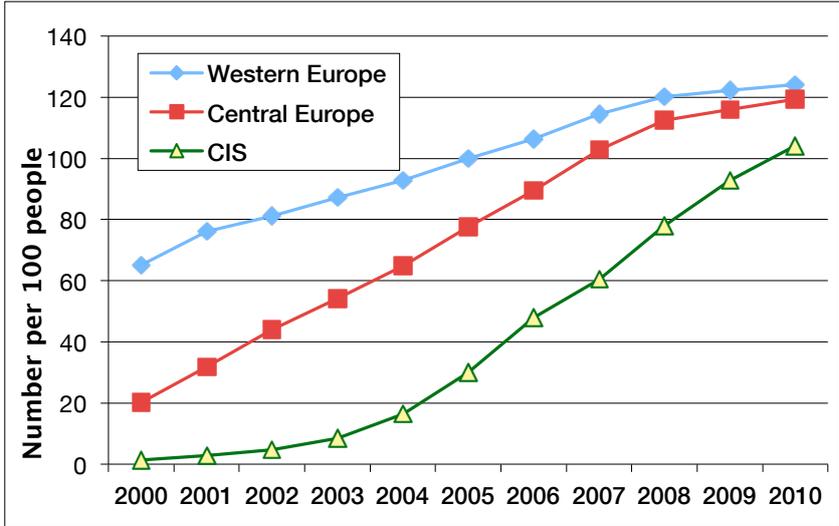
<sup>5</sup> *Resolution WHA60.23*. World Health Assembly Geneva, 2007. See [http://apps.who.int/gb/ebwha/pdf\\_files/WHA60/A60\\_R23-en.pdf](http://apps.who.int/gb/ebwha/pdf_files/WHA60/A60_R23-en.pdf)

<sup>6</sup> *Code on Marketing of Food and Non-Alcoholic Beverages to Children*, European Network on reducing marketing pressure on children, 2009. See <http://www.helsedirektoratet.no/english/topics/about-the-network/Documents/code-on-marketing-food-and-non-alcoholic-beverages-to-children.pdf>

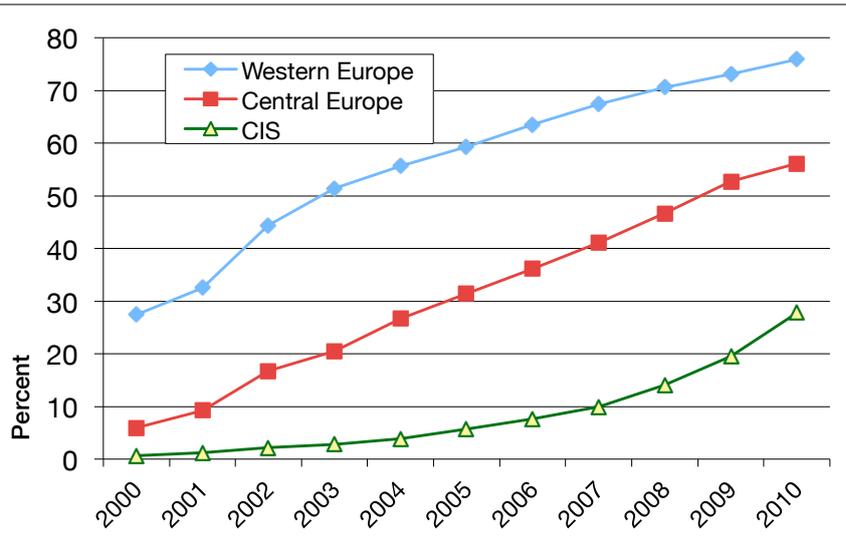
<sup>7</sup> See <http://www.who.int/dietphysicalactivity/MarketingFramework2012.pdf>

<sup>8</sup> Government of Norway, Ministry of Health and Care Services. *Høring - forslag til ny regulering av markedsføring rettet mot barn og unge av usunn mat og drikke*. 2012. See <http://www.regjeringen.no/en/dep/hod/documents/hoeringer/hoeringsdok/2012/horing---forslag-til-ny-regulering-av-ma/horingsnotat.html?id=684711>.

**Number of mobile phone subscriptions per 100 people, 2000-2010**  
 Unweighted averages across available countries in each region. Source: ITU<sup>9</sup>



**Percentage of individuals in the national population using the Internet, 2000-2010**  
 Unweighted averages across available countries in each region Source ITU<sup>10</sup>



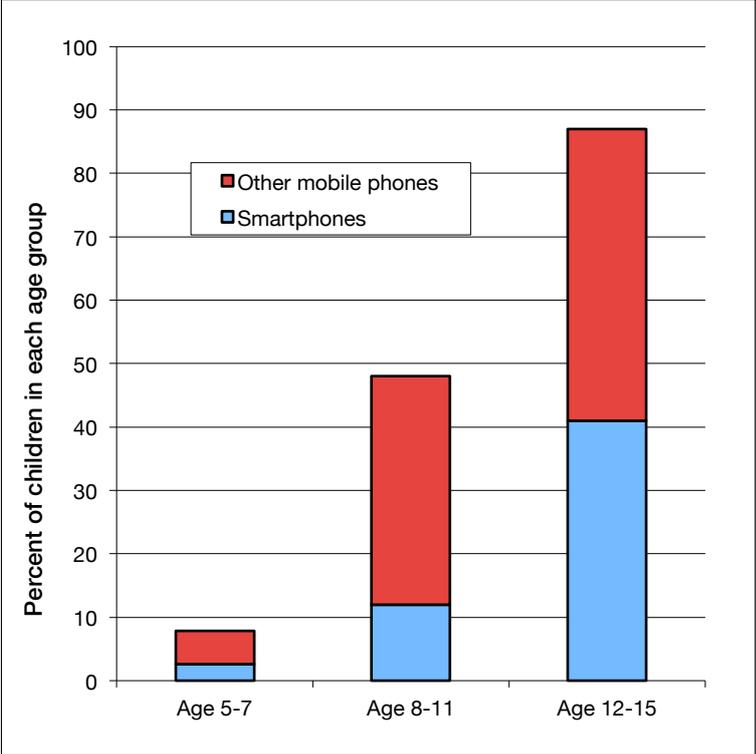
Children have increasing access to both mobile phones and internet sites, and many children, even at a young age, own internet-enabled smartphones, which they can easily use outside of parental control. Data from the UK indicate that as many as one in every eight children aged 8-11 years old owns a smartphone.<sup>11</sup>

<sup>9</sup> *ICT Statistics, December 2011 Update*. Geneva, International Telecommunications Union, 2011 ([http://www.itu.int/ITU-D/ict/statistics/material/excel/2010/MobileCellularSubscriptions\\_00-10.xls](http://www.itu.int/ITU-D/ict/statistics/material/excel/2010/MobileCellularSubscriptions_00-10.xls), accessed 24 June 2012).

<sup>10</sup> *ICT Statistics, December 2011 Update*. Geneva: International Telecommunications Union 2011 ([http://www.itu.int/ITU-D/ict/statistics/material/excel/2010/IndividualsUsingInternet\\_00-10.xls](http://www.itu.int/ITU-D/ict/statistics/material/excel/2010/IndividualsUsingInternet_00-10.xls), accessed 24 June 2012).

<sup>11</sup> *Children and parents: media use and attitudes*. London: Ofcom, 2011. [http://stakeholders.ofcom.org.uk/binaries/research/media-literacy/oct2011/Children\\_and\\_parents.pdf](http://stakeholders.ofcom.org.uk/binaries/research/media-literacy/oct2011/Children_and_parents.pdf)

Percentage of children owning mobile phones by age group, UK, 2011



## 2. Company-led voluntary initiatives

In this section we focus on company-led voluntary initiatives that seek to extend beyond the industry-wide marketing codes and advertising co-regulatory mechanisms. We consider some of the more prominent problems that have been encountered with industry-led self-regulatory approaches. The examples are drawn primarily from company activities in Europe, although it should be noted that European children easily access the same companies' websites in other regions. In this way companies can 'off-shore' some of their marketing activities directed to children in Europe.

Several concerns around self-regulation arise. Self-imposed rules may be:

- narrow and limited in what they cover
- poorly or inconsistently defined
- erratically or insufficiently monitored
- weakly or inconsistently enforced

This report will not explore the issues of monitoring and enforcement, although these are serious concerns that need to be addressed by policy-makers. At present, monitoring and complaint-handling bodies do not enforce company-led initiatives. A lack of an independent complaint mechanism can leave consumers frustrated, and a lack of enforcement allows company-led initiatives to be rolled back at any time. If a monitoring and complaint-handling body were established it would need to gain consumer confidence, for which it would need (a) to be transparent in operation with routine regular publications of their activities; (b) to be independent and free from industry influence, and seen to be so; and (c) to ensure that their services are easily and inexpensively accessed by consumers. Penalties must be commensurate with the size of the marketing budgets involved and with the estimated exposure of children to the offending commercial messages.

### EU Pledge

A number of larger European food companies have joined a common voluntary commitment on marketing known as the EU Pledge (see [www.eu-pledge.eu](http://www.eu-pledge.eu)) which comprises a series of pledges made by the companies and, in the case of the snack food industry, a trade federation (A database for accessing Pledges globally is being maintained by the Rudd Center at: [www.yaleruddcenter.org/marketingpledges/search.aspx](http://www.yaleruddcenter.org/marketingpledges/search.aspx)). The companies included in the EU Pledge are: Burger-King, Coca-Cola, Danone, Ferrero, General Mills, Kellogg's, Kraft Foods, Mars, McDonald's Europe, Nestlé, PepsiCo, Unilever, and the European Snacks Association which includes Chips Group, Estrella Maarud, Intersnack, Lorenz Snack-World, Procter & Gamble/Kellogg's,<sup>12</sup> Unichips-San Carlo, and Zweifel Pomy-Chip.

The company-pledges were reviewed in spring 2012 to collect data about age criteria for marketing foods and beverages to children, nutrition criteria for products which they allow themselves to advertise to children, and the types of media which are included in a pledge. These are examined in more detail below.

### Problems of definitions

Companies choose the rules to impose upon themselves on a voluntary basis. As a result there are discrepancies and inconsistencies between companies in the pledges, promises and activities they undertake in the European Union.

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<sup>12</sup> Procter & Gamble left this group and Kellogg's joined following the sale of P&G's leading snack brand, Pringles, to Kellogg's in early 2012.

## What age is a child?

Research has shown that children as young as three years old recognize familiar branding of fast food and soft drink products<sup>13</sup> and under the age of 8 years old are unable to critically comprehend television advertising, and are thus prone to accept the messages as unbiased and truthful.<sup>14</sup> Advertising on websites has only recently been examined and the research indicates it may be harder for children to notice and recognise: in one study half of children aged 8 years old and a quarter of children aged 12 years old did not recognise the messages as being advertisements.<sup>15</sup>

However, recognition of advertising is not the primary concern when it comes to the protection of children: the purpose is primarily to prevent the effects of exposure. At present there is no global age-definition that determines a child, and instead a variety of criteria have evolved at national and regional levels. In Sweden it is prohibited to advertise any product to children under 12 years of age. The United Kingdom communications regulator Ofcom has specified up to age 16 years for controls on marketing specified foods during children's TV programmes, and the Danish Forum of Responsible Food Marketing Communication has specified up to age 13 years. Norway has recently proposed an age limit of 18 years<sup>16</sup>. The UN's definition of a child is a person under 18 years.<sup>17</sup> As seen in table 1, companies included in the EU Pledges have different age-criteria, and in no case does it exceed 12 years.

The EU Pledge states that signatory companies are committed "to not advertise products to children under 12 years of age (except for products which fulfill specific nutrition criteria)"<sup>18</sup> and adds that restrictions are applied to media which have 35% or more of the audience comprising children under 12. This aspect of the Pledge came into effect in January 2012, but allows the companies to have a transition period until January 2013. The table below shows age restrictions according to individual company pledges reviewed in spring 2012.

*Table 1: Examples of age definitions in company EU pledges (click hyperlink for details)*

Organisation	Age (years) for marketing restrictions of all products	Age for marketing restrictions for company-specified products
<a href="#">Coca-Cola</a>	<12*	
<a href="#">Ferrero</a>	<12*	
<a href="#">Mars</a>	<12****	
<a href="#">General Mills/CPW</a>	0-6	6-12
<a href="#">Nestlé</a>	0-6~	6-12~~
<a href="#">Unilever</a>	0-6	6-12**
<a href="#">Kellogg's</a>	0-6*	6-12 +
<a href="#">Kraft</a>	0-6**	6-11/12 ++ **
<a href="#">Danone</a>	0-3	3-12*
<a href="#">Burger King</a>		0-12***
<a href="#">PepsiCo</a>		0-12*

\* If ≥50 % of audience are children. \*\* If ≥35% of audience are children. \*\*\* If ≥30% of audience are children. \*\*\*\* If ≥25% of audience are children. ~ unless an adult is present. ~~ unless adults predominate. + ≥35% children for some shows and ≥50% for others. - 11y for print media, otherwise 12y.

<sup>13</sup> Fischer PM, Schwartz MP, Richards JW Jr, Goldstein AO, Rojas TH. Brand logo recognition by children aged 3 to 6 years. Mickey Mouse and Old Joe the Camel. JAMA. 1991, 266(22):3145-3148.

<sup>14</sup> Roberts DF, Foehr UG, Rideout V. Generation M: Media in the Lives of 8-18 Year-Olds, The Henry J. Kaiser Family Foundation, 2005. At [www.kff.org/entmedia/7251.cfm](http://www.kff.org/entmedia/7251.cfm).

<sup>15</sup> Ali M, Blades M, Oates C, Blumberg F Young children's ability to recognize advertisements in web page designs. Br J Dev Psychol. 2009, 27(Pt 1):71-83.

<sup>16</sup> See the Norwegian Health Ministry website <http://www.regjeringen.no/en/dep/hod/documents/hoeringer/hoeringsdok/2012/horing---forslag-til-ny-regulering-av-ma/horingsnotat.html?id=684711>

<sup>17</sup> World Health Organization. A framework for implanting the set of recommendations on the marketing of foods and non-alcoholic beverages to children, 2012. At <http://www.who.int/dietphysicalactivity/MarketingFramework2012.pdf>

<sup>18</sup> At <http://www.eu-pledge.eu/content/enhanced-2012-commitments>

## Nutrition criteria for food promotion

Several company-determined schemes for defining which foods should or should not be advertised to children have been proposed. Table 2 (next page) shows the different nutrition criteria. There is very poor agreement between companies, although Coca-Cola, Mars and some of the companies included in ESA19 state that they do not engage in any food and beverage product advertising primarily directed to children under 12 years.

*Table 2: Company criteria for foods they allow themselves to advertise to children*

Company	Energy (kcal)	Total fat	Saturated fat	Trans fat	Added sodium	Added sugar	Notes
Burger King	≤560	<30% energy (E)	<10% E	0g	≤660 mg	≤10% E	No artificial colourings and flavourings
General Mills/CPW (cereals)	≤175	-	≤1.7 g	0g	≤200mg	≤12g	≥8% wholegrain. ≥ 15% RDA per 100g vitamins and minerals <sup>20</sup>
Kellogg's (per serving)	≤200	-	≤2g	0g	≤230mg <sup>21</sup>	≤12g	
Intersnack (per 30 g)	-	<35% E	<10% E	<0.5 g	<290 mg	<25% E	<u>Or</u> the product has achieved at least a 25% reduction in one or more of the following nutrients: calories, total fat, saturated fat, sodium, added sugars.
Unichips (per 100 g)	≤502	-	≤19% E	≤0.5g	0.45g	≤1% E	No more than 30 mg of cholesterol

<sup>19</sup> Zweifel Pomy-Chip, Lorenz Snack-World, Estrella Maarud, Chips Group.

<sup>20</sup> Iron and Calcium, and any of the six of the following: Thiamin, Niacin, Riboflavin, Vitamin B12, Folate, Vitamin C and Pantothenic acid.

<sup>21</sup> Except for Eggo frozen waffles.

Ferrero	<130 per serving	-	-	-	-	-	Need to fulfil criteria on the basis of a specific “Ferrero BMEE Score” <sup>22</sup>
Unilever	≤110 per serving (snacks <sup>23</sup> )	-	≤13% E and ≤ 33% of total fat	≤2% E	≤1.6mg/kcal	≤7g/100g (edible ice ≤20g/100g)	Total sugars ≤25%E; exceptions for some products including edible ices.
PepsiCo snacks (specified amount)	≤150	≤35% E	≤10% E	<0.5g	≤150mg	≤10% E	At least ½ serving of one food group to encourage per reference quantity <i>or</i> minimum content of one locally relevant nutrient to encourage per reference quantity <sup>24</sup>
PepsiCo beverages	Not to place any marketing communication for non-alcoholic beverages other than water (mineral, source and purified), fruit juice, and dairy based beverages, as defined by EU legislation						
McDonald’s	≤533	<i>“All food and beverage menu items advertised to under 12s will be subject to a nutrient profile scoring model based on the one developed in the UK by the Food Standards Agency for use by the media and communications regulator, Ofcom.”</i>					
Danone	Will apply the nutritional criteria from the TheFoodProfiler <sup>25</sup> system.						
Kraft Foods	Specific criteria for different products						
Nestlé	Specific criteria for different products						

<sup>22</sup> Based on the “Naturally Nutrient Rich Score, NNRS System”

<sup>23</sup> Including: pastries, ice creams, sweet snacks and savoury snacks.

<sup>24</sup> Food Group to Encourage = Fruit, Vegetables, Whole Grains, Low Fat Milk Products, Nuts/Legumes. Serving sizes have been determined for each Food Group. Nutrient to Encourage = Protein, Fibre, Calcium, Potassium, Magnesium, Iron, Zinc, Folate, Vitamin A, Vitamin D, Vitamin C, Vitamin E (specific nutrients that may be used to meet this criterion are defined locally based on dietary gaps). Minimum contents per Reference Quantity have been determined for each Nutrient to Encourage.

<sup>25</sup> TheFoodProfiler is a method of evaluating the nutritional quality of foods according to their potential to ‘rebalance’ or ‘unbalance’ the diet (see <http://thefoodprofiler.com/>).

Table 3 (below) gives examples of foods attractive to children rated according to the manufacturer's own nutritional criteria, compared with their rating under several government-approved categorisation systems: the UK Ofcom regulations for TV marketing to children<sup>26</sup>, the Nordic Keyhole scheme for defining healthier food products<sup>27</sup>, the proposed US Inter-Agency Working Group scheme for voluntary restrictions on marketing to children<sup>28</sup>, the Danish industry Forum Code (RFMC) and Norway's 2012 proposals for marketing restrictions<sup>29</sup>. The food listed were either (i) promoted during children's television in a 2006 survey, or (ii) considered child-attractive and sold in supermarkets in spring 2012.

*Table 3: Product comparisons of criteria allowing marketing*

No.	Company and product	Company criteria	UK Ofcom criteria	Keyhole criteria	IWG	Forum of RFMC	Norwegian proposals
	<b>Ferrero</b>						
1	Kinder Hippo	Yes <sup>30</sup>	No	No	No	No	No
2	Kinder Surprise	Yes <sup>42</sup>	No	No	No	No	No
	<b>Intersnacks</b>						
3	Pom-Bear snack	Yes	No	No	No	No	No
	<b>General Mills<sup>31</sup></b>						
4	Yoplait Filous Frubes	Yes	Yes	No	No	No	No
5	Petit Filous Fromage Frais big pots	Yes	Yes	No	No	No	No
6	Wildlife Big Pots Fromage Frais	Yes	Yes	No	No	No	No
7	Thomas & Friends Fromage Frais	Yes	Yes	No	No	No	No
	<b>Kellogg's</b>						
8	Cocopops Moons and Stars	Yes	No	No	Yes	No	No
9	Cocorocks	Yes	No	No	No	No	No
10	Cocopops	Yes	No	No	No	No	No
11	Fruit 'n' Fibre cereals	Yes	No	No	No	No	No
12	Frosties Cereal and Milk Bars	Yes	No	No	No	No	No

<sup>26</sup> UK Office of Communications (Ofcom) 2007. See [http://stakeholders.ofcom.org.uk/consultations/foodads\\_new/statement/](http://stakeholders.ofcom.org.uk/consultations/foodads_new/statement/) and see <http://collections.europarchive.org/tna/20100927130941/http://food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod>

<sup>27</sup> Developed by the Swedish National Food Administration to define healthier food products, and now used in Sweden, Norway and Denmark. See <http://www.slv.se/en-gb/Group1/Food-and-Nutrition/Keyhole-symbol/> and see <http://www.norden.org/en/news-and-events/news/first-anniversary-nordic-consumers-want-more-keyhole-food>

<sup>28</sup> Federal Trades Commission (2011) Interagency Working Group Seeks Input on Proposed Voluntary Principles for Marketing Food to Children. See <http://www.ftc.gov/opa/2011/04/foodmarket.shtml>

<sup>29</sup> See <http://www.regjeringen.no/en/dep/hod/documents/hoeringer/hoeringsdok/2012/horing---forslag-til-ny-regulering-av-ma/horingsnotat.html?id=684711>

<sup>30</sup> Based on Ferrero's nutrition criteria for energy content.

<sup>31</sup> Yoplait in Europe is distributed by Yoplait France, a subsidiary of General Mills.

13	Kellogg's Mini Max	Yes	Yes	No	Yes	No	Yes
14	Rice Krispies Squares Chewy Marshmallow	Yes	No	No	No	No	No
15	Fruit Winders	Yes	No	No	No	No	Yes
16	Crunchy Nut	Yes	No	No	No	No	No
17	Squares (Rice Krispies Crazy Choc)	Yes	No	No	No	No	No
	<b>Kraft Foods</b>						
18	Dairylea Light spread	Yes	No	No	Yes	No	Yes
19	Kool-Aid	Yes	No	No	No	No	No
	<b>Nestlé</b>						
20	Nestle Coco Shreddies	Yes	No	No	No	No	No
21	Curiously Cinnamon	Yes	No	No	No	No	No
22	Golden Nuggets	Yes	No	No	No	No	No
23	Munch Bunch Squashums	Yes	Yes	No	No	No	No
24	Munch Bunch Drinky	Yes	No	No	No	No	No
25	Milky Bar small bars	Yes	No	No	No	No	No
26	Milky Bar Buttons	Yes	No	No	No	No	No
27	Mini Smarties	Yes	No	No	No	No	No
28	Milky Bar Buttons minis	Yes	No	No	No	No	No
29	Smarties Mini Cupcakes	Yes	No	No	No	No	No
30	Rowntrees Fruit Pastilles Lollies	Yes	No	No	No	No	No
	<b>Unilever</b>						
31	Wall's Milk Time Squeezy Tube	Yes	No	No	No	No	No
32	Funny Finger	Yes	No	No	No	No	No
33	X-Pop	Yes	No	No	No	No	No
34	Wall's Twister / Mini Twister	Yes	No	No	No	No	No

## Which methods and media channels?

Companies differ in the extent of their coverage for self-regulating their marketing messages to children, with some including product placement, use of licensed characters and their own branded sites in the definition of marketing. The definition of what constitutes child-targeted media varies: for example Nestlé defines marketing to children as being “a marketing activity where adult supervision is not present” and communication in media “where adult audience is not predominant”.<sup>32</sup>

The EU Pledges have been updated regarding advertising to children in schools and on the web. More attention has also been given to the techniques used to market food and beverages to children, including product placement and branding, sponsorship, direct marketing, product design and packaging and point-of-sale promotion. Table 4 shows the companies’ statements describing which media they include in their self-regulation, based on pledges examined in spring 2012. It reveals significant differences in company pledge criteria.

Note that for some media the companies impose certain criteria on the percentage of the audience that must be comprised of children in order for self-regulation to be applicable – further details are shown in Table 1 above.

*Table 4: Company statements of media channels included in voluntary marketing restrictions*

Company	TV, radio	Printed media	Internet - paid-for	Product placement	Interactive games	Licensed characters	Sponsorship	Brand equity characters	Schools
<b>Burger King</b>	Yes	Yes	Yes	No	No	No	No	No	Yes <sup>33</sup>
<b>Coca Cola</b>	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes <sup>34</sup>
<b>Danone</b>	Yes	Yes	Yes	No	No	Yes	Yes <sup>35</sup>	No	Yes <sup>34</sup>
<b>ESA<sup>36</sup></b>	Yes	Yes	Yes	No	No	No	No	No	Yes <sup>34</sup>
<b>Ferrero</b>	Yes <sup>37</sup>	Yes <sup>37</sup>	Yes <sup>37</sup>	No	No	Yes	No <sup>38</sup>	Yes	Yes <sup>34</sup>
<b>General Mills</b>	Yes	Yes	Yes	No	No	No	No	No	Yes <sup>34</sup>
<b>Kellogg’s</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes <sup>34</sup>
<b>Kraft Foods</b>	Yes	Yes	Yes	No	No	Yes <sup>39</sup>	Yes <sup>40</sup>	No	Yes
<b>Mars</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>41</sup>	Yes	Yes <sup>42</sup>
<b>McDonald’s</b>	Yes	Yes	Yes	Yes <sup>43</sup>	No	No	No	No	Yes <sup>34</sup>
<b>Nestlé</b>	Yes	Yes	Yes	No	No	Yes	No	No	Yes <sup>34</sup>
<b>PepsiCo</b>	Yes	Yes	Yes	No	No	No	No	No	Yes <sup>34</sup>
<b>Pepsi beverages</b>	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes <sup>34</sup>
<b>Unilever</b>	Yes	Yes	Yes	Yes	Yes	Yes <sup>44</sup>	No	Yes <sup>44</sup>	Yes <sup>34</sup>

<sup>32</sup> See <http://www.conar.org.br/html/livro/REF49NESTLE%20-%20EU%20Pledge%20Nestle%20Commitment.pdf>

<sup>33</sup> Primary schools

<sup>34</sup> Primary school, if not requested.

<sup>35</sup> Does not include sponsorship that promotes physical exercise.

<sup>36</sup> Some of the companies included in ESA have their own pledges

<sup>37</sup> Does not include brand campaigns aimed at promoting physical activity and sports.

<sup>38</sup> Believes that sponsorship can fund essential educational activities, with agreement.

<sup>39</sup> Only those products that comply with the Sensible Solution nutrition criteria

<sup>40</sup> In schools

<sup>41</sup> Does not include sponsorship of sports events in primary schools

<sup>42</sup> Primary schools (unless requested) and primary school vending machines

<sup>43</sup> In the programme/editorial (non advertising) content

<sup>44</sup> For children aged 6-12, will use characters only on and in association with new products which meet Unilever’s Nutrition Criteria. (any existing products will be reformulated to meet the criteria by end of 2014)

## Company-stated effectiveness of self-regulation

A series of reports have been produced showing the effectiveness of self-regulation in a number of selected countries in the European Union. The most recent report<sup>45</sup> provides data comparing children's exposure to advertising for 'non-compliant' products (i.e. ones which the companies themselves acknowledge should not be advertised to children) in January-March 2005 compared with January-March 2011. The figures are for 'impacts' – an impact is one advertisement seen by one person. The report shows a decline of some 29% (from around 3.6bn to 2.5bn impacts) over the period, across the seven countries surveyed. While for some countries there were significant decreases in advertising (e.g. in Poland, Ireland and France), in other countries significant increases were recorded, including Slovenia (up 26%) and the Netherlands (up 38%) (see table below).

*Table 5 Exposure to advertisements for non-compliant products (specified by the manufacturer)*

Number of impacts (in millions) and percentage change from first quarter 2005 to first quarter 2011, for children's exposure during all programming. Source: EU Pledge<sup>45</sup>

	<b>2005 Q1</b>	<b>2011 Q1</b>	<b>Change</b>
France	1,031	673	- 35 %
Ireland	58	32	- 45 %
Netherlands	111	153	+ 38 %
Poland	1,618	1,018	- 37 %
Portugal	264	199	- 25 %
Romania	462	434	- 6 %
Slovenia	23	29	+ 26 %
<i>All countries reported</i>	<i>3,567</i>	<i>2,538</i>	<i>- 29 %</i>

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<sup>45</sup> EU Pledge 2011 Monitoring Report. Online report at:  
[www.eu-pledge.eu/sites/eu-pledge.eu/files/reports/EU\\_Pledge\\_2011\\_Monitoring\\_Report.pdf](http://www.eu-pledge.eu/sites/eu-pledge.eu/files/reports/EU_Pledge_2011_Monitoring_Report.pdf)

## Gaps in company-led self-regulation

This section provides some examples of additional concerns raised during this investigation. The examples pictured are taken from websites during the period January-June 2012.

### Company-owned web sites

While most companies acknowledge the need to control advertising to children using paid-for marketing on third-party web-sites, they have only recently pledged to restrict advertising on their own web-sites. These restrictions were pledged to be in place by January 2012, with some exemptions until January 2013. In June 2012 we found that many companies continue to use their own sites to attract children with games, puzzles, clubs and downloadable gifts, or offer branded products, which children may pester their parents to buy.

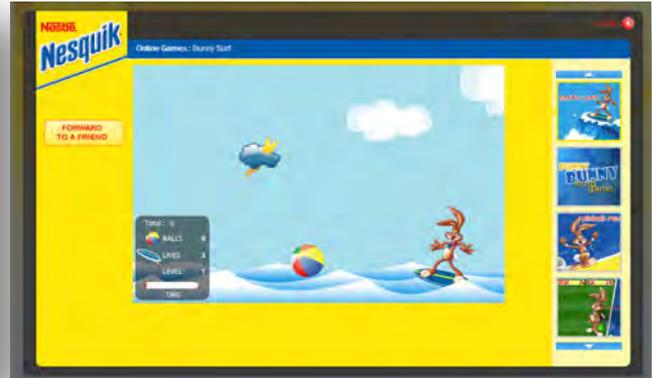
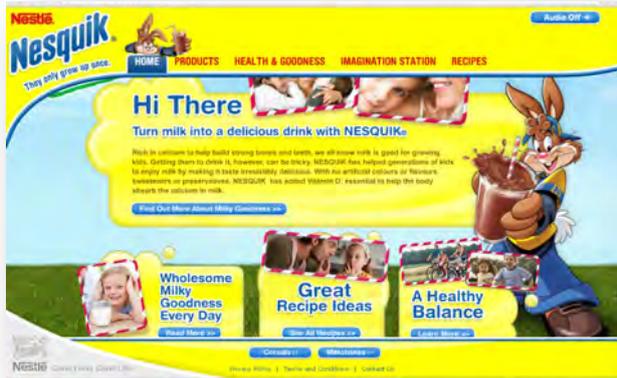
An example from Oreo's website is shown here. Even if the company could claim the site is not directed to children, it is still advertising a product that children would enjoy, it shows children with the product and recommends the new mini Oreo 'snack-packs' for a child's lunch box under the phrase: "Give the lunch box a twist".



On Oreos UK's website there are also links to Oreo on YouTube and Oreo TV ads. Both Oreo website and TV ads include children enjoying Oreo products, and their latest TV ad is no exception ([www.youtube.com/watch?v=QeA28L8Pt0U&feature=player\\_detailpage](http://www.youtube.com/watch?v=QeA28L8Pt0U&feature=player_detailpage)).

Child-targeted websites are used by several food companies to promote brand images and logos for their products, including products which they would exclude from TV advertising under the EU Pledge. Several of these have been identified in a UK report *The 21st century gingerbread house: How companies are marketing junk food to children online*.<sup>46</sup> That document contains a wide selection of examples of food company-owned websites which are directed towards children and encourage interactive play – prolonging the attention given to the branded material being shown. An example of a company-owned website which appeals to children is Nesquik's website, shown here.

<sup>46</sup> British heart Foundation and Children's Food Campaign, 2011. See [http://www.sustainweb.org/resources/files/reports/The\\_21st\\_century\\_gingerbread\\_house.pdf](http://www.sustainweb.org/resources/files/reports/The_21st_century_gingerbread_house.pdf)



In an attempt to promote a healthier approach, Coco Pops have released a new health statement for some of their products. For this purpose they are using their own Coco the monkey character to promote their new and “healthier” products. It should be noted however that the same character is also related to their old products, which do not meet the new nutrition criteria. Kellogg’s have started promoting their new “Coco Pops promise”, with its own website as seen below:



Note that this same web-page also offers the viewer the chance to ‘Watch the TV ads’ which links to an animated commercial for the product.

### Social networking sites

Social media are widely used to advertise/market food and beverages. Social media increasingly provide direct access to children via smartphones/mobile phones along with personal computers, laptops and tablets. Table 6 shows EU Pledge company-owned websites, product-specific websites, and the presence of company or product-related Facebook pages.

*Table 6 Companies' webpages, product-related websites and Facebook pages*

Company	Webpage	Product-related website <sup>47</sup>	Link to social media <sup>48</sup>	Facebook page <sup>49</sup>
Burger King	<a href="http://www.burgerking.co.uk/">http://www.burgerking.co.uk/</a> , <a href="http://www.bk.com/">http://www.bk.com/</a>	Yes	Yes	Yes
Coca-Cola	<a href="http://www.cokezone.co.uk/">http://www.cokezone.co.uk/</a> , <a href="http://www.coca-cola.co.uk/">http://www.coca-cola.co.uk/</a>	Yes	Yes	Yes
Danone	<a href="http://www.danone.co.uk">http://www.danone.co.uk</a>	Yes	Yes <sup>50</sup>	Yes
Intersnack	<a href="http://www.intersnack.co.uk/our-products/">http://www.intersnack.co.uk/our-products/</a>	Yes	No	No
Lorenz Snack-world	<a href="http://www.lorenz-snackworld.com/">http://www.lorenz-snackworld.com/</a>	No	No	Yes
Ferrero	<a href="http://www.ferrero.com/">http://www.ferrero.com/</a> , <a href="http://www.ferrero.co.uk/products/kinder-kids/invented-for-kids/">http://www.ferrero.co.uk/products/kinder-kids/invented-for-kids/</a> , <a href="http://www.wakeuptonutella.co.uk/">http://www.wakeuptonutella.co.uk/</a>	Yes	Yes <sup>51</sup>	Yes
General Mills	<a href="http://www.generalmills.co.uk/Gmi/Default.aspx?country=4">http://www.generalmills.co.uk/Gmi/Default.aspx?country=4</a>	Yes	Yes <sup>52</sup>	Yes
Kellogg's	<a href="http://www.kelloggs.co.uk/">http://www.kelloggs.co.uk/</a> , <a href="http://www.kelloggs.co.uk/whatson/cocopopspromise/">http://www.kelloggs.co.uk/whatson/cocopopspromise/</a> , <a href="http://www.kelloggs.co.uk/whatson/">http://www.kelloggs.co.uk/whatson/</a> , <a href="http://www.kelloggs.com/en_US/home.html">http://www.kelloggs.com/en_US/home.html</a>	Yes	Yes	Yes
Kraft Foods	<a href="http://www.kraftfoodscompany.com/eu/en/home/index.aspx">http://www.kraftfoodscompany.com/eu/en/home/index.aspx</a>	Yes	Yes <sup>53</sup>	Yes
Mars	<a href="http://www.mars.com/global/index.aspx">http://www.mars.com/global/index.aspx</a> , <a href="http://www.marsbar.com/agecheck/default.aspx">http://www.marsbar.com/agecheck/default.aspx</a> <a href="http://www.mms.com/us/">http://www.mms.com/us/</a>	Yes	Yes	Yes
McDonald's	<a href="http://www.mcdonalds.co.uk/ukhome/promotions/Happy-meal.html">http://www.mcdonalds.co.uk/ukhome/promotions/Happy-meal.html</a> , <a href="http://mcworld.happymeal.com/en_US/">http://mcworld.happymeal.com/en_US/</a>	No	Yes	Yes
Nestlé	<a href="http://www.nestle.co.uk/Pages/nestle.aspx">http://www.nestle.co.uk/Pages/nestle.aspx</a> <a href="http://www.nestle.com/Pages/Nestle.aspx">http://www.nestle.com/Pages/Nestle.aspx</a> , <a href="http://www.cerealpartners.co.uk/">http://www.cerealpartners.co.uk/</a> , <a href="http://www.nesquik.co.uk/">http://www.nesquik.co.uk/</a>	Yes	Yes <sup>54</sup>	Yes
PepsiCo	<a href="http://www.pepsico.com/">http://www.pepsico.com/</a> , <a href="http://www.pepsico.co.uk/">http://www.pepsico.co.uk/</a> <a href="http://www.pepsi.com">http://www.pepsi.com</a>	Yes	Yes	Yes
Unilever	<a href="http://www.unilever.com/">http://www.unilever.com/</a> , <a href="http://www.unilever.co.uk/">http://www.unilever.co.uk/</a> , <a href="http://www.walls.co.uk/">http://www.walls.co.uk/</a> , <a href="http://www.benjerry.co.uk/">http://www.benjerry.co.uk/</a>	Yes	Yes <sup>55</sup>	Yes

There EU Pledge is not clear about the use by companies of third-party social networking sites such as Facebook to promote child-attractive activities with food-related branding. An example of the use of Facebook is shown below:

<sup>47</sup> See appendix 1 for example of companies product-related websites.

<sup>48</sup> Includes Facebook, Twitter, YouTube.

<sup>49</sup> Includes global and national Facebook pages.

<sup>50</sup> On product-related website: Actimel

<sup>51</sup> For Nutella. "share this with your friends on Facebook"

<sup>52</sup> On product-related webpages: Natural Valley, Betty Crocker, Hägen Dazs

<sup>53</sup> Examples on UK-pages: Cadbury Dairy Milk, Cadbury Creme Egg, Dairylea

<sup>54</sup> Product-related websites include Curiously Cinnamon, Rowntrees Randoms, Nesquik,

<sup>55</sup> Product-related websites include Ben & Jerrys, Magnum.



Facebook and other social media networks are supposed to be used only by children over 13 years, but a report from the London School of Economics showed that 38% of 9-12 year-old European children have active profiles on social network sites.<sup>56</sup> A report from the Swedish Media Council also stated that 50% of 9-16 year olds are using social networks in their spare time.<sup>57</sup> According to the UK regulator, Ofcom, children aged between 5 to 15 years are widely using social networks, and 34% of 8-12 year olds have a profile on sites that have a minimum age-limit of 13.<sup>58</sup> This means that large numbers of children under age 12 will be exposed to advertisements intended for older children.

### Schools and other children's settings

Companies may market in schools and other places where children gather. This can take the form of branded goods and equipment or the active promotion of samples and branded gifts in school settings. Indirect use of school settings may be found when TV advertisers show school scenes as part of their advertising.



The example below is taken from a company booklet promoting the Nestlé Healthy Kids Programme, and illustrates the NutriKid programme which is being run in primary schools across Hungary. The illustration shows clothing and 'awards' branded with the Nestlé name and 'birds nest' logo.

Source: Nestlé 2012<sup>59</sup>

<sup>56</sup> Livingstone S, Ólafsson K, Staksrud E. EU-kids Online: social networking, age and privacy. London School of Economics 2011. Available at: <http://www2.lse.ac.uk/media@lse/research/EUKidsOnline/ShortSNS.pdf>

<sup>57</sup> Statens Medieråd. Ungar och Medier: Fakta om barns och ungdomars användning och upplevelser av medier, 2010. Available at: [http://www.statensmedierad.se/upload/Rapporter\\_pdf/Ungar\\_&\\_medier\\_2010.pdf](http://www.statensmedierad.se/upload/Rapporter_pdf/Ungar_&_medier_2010.pdf)

<sup>58</sup> Ofcom. Children and parents: media use and attitude report, UK Office of Communications, London 2011. Available at: [http://stakeholders.ofcom.org.uk/binaries/research/media-literacy/oct2011/Children\\_and\\_parents.pdf](http://stakeholders.ofcom.org.uk/binaries/research/media-literacy/oct2011/Children_and_parents.pdf)

<sup>59</sup> *Healthy Kids Programme* Promotional literature. Vevey, Nestlé S.A., 2012.

## Children in restaurants

Restaurants are a further unregulated opportunity for marketing to children. The illustration below shows a menu offered in restaurants in Portugal, promoting desserts specifically designed to be attractive to children. Both the menu and the products themselves are examples of promotional marketing of foods high in fats and sugars, targeting young children.



## Brand equity and licensed characters

Characters associated with a particular brand are called brand equity characters. These brand equity characters – usually cartoon or animated characters – are normally owned by the companies that make the food and beverage products, and the characters are used on the packaging and in their advertising. In contrast, licensed characters are ones which a food company pays to use, and are usually developed first in the context of other media, such as films or television series. Research has found that brand identity affects children's choices<sup>60 61</sup> and that children significantly prefer the taste of foods that have popular cartoon characters on the packaging, compared with the same foods without characters.<sup>62</sup>

Table 4 (above) indicates that some EU Pledge companies have volunteered not to use licensed characters while other companies continue to use them. Examples below show licensed characters from films (Rio, Thor, Kung Fu Panda) used to promote products high in sugars or fats.

Many companies continue to use brand equity characters (in which they have invested considerable sums to raise consumer awareness over previous years) – including Nesquik's Quiky the Bunny, Frosties Tony the Tiger, Coco Pop's Coco the Monkey, Wall's Max the Lion, and the characters of M&M's. Unilever's pledge prohibits the use of cartoon characters in association with products that are not fulfilling the companies' nutritional criteria.<sup>63</sup> Unilever's Wall's Twister (below) and Mini Twister use Max the Lion and while it



<sup>60</sup> Keller KL, Kuilema LG, Lee N, Yoon J, Mascaro B, Combes AL, Deutsch B, Sorte K, and Halford JCG. The impact of food branding on children's eating behavior and obesity. *Physiology & Behavior* 2012; 106: 379–386.

<sup>61</sup> Boyland E.J, Halford JCG. Television advertising and branding: Effects on eating behavior and food and preferences in children. *Appetite*, 2012.

<sup>62</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>63</sup> [http://www.eu-pledge.eu/sites/eu-pledge.eu/files/pledges/EU\\_Pledge\\_Unilever\\_Commitment.pdf](http://www.eu-pledge.eu/sites/eu-pledge.eu/files/pledges/EU_Pledge_Unilever_Commitment.pdf)

fulfils the company's specific nutrition criteria, it has 18% sugar content by weight (60% kcal from sugar) and meets no other EU Pledge company's nutritional criteria.



### Generalised branding

Companies do not usually include in their voluntary self-regulation any controls on the branding of non-food products with food-related brand identities. Although carrying no specific marketing message, the associative effect can be a powerful marketing tool. The example below shows products likely to appeal to children branded with an image (Tony the Tiger) strongly associated with sweetened breakfast cereal (Kellogg's Frosties) and available to purchase from the company's 'official merchandise' website (a non-EU website which is accessible from the EU).



Clock, slippers, cookie jar and T-shirt, available at: [www.kelloggstore.com/store/](http://www.kelloggstore.com/store/)

## Product design and packaging

Self-regulation such as the EU Pledges generally does not include packaging or product design and these can be powerful marketing tools to attract purchases. The example below shows Krave, a breakfast cereal which is shaped, flavoured and textured to appeal to children (crunchy 'pillows' with chocolate flavoured filling) in a box with cartoon character and a tie-in game, launched by Kellogg's on Facebook and featuring the Krave Krusader (who must overcome challenges and obstacles to obtain more chocolate).<sup>64</sup> The game can be downloaded to play on smartphones, reinforcing the brand awareness as children play the game.<sup>65</sup>



## Sports sponsorship

The year 2012 has seen both the UEFA cup and the London Olympics, both of which are widely broadcast across the region and both of which are sponsored by food and beverage companies.



Companies also sponsor local sports clubs and promote their brand logos on children's equipment. McDonald's Happy Meal vouchers for sports lessons can be seen at: [www.mcdonalds.co.uk/happy mealoffer](http://www.mcdonalds.co.uk/happy-mealoffer).

Source: McDonald's<sup>66</sup>

<sup>64</sup> See <http://www.marketingweek.co.uk/sectors/food-and-drink/kellogg%E2%80%99s-moves-into-gaming/3026796.article>

<sup>65</sup> See <http://itunes.apple.com/gb/app/krave-krusader/id448880879?mt=8>

<sup>66</sup> <http://www.mcdonalds.co.uk/ukhome/Sport/Football/Information/scotland/coaching.html>

## Parent appeal

Companies may appeal to children by suggesting that their parents approve of the product, and appeal to parents by promoting specific aspects of the product. In the example below, the Kinder chocolate is promoted to parents as containing milk and being only a 'snack' size. Products are sold in multi-packs of 8 and 16 for repeating the 'treat' on a routine basis. The online advertising specifically describes the product as 'approved by Mums' along with cartoon images and pictures of children which encourage children's attention.



The picture below is a snapshot from an online Nutella advertisement.<sup>67</sup> It shows families using the product for breakfast, and emphasises the hazelnut, skimmed milk and cocoa content, whereas over 70% of the product consists of sugar and vegetable oil. A complaint by a parent against the company on the grounds that such advertising was misleading led the company to make a \$3m legal settlement in the USA in April 2012,<sup>68</sup> although similar complaints were dismissed in the UK in 2011.<sup>69</sup>



## Shop displays

Retail displays are rarely included in company-led self-regulation. Aisle-end displays and check-out displays are premium sites and can be a major influence on impulse purchases and, especially in the case of check-out displays, the purchase of an item forced upon a parent by children taking the product in their hands while waiting in line.

<sup>67</sup> See [http://www.wakeupnutella.co.uk/TV\\_Ad.php](http://www.wakeupnutella.co.uk/TV_Ad.php)

<sup>68</sup> See [http://www.cbsnews.com/8301-504763\\_162-57423319-10391704/nutella-health-claims-net-\\$3.05-million-settlement-in-class-action-lawsuit/](http://www.cbsnews.com/8301-504763_162-57423319-10391704/nutella-health-claims-net-$3.05-million-settlement-in-class-action-lawsuit/)

<sup>69</sup> See [http://www.asa.org.uk/ASA-action/Adjudications/2011/6/Ferrero-UK-Ltd/TF\\_ADJ\\_50891.aspx](http://www.asa.org.uk/ASA-action/Adjudications/2011/6/Ferrero-UK-Ltd/TF_ADJ_50891.aspx)

## Child-to-child marketing

Peer recommendation is a strong motivator among children and adolescents. Marketers are using a number of methods for encouraging child-to-child marketing, including payments to young people to make recommendations and encouragement of children to make their own promotional materials for distribution, e.g. on social media networks. The example below shows a child-attractive website asking children to send email messages to their friends about the website. Note that Haribo has not joined the EU pledge scheme.



## New developments

Methods for marketing to children are rapidly evolving, and many are designed to by-pass parents or enhance child-to-child marketing. Several methods have been identified in this report, above. In addition, it is interesting to note other approaches which are being tried – this includes attempts to bypass parents and reach children directly: In 2007 KFC's advertising agency engineered a TV commercial containing a high-pitched noise which only young people are likely to hear, and linked the commercial to a website offering free meal vouchers to those who could identify the point in the advertisement when the noise occurred.<sup>70</sup>

More recently, Microsoft announced technology to allow X-Box players to use voice controls during gaming which would forward advertising messages to their friend's phones whenever marketing promotions were present in the game.<sup>71</sup>

PepsiCo's Social Vending Machine lets users send free soft drinks to their friends. To do so, users select a beverage and enter the recipient's name, mobile number and personalized text message with a code redeemable at another vending machine.<sup>72</sup> Unilever has designed a vending machine that responds to smiling customer faces, and also posts a picture on the company Facebook page, encouraging visits by known consumers for follow-up marketing.<sup>73 74</sup>

<sup>70</sup> E Blass <http://www.engadget.com/2007/04/11/kfc-ad-agency-strikes-again-with-mosquito-tone-commercial/>

<sup>71</sup> T Vega, *New York Times* 20 June 2011. See [http://www.nytimes.com/2011/06/21/business/media/21xbox.html?\\_r=2&ref=media](http://www.nytimes.com/2011/06/21/business/media/21xbox.html?_r=2&ref=media)

<sup>72</sup> Wasserman T. Pepsi Vending Machine Lets You Gift Drinks to Friends Via Social Media. 2011. <http://mashable.com/2011/04/27/pepsi-vending-machine/>

<sup>73</sup> See <http://www.youtube.com/watch?v=QxMv9ZPiMyU>

<sup>74</sup> [http://www.youtube.com/watch?v=MHyLTNuO6\\_0&feature=related](http://www.youtube.com/watch?v=MHyLTNuO6_0&feature=related)

Coca-Cola is extending its marketing media onto the street in order to 'promote happiness' based on 'Mob Rules' and following Arab Spring and crowd action themes to market their products. A detailed exposition is given by senior company spokesperson Joseph Tripodi<sup>75</sup> including examples of street graffiti promoting the marketing theme (shown here).



## Further concerns

There are further concerns regarding the self-regulations, which we intend to analyse in the next Stanmark briefing paper. A recent report from National Heart Forum highlighted the gaps and weaknesses of the regulations for: TV advertising scheduling, TV advertising content, TV product placement, on demand services, radio advertising, mobile marketing, vending, in-school marketing, and point-of-sale marketing.<sup>76</sup> Further details are available here:

[http://nhfshare.heartforum.org.uk/RMAssets/NHF\\_Staffpublications/VoluntaryPrinciples/NHFFoodMarkMAINFinal.pdf](http://nhfshare.heartforum.org.uk/RMAssets/NHF_Staffpublications/VoluntaryPrinciples/NHFFoodMarkMAINFinal.pdf)

<sup>75</sup> Tripodi J, The Journey to Shared Value, Cannes Lions 2012. [http://www.thecoca-colacompany.com/dynamic/press\\_center/2012/06/the-journey-to-shared-value.html](http://www.thecoca-colacompany.com/dynamic/press_center/2012/06/the-journey-to-shared-value.html)

<sup>76</sup> Landon J, Gritschneider Y. An analysis of the regulatory and voluntary landscape concerning the marketing and promotion of foods and drinks to children. National Heart Forum London, 2011.

### 3. The StanMark Project

In order to assist governments and guide industry, the International Association for the Study of Obesity launched the StanMark Project in 2010. The StanMark Project maintains several resources (see [www.iaso.org/policy/euprojects/stanmarkproject/](http://www.iaso.org/policy/euprojects/stanmarkproject/)) and has convened a series of policy and research meetings involving experts and officials from Europe and North America, co-funded by the European Union's External Affairs Service.<sup>77</sup>

From these meetings a series of proposals were generated for defining **responsible marketing** to children, identifying both 'exposure' and 'power' as independent factors determining the effectiveness of marketing messages.

#### Standards for responsible marketing

As noted earlier, the objective of universal standards is to institute rules that achieve maximum protection while remaining practical and economical in application. Although it could be proposed that children should not be exposed to *any* marketing, the present document takes a 'risk-based' approach to reducing exposure to the marketing of food and beverage products whose regular consumption is liable to increase the risk of non-communicable diseases.

Furthermore, it is important to identify examples of high standards for cross-border marketing that have been proposed as a result of consensus-building by reputable agencies, thus indicating that such standards are feasible, practical and economical.

In this section we propose standards based on a **responsible approach to marketing** on the understanding that children should not be subjected to inducements to consume products that, if consumed routinely, are likely to be detrimental to their health. Where available we show examples of the use of similar standards in other sectors.

#### Standard 1: Specifying the foods and beverages

**Issue:** The promotion of some foods and beverages can undermine children's dietary health.

**Proposal:** Risk reduction means promoting only those food and beverage products that conform to national dietary guidelines and international standards supporting the WHO *Global Strategy on Diet, Physical Activity and Health*.<sup>78</sup>

**A high standard:** Food and beverages should be categorised according to a validated nutrient profiling system, such as the UK Ofcom model used to regulate advertising on television.<sup>79</sup> Other government-initiated or government-approved models for identifying suitable foods for marketing to children include the US Inter-Agency Working Group proposals,<sup>80</sup> the Danish co-regulatory Code,<sup>81</sup> and the proposed Norwegian regulations.<sup>82</sup>

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<sup>77</sup> See [http://www.eeas.europa.eu/us/grants/pilot\\_projects/index\\_en.htm](http://www.eeas.europa.eu/us/grants/pilot_projects/index_en.htm)

<sup>78</sup> World Health Organization, 2004 See [http://www.who.int/entity/dietphysicalactivity/strategy/eb11344/strategy\\_english\\_web.pdf](http://www.who.int/entity/dietphysicalactivity/strategy/eb11344/strategy_english_web.pdf)

<sup>79</sup> UK Office of Communications (Ofcom) 2007. See [http://stakeholders.ofcom.org.uk/consultations/foodads\\_new/statement/](http://stakeholders.ofcom.org.uk/consultations/foodads_new/statement/) and see <http://collections.europarchive.org/tna/20100927130941/http://food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod>

<sup>80</sup> <http://www.ftc.gov/opa/2011/04/foodmarket.shtm>

<sup>81</sup> [www.kodeksforfoedevarereklamer.dk](http://www.kodeksforfoedevarereklamer.dk)

<sup>82</sup> Proposals are available on the Norwegian Health Ministry website (in Norwegian), see <http://www.regjeringen.no/en/dep/hod/documents/hoeringer/hoeringsdok/2012/horing---forslag-til-ny-regulering-av-ma/horingsnotat.html?id=684711>

## Standard 2: Age groups

**Issue:** Some marketing works below conscious control. Even when children and adolescents are aware of marketing, they may be trusting and uncritical of the messages. Media literacy does not reduce marketing message impact.

**Proposal:** Risk reduction means promoting only to those persons who have reached an age when they are legally considered to be competent enough to protect their own welfare. Permitted target age groups should be chosen in order to avoid appealing to younger ages.

**A high standard:** The age or legal majority is determined by local legislation. Permitted target age groups should be significantly above the minimum legal age: an example is the ban on targeting alcoholic beverages to people under age 25 required by Facebook in India and Sweden.<sup>83</sup> For food and beverages, the UK Ofcom regulations apply during television programmes that appeal to children under age 16. The Norwegian proposals set an age limit at 18.

## Standard 3: Media used for marketing messages

**Issue:** Children have access to a wide range of media. In addition, cross-border media services are not easily controlled by the jurisdiction in the territory where the message is received.

**Proposal:** Risk reduction means including all media that carries marketing messages as well as those that cross national borders (e.g. Internet, satellite and cable TV, and exported TV programmes, films, games, toys and other products). Food packaging, formulation and presentation are included, as are sponsored sports events and product placements.

**A high standard:** A comprehensive approach assumes all media unless specifically exempted. Media broadcast across several time zones should be assumed to reach children and adolescents. Examples from other sectors include Facebook, which prohibits tobacco and gambling marketing and restricts alcohol marketing.<sup>84</sup> For tobacco, the Framework Convention on Tobacco Control provides a comprehensive definition: *'all forms of commercial communication, recommendation or action and any form of contribution to an event, activity or individual'*.<sup>85</sup>

## Standard 4: Marketing methods

**Issue:** Most marketing works below conscious awareness, and children in particular may be vulnerable to marketing messages of special appeal to them. Many marketing methods fall outside current advertising regulations.

**Proposal:** Risk reduction means excluding techniques with special appeal to children and adolescents. This includes the use of cartoon characters, animation, celebrities, sports personalities, and the colouring, shaping and design of products and packaging likely to have a particular appeal to children and adolescents.

**A high standard:** A comprehensive approach acknowledges that children and adolescents are exposed to many marketing messages, including those designed to attract them and those designed to target non-child audiences. For tobacco, the Framework Convention<sup>86</sup> covers actions that have the *'aim, effect, or likely effect of promoting a tobacco product or tobacco use either directly or indirectly'*. It specifies all *'advertising, promotion and sponsorship'*. For breast-milk substitutes, the International Code<sup>87</sup> specifies that controls

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<sup>83</sup> <http://www.insidefacebook.com/2010/10/08/alcohol-advertisement-guidelines/>

<sup>84</sup> [http://www.facebook.com/ad\\_guidelines.php](http://www.facebook.com/ad_guidelines.php)

<sup>85</sup> [http://www.who.int/fctc/guidelines/article\\_13.pdf](http://www.who.int/fctc/guidelines/article_13.pdf)

<sup>86</sup> [http://www.who.int/fctc/guidelines/article\\_13.pdf](http://www.who.int/fctc/guidelines/article_13.pdf)

<sup>87</sup> [http://www.who.int/nutrition/publications/code\\_english.pdf](http://www.who.int/nutrition/publications/code_english.pdf)

apply to ‘product promotion, distribution, selling, advertising, product public relations, and information services’. These phrases can be adapted with the addition of ‘able to influence a child’.

## Standard 5: Use of brands

**Issue:** Products and media may carry a brand identity for a company linked to food or beverage products without specifying a food or beverage or giving an explicit marketing message.

**Proposal:** Risk reduction means brands with recognisable links to food and beverage products need to be treated as if they were promoting the food or beverage to which they are associated.

**A high standard:** A comprehensive approach restricts the use of brand promotion likely to influence children when that brand has a recognisable association with food and drink products subject to marketing restrictions. Where brands link to multiple products, the assumption should be that the brand is promoting the most familiar or highest selling of its products. Proposals from the Australian Obesity Policy Coalition suggest that brands should be restricted unless they are being used in a promotion for a healthy food product or range.<sup>88</sup> ‘Brand’ means the name of a food or beverage product or range of products, or the manufacturer or distributor thereof, or any other words, designs or images that are closely associated with such products.

## Standard 6: Settings and locations

**Issue:** Authorities responsible for standards where children are gathered, such as schools and childcare facilities, have a duty to ensure that nothing prejudices a child’s wellbeing.

**Proposal:** Risk reduction means that all settings where children gather should be free from the promotion of specified food and beverages, including brands, logos, vouchers and gifts associated with such products.

**A high standard:** A comprehensive approach avoids the need to specify every possible setting. The WHO Recommendations state “settings include, but are not limited to, nurseries, schools, school grounds and pre-school centres, playgrounds, family and child clinics and paediatric services, and during any sporting and cultural activities that are held on these premises”.<sup>89</sup> For alcohol, the City of San Diego, California, adopted an ordinance in October 2000 that prohibits advertising alcohol on any billboard within 1,000 feet of any school, playground, recreation centre or facility, childcare centre, arcade, or library.<sup>90</sup> There are also many examples of location-based tobacco controls.<sup>91</sup>

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<sup>88</sup> [http://www.opc.org.au/downloads/positionpapers/Protecting-children-email1\\_FINAL\\_13.04.11.pdf](http://www.opc.org.au/downloads/positionpapers/Protecting-children-email1_FINAL_13.04.11.pdf)

<sup>89</sup> <http://www.who.int/dietphysicalactivity/marketing-food-to-children/en/index.html>

<sup>90</sup> <http://business.highbeam.com/410209/article-1G1-204543912/alcohol-advertising-billboards-transit-shelters-and>

<sup>91</sup> <http://tobaccodocuments.org/women/2080811374-1392.html>

## **Standard 7: Accountability**

**Issue:** Marketing messages are produced and distributed by diverse stakeholders including food producers, manufacturers, importers or sellers, advertising agencies, media companies, media distributors and retailers, web content hosts, web access providers and web search engines.

**Proposal:** Risk reduction requires that a duty of care and attention to the protection of children and adolescents should be exercised by all parties in the dissemination of marketing messages.

**A high standard:** A comprehensive approach would hold all parties involved in conveying a marketing message to be accountable. For sponsorship media this includes sports event hosts. For promotional techniques embodied in a food product this includes importers, retailers and caterers. Cross-border marketing standards need to be enforceable through international agreements with sanctions. Examples of possible standard-setting mechanisms include WHO health regulations, ISO standards and Codex Alimentarius standards.

## Appendix

### World Health Organization

#### Set of Recommendations on the Marketing of Foods and Non-alcoholic Beverages to Children<sup>92</sup>

##### **Rationale**

1. The policy aim should be to reduce the impact on children of marketing of foods high in saturated fats, *trans*-fatty acids, free sugars, or salt.
2. Given that the effectiveness of marketing is a function of exposure and power, the overall policy objective should be to reduce both the exposure of children to, and power of, marketing of foods high in saturated fats, *trans* -fatty acids, free sugars, or salt.

##### **Policy development**

3. To achieve the policy aim and objective, Member States should consider different approaches, i.e. stepwise or comprehensive, to reduce marketing of foods high in saturated fats, *trans* -fatty acids, free sugars, or salt, to children.
4. Governments should set clear definitions for the key components of the policy, thereby allowing for a standard implementation process. The setting of clear definitions would facilitate uniform implementation, irrespective of the implementing body. When setting the key definitions Member States need to identify and address any specific national challenges so as to derive the maximal impact of the policy.
5. Settings where children gather should be free from all forms of marketing of foods high in saturated fats, *trans* -fatty acids, free sugars, or salt. Such settings include, but are not limited to, nurseries, schools, school grounds and pre-school centres, playgrounds, family and child clinics and paediatric services and during any sporting and cultural activities that are held on these premises.
6. Governments should be the key stakeholders in the development of policy and provide leadership, through a multi-stakeholder platform, for implementation, monitoring and evaluation. In setting the national policy framework, governments may choose to allocate defined roles to other stakeholders, while protecting the public interest and avoiding conflict of interest.

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<sup>92</sup> Full document available at [http://whqlibdoc.who.int/publications/2010/9789241500210\\_eng.pdf](http://whqlibdoc.who.int/publications/2010/9789241500210_eng.pdf)

### **Policy implementation**

7. Considering resources, benefits and burdens of all stakeholders involved, Member States should consider the most effective approach to reduce marketing to children of foods high in saturated fats, *trans*-fatty acids, free sugars, or salt. Any approach selected should be set within a framework developed to achieve the policy objective.

8. Member States should cooperate to put in place the means necessary to reduce the impact of cross-border marketing (in-flowing and out-flowing) of foods high in saturated fats, *trans*-fatty acids, free sugars, or salt to children in order to achieve the highest possible impact of any national policy.

9. The policy framework should specify enforcement mechanisms and establish systems for their implementation. In this respect, the framework should include clear definitions of sanctions and could include a system for reporting complaints.

### **Policy monitoring and evaluation**

10. All policy frameworks should include a monitoring system to ensure compliance with the objectives set out in the national policy, using clearly defined indicators.

11. The policy frameworks should also include a system to evaluate the impact and effectiveness of the policy on the overall aim, using clearly defined indicators.

### **Research**

12. Member States are encouraged to identify existing information on the extent, nature and effects of food marketing to children in their country. They are also encouraged to support further research in this area, especially research focused on implementation and evaluation of policies to reduce the impact on children of marketing of foods high in saturated fats, *trans*-fatty acids, free sugars, or salt.