

GIVE KIDS A BREAK!

WHAT NEXT FOR EU ACTION TO PROTECT CHILDREN FROM HARMFUL FOOD MARKETING?

EVENT REPORT



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INTRODUCTION

On Tuesday 28 June 2022, a discussion was held in the European Parliament gathering Members of European Parliament (MEPs) and other public interest stakeholders to reflect on the next steps for EU action to protect children from harmful food marketing.

Eight MEPs from four political groups contributed to this occasion, alongside the Spanish Attaché on Consumer Affairs, the World Health Organization (WHO) and academic experts.

Give Kids a Break! What next for EU action to protect children from harmful food marketing?

The event was hosted by the Greens/EFA Group of the European Parliament, represented by MEP Manuela Ripa and MEP Sarah Wiener, and co-organised by the civil society organisations supporting the **European healthy food marketing campaign**. The event was moderated by Tamsin Rose.



BACKGROUND

Children across Europe continue to be exposed to food marketing that harms their well-being and health. Overweight and obesity have reached **epidemic levels** in Europe, with no country on track to halt and reverse this trend.

In recent months, the European Parliament has twice called on the Commission to introduce comprehensive legislation to protect children from the marketing of processed foods high in fats, sugar and salt (see reports on **Farm to Fork** and **Europe's Beating Cancer Plan**).

[EVENT PROGRAMME](#)

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OPENING REMARKS

Manuela Ripa | MEP- Greens/ EFA, Germany



Europe has a big problem with obesity. Globally too the problem is getting worse. The WHO and UNICEF worry about the rise in obesity among children, especially considering the severe consequences for health and social life. Obesity is an important risk factor for various diseases, including cardiovascular disease, diabetes, and several types of cancers. But the good news is that being overweight and obese are largely preventable. **The prevention of childhood obesity must, therefore, be given the highest priority. Some positive experiences show that when countries act, the impact is imminent.**

Why do we need to tackle advertising? Take television for example. A study covering 22 countries, found that 23% of all television advertising relates to food or beverages, and that unhealthy products were advertised four times more often than normal products. 35% of the timeslots aimed at children feature unsuitable foods, especially soft drinks, sweets, and cereals. The ten companies with the biggest advertising budgets were also signatories of the International Food and Beverage Alliance's commitment to responsible advertising. **For me this clearly shows that voluntary agreements by the food and beverages industry do not work at all, just as is the EU's current approach of relying on self-regulation – it is high time to regulate the sector.**

"It is unacceptable that it is still allowed to lure children and teenagers into unhealthy products... Rather than supporting marketing strategies of food industries and helping them to better sell their products, we politicians should protect especially children from harmful substances. This requires a change of legislation soon to restrict sugar, salt, and fat and ban unhealthy advertising to children."

FOOD MARKETING TO CHILDREN NEEDS RULES WITH TEETH!

Video by BEUC - The European Consumer Organisation



[Watch the video here](#)

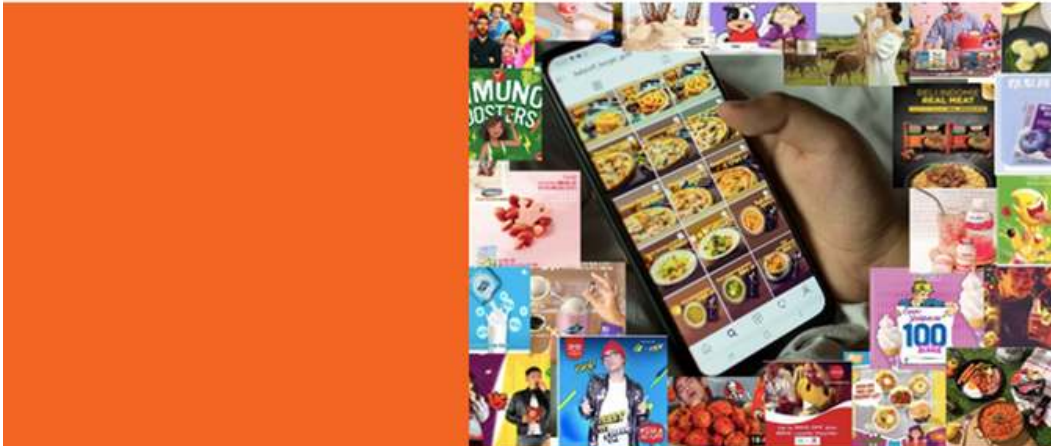
FOOD MARKETING POWER, FROM PRE-SCHOOL TO TEENS (AND LIMITATIONS OF 'MEDIA LITERACY')

Mimi Tatlow-Golden | Senior Lecturer in Developmental Psychology & Childhood at The Open University



"Advertising is not about information. It is about emotion. It is about creating a world of meaning, of identity. It starts before children can speak and continues all the way through their adolescence... Ads portray a world of freedom, joy and fun that teens relate to very deeply. And new research shows that all emotional ads affect child preferences, not just those directed at children!"

Unhealthy food ads: A universe of meaning - emotion and identity-building through taste, friends, love, joy, fun



As an example, a new marketing campaign by Mondelez talks about applying the "perfect interplay" between the "art of marketing and the science of data activation". To do so, the brand is connected to 'audience passion points' through engaging activities including celebrities and games. The return on investment in the product has increased significantly, with a jump in "brand health metrics".

But what about the child health metrics?

TAKE-HOME:

- Children **consistently prefer 'unhealthy' ads** from preschool onward
- Advertising is designed to **activate emotion**
- Advertisers acquiring **powerful systemic targeting and design** methods
- Children **eat more after viewing any ad with emotional appeals**, not just 'child-targeted' or 'child-appealing' ads
- Resistance requires **conscious awareness** and motivation
- Informational ad literacy is **poorly supported** by evidence
- **Individualised solutions are not working**
- **Systemic regulatory solutions** are required

[Download the full presentation here](#)

FROM A TOOTHLESS EU PLEDGE TO THE EFFECTIVE EU-WIDE REGULATION OF FOOD MARKETING: GIVING THE EU THE MEANS OF ITS AMBITIONS

Amandine Garde | Professor of Law at the University of Liverpool, and EUPHA-LAW Section President



The EU Strategy on the Rights of the Child refers explicitly to the imperative of reducing children's exposure to unhealthy food marketing. This supports the realisation that a **wide array of children's rights are negatively affected by unhealthy food marketing**, including the rights to health, adequate nutritious food, privacy and freedom from exploitation. However, **the means that the EU has deployed over the past 15 years to reduce the impact of harmful marketing on children are both inadequate and insufficient.**

"The fundamental problem is that the EU relies on a dogmatic belief in the potential of self-regulation to reduce the exposure of children to unhealthy food marketing. In the last 15 years, industry-led self-regulation has not reduced this exposure, so why should the EU continue to push for voluntary codes of conduct, industry-led pledges, public-private partnerships or 'best-practice' sharing to address the problem?"

Moreover, the rules that the EU has adopted are not sufficiently broad in their coverage. It is well documented that **rules that do not regulate food marketing sufficiently holistically lead to significant investment shifts from regulated to unregulated programmes**, from regulated to unregulated media, from regulated to unregulated marketing techniques, and from regulated to unregulated settings.

The **blueprint EU Directive we are proposing** is intended to address these two problems and thereby ensure that children are protected from the harmful impact that food marketing has on their health and on their rights.

[Download the Blueprint Directive here](#)

Key elements of an EU Food Marketing Directive

1. **End of all forms of cross-border marketing for unhealthy food**
2. Protect **all children** (i.e. up to 18 years of age)
3. Use the **WHO EURO nutrient Profile model** to categorise food
4. End the marketing of unhealthy food between 6am and 11pm on **broadcast media**
5. End the marketing of unhealthy food on **digital media**
6. End the use of **marketing techniques appealing to children** for the promotion of unhealthy food (including the use of equity brand characters on **food packaging**)
7. End the **sponsorship** by food brands of sports and cultural events, unless brands can prove that such sponsorship is not associated with unhealthy food



[Download the full presentation here](#)

VIEWS FROM MEMBERS OF THE EUROPEAN PARLIAMENT

Deirdre Clune | MEP - EPP, Ireland

Ms Clune started by acknowledging the links between the marketing of unhealthy food and unhealthy eating as well as obesity. She referred to her country, Ireland, where advertising restrictions for under 18s for foods high in fat and sugar are already in force. Yet, 1 in 5 children of Irish primary school children are overweight or obese; 35% of adults are overweight and 27% are obese. **Marketing, therefore, constitutes a big challenge for the country.** In December, further advertisement rules will be introduced, notably on advertising targeting children under 15. Nevertheless, MEP Clune is convinced that the problem can only be solved at European level.



According to her, **it is necessary to consider a directive or a regulation, to have an EU internal market policy related to this whole area.** A revision of the AVMSD could be an opportunity to address the issue and have stricter harmonised rules for the EU.

Milan Brglez | MEP – S&D, Slovenia



According to Mr Brglez, **policy development to limit the marketing of unhealthy food to children needs to be further enhanced.** Childhood obesity rates have reached worrying levels with up to 1 in 3 children in the EU overweight or obese. The measures put in place at the national level have not managed to reverse this trend.

Children's exposure to intense and ubiquitous advertising is part of this multi-faceted problem. In his opinion.

It is inconceivable that children are currently more exposed to the advertising of food high in fats, sugars, and salt (HFSS) than healthy food. Online activity, like social media, reading or watching the news, streaming music, videos and films, is strongly associated with an increase in children's exposure to HFSS advertisements. The COVID-19 pandemic and homeschooling gave another impetus to this exposure.

In his role as chair of the EP Child Rights Intergroup, MEP Brglez highlighted that the provision of adequate nutritious food is a human right enshrined in the UN Convention on the Rights of the Child. In addition, he emphasized that the realisation of children's right to health is also an indispensable precondition for the enjoyment of a wide range of other rights enshrined in the convention. He would thus support stronger, targeted and rights-based EU regulatory measures to ensure the protection of children where states and national institutions fail or cannot afford to do so.

Alexandra Geese | MEP – Greens/EFA, Germany

Ms Geese **agreed on the need for systematic regulatory solutions to address the marketing of unhealthy food to children.** She described how the Digital Service Act (DSA) – to be voted in plenary the following week- could constitute a key instrument in addressing the issue. The DSA is a very comprehensive legislative framework for online platforms. MEP Geese recognised that while not perfect, it can be a game-changer if the prohibition to use minors' data for targeting advertising to them is consistently enforced.



The DSA will likely **oblige online platforms to assess which risks their functioning poses for the rights of the child**, for consumer protection as well as any actual or foreseeable negative effect in relation to the protection of public health, minors and serious negative consequences to the person's physical and mental well-being. If any risks are discovered platforms will have to mitigate those risks. An enforcement mechanism is also foreseen as the oversight is done by the European Commission.

The question of independent research also comes into play. The **current problem is that independent studies can only observe what happens on the platform, they cannot** access the data of the platforms themselves. For the Parliament, it was very important to ensure access for independent researchers from universities, research institutions, and civil society organisations. Organisations for the protection of the child will now be able to team up with universities or bigger teams that can analyse large amounts of data in order to observe what happens on platforms. That **will allow them to gather the evidence to prove that they are actually targeting minors**.

DSA is not a specific regulation to address the risk of targeting advertising of unhealthy food to children, but it does **lay the groundwork for efficiently addressing the problem**, by providing the research we need and eventually come up with further very specific regulations.

Irena Joveva | MEP – Renew Europe, Slovenia



Ms Joveva highlighted how many parents put lots of effort into teaching their children about healthy eating habits, skills that should be helping them throughout their lives. However, not only parents are interested in appealing to their children's attention. **Major budgets are spent on ever new, and ever more pervasive marketing techniques for foods that are mostly associated with unhealthy diets:** from appealing cartoon characters to advertising games, to influencers, to products 'casually' promoted in movies and tv-series.

According to MEP Joveva, **it is almost impossible for parents to compete for attention and persuasion with well-resourced companies**, and it is also deeply troubling that many of the tactics used to promote unhealthy foods interfere with people's ability to make good choices.

Digital marketing, which is ever more widespread today, is preventing the safe participation of children in the online world. **EU-level action to regulate marketing will create a level playing field across the Union and avoid distorting competition between different players on the market**, allowing companies to continue competing, but within the framework of a high level of health protection, while protection is accorded to those who need it the most.

Watch the full video of the intervention [here](#).

Malte Gallée | MEP – Greens/EFA, Germany

Mr Gallée stressed that **children would eat way too much sugar if they just followed what they were advertised**. Many brands use superheroes on their packaging or in media to promote their products, products which mostly consist of sugar and wheat (e.g.cornflakes).

MEP Gallée highlighted that those foods are not what will make children superheroes. He believes **this type of advertising has to stop as it is especially harmful to children, who need healthy food to grow**.



Watch the full video of the intervention [here](#).

Biljana Borzan | MEP – S&D, Croatia



The EU and its Member States **are failing to protect children from people trying to sell them food and drinks that are bad for their health and well-being**. We need to change that!

It is clear that the **self-regulatory approach is not working**, there are too many loopholes, enforcement is patchy and marketing techniques are quickly evolving beyond its scope. The evidence of the harm unethical marketing is doing to children's health is overwhelming

The time to have a binding legal approach was 10 years ago, but we missed that opportunity and must not let that happen again. Some Member States are unilaterally tackling this problem as they are aware action is needed, but **it will not be enough until the EU steps in, to protect the children but also the single market.**

We need action now!

VIEW FROM SPAIN

José Manuel Argilés Marín | Attaché on Consumer Affairs

Spanish Permanent Representation to the EU



Jose Manuel Argilés Marín shared some of the initiatives that the Spanish Government is taking to protect minors from harmful food advertising. He presented the broad regulatory framework and then looked at the key aspects of the background and content of the draft Royal Decree on the Regulation of Commercial Communications for Food and Beverages aimed at Minors, which was recently proposed in Spain. He **recognised that it would be easier if umbrella legislation existed at European level.**

Mr Argilés Marín highlighted that the causes of excess weight, both overweight and obesity are extensive, complex and diverse, as there are many factors that can influence weight gain. Yet, there is **sufficient scientific evidence to show that food advertising influences food preferences and eating habits**, especially among children. Almost 30% of the Spanish child population has weight excess; an alarming figure in terms of public health.

An evaluation published in 2017 showed **that regulation of food advertising directed at children in Spain was “not only limited in scope, being unable to limit advertising of unhealthy foods, but show[ed] a high level of non-compliance”** and given the lack of agreement on stricter Codes of Conduct, the decision was taken to propose a Royal Decree.

The **decree concerns children under 15 and advertisements targeted specifically at them.** The design of the advertisement is considered, together with contextual elements, in order to determine whether the audience is made up of 25% children or more.

VIEW FROM THE WORLD HEALTH ORGANIZATION (WHO)

Olga Zhiteneva & Kathrin Hetz | WHO European Office for the Prevention and Control of Noncommunicable Diseases



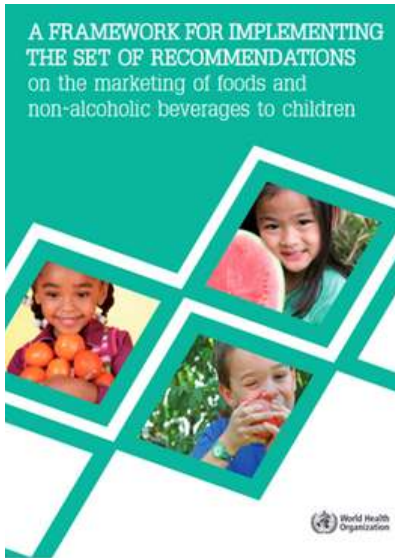
Ms Zhiteneva described the WHO's work on limiting unhealthy food marketing, starting with the [set of 12 recommendations](#) adopted by WHO Member States in 2012. Since then, the WHO has developed a series of **materials supporting national governments** with the implementation, monitoring, and evaluation of these recommendations and with relevant research.

As a specific initiative, she highlighted the WHO's [monitoring framework](#). As part of WHO/Europe developed a phone application and an artificial intelligence (AI) tool, supporting objective monitoring of children's exposure to unhealthy marketing.

Ms Hetz gave an overview of ongoing WHO work in the space of marketing, mentioning the recently launched "[Understanding the digital media ecosystem](#)" report which summarizes recent **changes in the digital ecosystem** in detail, explains which factors and stakeholders are driving these changes and sets out the consequences for food digital marketing of these ongoing changes.

WHO is also working on an **age verification report** in case comprehensive legislation covering the entire media ecosystem is lacking. Several **monitoring and mapping tools** were mentioned, and also the elaboration of **policy briefs** to support national governments in policy development based on the child rights approach. The overall goal of these activities is to provide clear advice to countries on developing and implementing policies on marketing.





CLOSING REMARKS

Sarah Wiener | MEP – Greens/EFA, Austria

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If superheroes ate what they had to advertise, they would no longer have superpowers but be sick and malnourished. Children’s advertising for highly processed food is dangerous. For superheroes and even more so for ordinary kids.

MEP Sarah Wiener





FURTHER READING:

European Commission: [Farm to Fork strategy](#)

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