

## **Food Advertising to Children: Update**

<b>Date:</b>	February 1, 2010
<b>To:</b>	Board of Health
<b>From:</b>	Medical Officer of Health
<b>Wards:</b>	All
<b>Reference Number:</b>	

### **SUMMARY**

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This report provides updates on trends and practices in commercial advertising to children in Canada and advocacy developments related to the Board's February 26, 2008 decision to urge governments to prohibit all commercial advertising of food and beverages to children under the age of thirteen years.

Interest in restricting commercial advertising targeted to children continues to grow. Following the work of Toronto Public Health, several organizations have adopted similar resolutions. The Ontario Public Health Association and others have taken a broader position, calling for a prohibition on commercial advertising to children for all products. Private members' bills have been introduced at the federal and provincial levels. Toronto Public Health staff are collaborating with partners across Ontario and in other provinces to advance advocacy and raise the profile of the issue. At the local level, Toronto Children's Services and the Toronto Public Library have adopted guidelines or policies which prohibit commercial food advertising targeted to children in their facilities.

Children continue to be exposed to a greater intensity and frequency of marketing messages than any previous generation. Since the Board adopted its position, there have been no meaningful improvements by the advertising industry, no signs that the advertising environment to children has improved in quality or quantity, and no evidence that the current system of self-regulation is capable of addressing the concerns raised by public health authorities. To protect children and support parents, the Board of Health should continue to urge local, provincial and national stakeholders to endorse legislated restrictions on commercial advertising targeted to children.

## **RECOMMENDATIONS**

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### **The Medical Officer of Health recommends that:**

1. the Board of Health forward this report to the Ontario Ministries of Children and Youth Services, Education, Government Services, Health and Long-Term Care, Health Promotion, to Health Canada, Industry Canada, the Canadian Food Inspection Agency and the Public Health Agency of Canada to inform their policy agenda on children's marketing;
2. the Board of Health forward this report to the Toronto Food Policy Council, the General Managers of Parks, Forestry and Recreation, Children's Services, and Economic Development and Culture, the Chairs of the Toronto Transit Commission and the Toronto Public Library Board, the Directors of the Toronto District School Board, the Toronto Catholic District School Board, Conseil scolaire de district catholique Centre-Sud, and Conseil scolaire de district du Centre Sud-Ouest to increase their awareness of the impact of commercial marketing of food and beverages on children; and,
3. the Board of Health forward this report to Advertising Standards Canada, the Canadian Association of Broadcasters, the Canadian Marketing Association and the Association of Canadian Advertisers for information.

### **Financial Impact**

There are no direct financial implications arising from this report.

## **DECISION HISTORY**

The Board of Health received a report from the Medical Officer of Health entitled "Food and Beverage Marketing to Children" on February 26, 2008. The Board unanimously approved a recommendation to "urge Health Canada, Industry Canada and the Ontario Ministry of Government and Consumer Services to prohibit all commercial advertising of food and beverages to children under the age of thirteen years". The Board also:

- requested that until effective legislation is in place, the Medical Officer of Health actively monitor trends, practices and policies related to the commercial marketing of food and beverages to children and report to the Board of Health as needed;
- asked the national policy consensus conference on children's marketing, hosted by the Chronic Disease Prevention Alliance of Canada in March 2008, to adopt the position of a national ban on all commercial advertising of food and beverages to children under the age of thirteen years;

- asked City of Toronto Agencies, Boards, Commissions and Divisions to avoid commercial advertising of food and beverages to children under the age of thirteen years in City funded or operated services, facilities and venues;
- requested the Medical Officer of Health to work with City of Toronto Agencies, Boards, Commissions and Divisions on implementing guidelines or policies related to children’s marketing and report back to the Board of Health on the status of implementation; and,
- requested the Chair of the Board of Health to urge the Public Health Agency of Canada to establish an ongoing monitoring system for food and beverage marketing to children and youth, including data on the frequency and content of exposures in all media, to assess the marketing environment and monitor trends;

On April 21, 2008, the Medical Officer of Health submitted a follow up report, “Chronic Disease Prevention Alliance of Canada Policy Consensus Conference – Obesity and the Impact of Marketing on Children”. The Board requested that “the Ontario Public Health Association (OPHA), in co-operation with the Association of Local Public Health Agencies (ALPHA), convene a meeting in 2008 of the Medical Officers of Health and Boards of Health to co-ordinate advocacy for an Ontario ban on all commercial food and beverage advertising targeted toward children under the age of thirteen”.

## **ISSUE BACKGROUND**

Children today are exposed to a greater intensity and frequency of marketing messages than any previous generation. Marketing has expanded into new media (Internet, mobile phones) and employs more sophisticated techniques than ever before. Children are a more valued demographic to marketers. This is a result of children’s increased influence over household purchases, estimated at \$20 billion annually in Canada, the importance of brand recognition at an early age in securing lifelong customers, and other factors.

Corporations, supported by big marketing budgets, have become dominant educational and cultural forces in shaping how young people define their interests, values and relations to others. This influence extends far beyond food choices and includes clothing, toys, entertainment and virtually every sphere of children’s lives. Parents have the responsibility to protect children from media and marketing they believe to be harmful but this task is becoming increasingly difficult. Many child health advocates believe that the idea that parents alone can protect their children from commercializing forces is outdated and unrealistic in today’s highly developed commercial culture.

Concerns about the appropriateness and negative influence of marketing on children’s health and well-being, including diet-related health outcomes, have been raised since the 1970s. On June 8, 1979 the Toronto Board of Health passed a recommendation to “advocate, in appropriate places, for a total ban on all TV ads directed at children” (Toronto Board of Health, 1979). Marketing has reappeared as a public health issue in recent years amid concerns expressed by provincial, federal, and international community

organizations and government agencies related to its impact on child health. Rising levels of childhood obesity and poor eating habits, as well as concerns about the sexualization of childhood, the promotion of sedentary activities and excess consumption, have all contributed to an increased public debate about the appropriateness of advertising to children.

For the purposes of this report, children are defined as those aged 12 years and younger. Marketing is understood as the planning and carrying out of the conception, pricing, promotion, and distribution of goods and services (Canadian Marketing Association, 2006). Advertising is defined here as the promotional component of marketing which can manifest itself as promotional content on television, the Internet, in print, outdoor media and elsewhere.

## **COMMENTS**

The comments below provide an update on research, trends and practices in commercial marketing to children in Canada and advocacy developments related to the Board's February 26, 2008 decision to urge governments to "prohibit all commercial advertising of food and beverages to children under the age of thirteen years".

### **Research Developments**

Some new research has shed light on the children's advertising environment and the impact of various approaches to restrict children's advertising. Researchers from 11 countries, including Canada, looked at food advertising on popular children's television channels in early 2008. Almost 200 hours of television programming were recorded and analyzed in each region. Overall, 67% of food ads to children were for unhealthy products, defined as "high in undesirable nutrients and/or energy". Canada (Alberta sample) had the third highest rate of food advertising with seven food ads per hour per channel. Canadian children's television also had the third highest proportion of unhealthy food ads, making up 82% of all food ads (Kelly et al., 2010).

A study by Veerman et al. (2009) suggested that between one in seven and one in three instances of childhood obesity in the U.S. could be prevented if television advertising for unhealthy food were eliminated. The research was based on a mathematical model using body measurement statistics of 6-12 year old children and literature that links advertising to consumption levels and consumption to body mass. It is not known whether the findings would be similar if Canadian data were used.

Magnus et al. (2009) concluded, based on data from Australia, that restricting television food advertising to children could be one of the most cost-effective population-based interventions for governments to address overweight and obesity. The conclusion is based on a statistical analysis which showed that eliminating advertising of calorie-dense, nutrient-poor foods to children would improve health and reduce future healthcare costs. The research assumes that any decreases in childhood obesity would be maintained through to adulthood, thus reducing costs over the long term.

## **Updates on Trends and Practices in Marketing to Children in Canada**

### **Regulation of Children's Advertising in Canada**

Government legislation at the federal and provincial levels provides overarching rules on commercial marketing, but advertising targeted to children is regulated primarily through an industry self-regulatory system. Advertising Standards Canada (ASC) administers the Canadian Code of Advertising Standards (CCAS), and a separate set of standards specific to children's advertising called the Broadcast Code for Advertising to Children (referred to as the "Broadcast Code" below) (Advertising Standards Canada, 2007).

The CCAS is a voluntary code of practice that applies to advertising in all media and all regions of Canada, except in Quebec where commercial advertising to children is prohibited by law. The Broadcast Code supplements the general principles of the CCAS and applies to television and radio advertising directed at children under 12 that originates in Canada. The Broadcast Code is not legislation, but through its arrangement with the CRTC, its provisions are a condition of licence for Canadian broadcasters. All broadcast ads directed at children must be prescreened by the ASC's Children's Clearance Committee to ensure its compliance with code provisions. Complaints about children's ads may be submitted to ASC by mail or online. Broadcast ads that are deemed to be in violation of the Broadcast Code are no longer aired. In the case of non-broadcast ads, ASC will approach the advertiser and request voluntary compliance.

Analysis of the Canadian advertising self regulatory system reveals many inadequacies. For example, the compound effects of advertising messages are not addressed. A complaint to ASC that children's advertising overall is dominated by calorie dense, nutrient poor foods or inappropriate sexualized messages will not trigger a review. The fact that young children generally lack the cognitive ability to objectively evaluate advertising is not taken into account, except for a recommendation that advertisers cannot direct ads to children during school-day morning hours. The system is also focused on traditional television advertising, with weak enforcement powers related to ads in newer media such as the Internet. The Broadcast Code says very little about nutrition or health. And there is also no requirement for members of the Children's Clearance Committee, the arbiter of children's TV ads, to have any expertise in child or public health.

### **The Canadian Children's Food and Beverage Advertising Initiative**

The commitments made by leading children's marketers under the Canadian Children's Food and Beverage Advertising Initiative (CCFBAI) were fully implemented at the end of 2008. Eight companies (Cadbury Adams, Coca-Cola, Hershey, Janes Family Foods, Mars, McCain, PepsiCo and Unilever) announced that they will not engage in advertising directed primarily to children under the age of 12 years. Another eleven companies (Burger King, Campbell's, Ferrero, General Mills, Kellogg, Kraft, McDonald's, Nestlé, Parmalat, Post Foods and Weston Bakeries) committed to directing 100% of their children's food advertising in Canada to healthier products, often referred to as "healthy

dietary choices”. Advertising Standards Canada published a compliance report in 2009 which concluded that participating companies “successfully met and even exceeded the original CAI requirements during the reporting period” (Advertising Standards Canada, 2009).

However, a closer look at the commitments made under the CCFBAI shows numerous weaknesses and few examples of meaningful changes to food advertising directed at children in Canada. Some of the weaknesses of the initiative are described below.

#### Definitions of “Healthy Dietary Choice”

Companies developed definitions of “healthy dietary choice” based on established scientific criteria. However, because authorities such as Health Canada have no definition of “healthy food”, companies made their own assumptions and used established nutrient-specific criteria to create their own. The resulting definitions were very broad meaning that the term “healthy dietary choice” encompasses many highly processed and nutrient poor foods. This includes FrootLoops, Frosted Flakes, Chocolate Lucky Charms, Trix and Reese’s Puffs cereals, and other products such as Nesquik Chocolate Syrup (sugar-reduced version) and Frootloop Cereal Straws.

In the UK, where unhealthy food advertising to children on television is prohibited, a formula based on nutrient criteria is applied to determine whether a food is healthy. Foods that score less than four points may be advertised to children. Those scoring four points or higher are considered less healthy and are not permitted to be advertised to children. Many products deemed by Canadian companies to be “healthy dietary choices” for children score very poorly under the UK system. Kellogg’s Frosted Flakes and Frootloops cereals score 10 points, General Mills’ Lucky Charms and Cinnamon Toast Crunch cereals each score 12, and Frootloops cereal straws receive 15 points (Rayner et al., 2005). None of these products could be advertised to children under the UK law, but are permitted under the terms of the CCFBAI. The Ontario Society of Nutrition Professionals in Public Health has also examined the nutritional standards of several CCFBAI companies and determined that they fall far short of most nutritional criteria commonly used by public health authorities in Ontario (Ontario Society of Nutrition Professionals in Public Health, 2009).

#### Nutrition Definitions Based on Serving Sizes

An added weakness of the definitions is that companies based nutrient standards on serving sizes. This means that companies would be able to adjust the nutrient profile of children’s products by manipulating the serving size rather than reducing the sugar, sodium or calorie content of the actual product. There is evidence that at least one company has taken this approach. When the CCFBAI was announced in early 2008, General Mills’ Chocolate Lucky Charms cereal contained 15g of sugar per serving, exceeding the 12g per serving limit the company proposed in its own nutrient standards. By the end of 2008, the label showed 11g of sugar, meaning that the product met General Mills’ nutrient criteria for “healthy dietary choices” for children. This change allowed the company to continue to advertise the cereal to children under the terms of the CCFBAI.

However, over the same period, the serving size on the cereal's nutrition facts label was reduced from 30g to 25g, meaning that the reduced sugar appears to be a result of a label change. General Mills admitted to CBC television's Marketplace program that in many cases it only changed the serving size on product labels rather than actually reduce the amount of sugar in their cereals (CBC Marketplace, 2009).

### Definitions of Children's Media

Company commitments only apply to children's media and several companies use a very high threshold, meaning that only a few programs would qualify. Five companies specify that an audience of 50% or more children under 12 years constitutes children's media. The Quebec Consumer Protection Office defines children's programs as those with an audience of 2-11 year olds greater than 15%. This is approximately the same percentage of children under 12 years in the general population. Canada's leading children's cartoon network, Teletoon, notes that children under 12 years make up only 43% of the average audience for its programs (Teletoon, 2007).

### Restrictions on the Use of Licensed Characters

CCFBAI participants also promised to restrict the use of licensed characters in children's advertising to healthier foods, but the pledge exempted advertiser-generated characters. This means that characters well-known to children, and specifically developed to sell food to children, such as Tony the Tiger and Toucan Sam, were excluded from companies' commitments to ban the use of characters to sell food to children. Advertiser-generated characters continue to feature prominently in Canadian children's food advertising.

### Pledges to Not Advertise to Children

The pledge by some companies not to advertise to children does not mean that they have abandoned all child-targeted promotional activities. For example, Janes Family Foods declares that the company does not advertise in any media directed primarily to children under 12, nor does it use third party licensed characters in its advertising (Janes Family Foods, 2008). However, the packaging for Janes Kids processed frozen chicken and fish is decorated with pictures of branded Disney characters. The company is able to make its claim because product packaging lies outside the definition of advertising used by Advertising Standards Canada, as well as the Consumer Packaging and Labelling Act. Therefore, its commitment is technically truthful but may be a surprise to parents who interpret their commitment as an intention to not target children with product promotion in any way.

## **Policy Developments**

In 2009, the Province of Quebec was successful in prosecuting several companies for violating the provincial law prohibiting commercial advertising targeted to children under 13 years. Saputo, makers of Vachon snack cakes adorned with the Igor character, pleaded guilty to 22 charges and was fined \$44,000 for distributing Igor cakes and merchandise in

daycare centres in 2007 (Office de la protection du consommateur, 2009d). The advertising agency responsible for the campaign later pleaded guilty and faces fines (Office de la protection du consommateur, 2009c). In another case, General Mills became the first company to be found guilty of violating the law through Internet advertising via a website promoting Lucky Charms children's cereal (Office de la protection du consommateur, 2009b). And in May, Burger King pleaded guilty to charges related to free toys provided with children's meals (Office de la protection du consommateur, 2009a). A case is still pending against McDonalds.

The Public Health Agency of Canada has formed a Task Group on Obesity and Marketing. The Group commissioned two reports exploring policy options to restrict commercial advertising to children. The reports were commissioned partly in response to the 2007 Standing Committee on Health child obesity report which recommended the government review options to better regulate children's advertising.

In February 2008, the Board of Health endorsed a federal private member's bill which would prohibit all commercial advertising targeted to children. Bill C-324 (formerly C-414), sponsored by MP Peter Julian (NDP - Burnaby-New Westminster), was reintroduced into the House of Commons on February 25, 2009. It remains on the order paper but has not reached second reading yet. In Ontario, MPP Rosario Marchese (NDP - Trinity-Spadina) introduced Bill 53 to prohibit all food and beverage advertising targeted to children in April 2008. The Ontario Public Health Association and the Ontario Society of Nutrition Professionals in Public Health submitted letters of support. The bill is still before the legislature but has not been debated further at this point.

In November 2009, the World Health Organization (WHO) released recommendations for governments "to reduce the impact on children of marketing of foods high in saturated fats, trans-fatty acids, free sugars, or salt". They call for schools, pre-school centres and other child-focused settings to be free from all forms of unhealthy food marketing. The WHO also states that governments, not the advertising industry, should be the key stakeholders in the development of any children's advertising regulations (World Health Organization, 2009). The recommendations are part of the WHO's global strategy for the prevention and control of non-communicable diseases.

## **Advocacy Developments**

Since the Board of Health advocated children's advertising restrictions in 2008, several other organizations have followed. A list of organizations and their positions on children's advertising restrictions is provided below. The Simcoe and Thunder Bay and District Boards of Health endorsed Toronto's position in 2008. Later that year, the Ontario Public Health Association (OPHA) took a broader position, advocating "a ban on all commercial advertising targeted to children under 13 years of age". The Association of Local Public Health Agencies originally endorsed a ban on commercial food and beverage advertising to children but, in June 2009, expanded their position to advocacy for a total children's advertising ban. The Wellington-Dufferin-Guelph Board of Health, the Town of Ajax Council, Durham Regional Council, and Parks and Recreation Ontario have also endorsed a total children's ad ban. This approach would prohibit all



commercial advertising targeted to children under 13 years of age in all media that originate in Canada but would not apply to non-commercial ads on health promotion/social marketing (such as public health communication) campaigns.

Supporters of a comprehensive ban on children’s advertising cite several reasons for adopting a broader position, such as:

- partial approaches (“junk food” ad bans, for example) would be less effective and wouldn’t address other issues, such as marketing’s role in the sexualization of childhood, promoting sedentary activities and excessive consumption;
- young children are cognitively and psychologically defenseless against commercial advertising and targeting them with any type of commercial advertising is, therefore, inappropriate; and,
- in terms of legislative, administrative and enforcement procedures, Canada is better positioned to implement a comprehensive children’s ad ban, compared to partial approaches.

Other organizations have taken different positions. The Chronic Disease Prevention Alliance of Canada (CDPAC) published its official position statement on “Obesity and the Impact of Marketing on Children” in August 2008. It recommends that the Federal Government “introduce regulatory regimes to comprehensively prohibit the direct marketing of unhealthy foods and beverages to children” and urges the food and beverage industry, in collaboration with civil society and governments, to augment the marketing of healthy foods and beverages to children (CDPAC, 2008). CDPAC has not yet developed an action plan for moving forward with this advocacy position. In October 2008, the Kingston, Frontenac, Lennox and Addington Board of Health called on governments to prohibit advertising of “high-energy, low-nutrient products” to children under 13 years of age.

Organizations that Support a Ban on Food and Beverage Ads to Children

<b>Organization</b>	<b>Position Adopted</b>
Toronto Board of Health	2008
Simcoe Board of Health	2008
Thunder Bay & District Board of Health	2008

Organizations that Support a Ban on All Commercial Ads to Children

<b>Organization</b>	<b>Position Adopted</b>
Centre for Science in the Public Interest	2004
Elementary Teachers’ Federation of Ontario	2006
Ontario Public Health Association	2008
Association of Local Public Health Agencies	2009
Wellington-Dufferin-Guelph Board of Health	2009
Town of Ajax Council	2009
Durham Regional Council	2009
Parks and Recreation Ontario	2009

## **Toronto Activities**

Pursuant to the Board's April 2008 recommendation to work with provincial partners to advance advocacy for a children's ad ban, TPH staff have been collaborating with the Ontario Public Health Association and the Association of Local Public Health Agencies. TPH staff chair the newly formed OPHA children's marketing workgroup as a way to share information and coordinate advocacy efforts among public health units province-wide. TPH participated in the planning process for the February 2008 ALPHA "Food for Thought" Symposium and staff presented on a panel devoted to children's food advertising. TPH has built connections with the Ontario Ministry of Health Promotion, the Public Health Agency of Canada, and leading advocacy groups in the U.S., including the Campaign for a Commercial Free Childhood. Staff have been invited to present on the public health implications of children's advertising to numerous organizations and have assisted public health authorities in Ontario, B.C. and Alberta in pursuing the issue.

Following the Board's request for TPH to collaborate with City Agencies, Boards, Commissions and Divisions to limit children's marketing, Toronto Children's Services adopted formal guidelines stating that "child care centres will not participate in any direct or indirect food advertising or marketing by food companies that may be directed to children or parents". The Toronto Public Library revised its Sponsorship Policy in 2008 in response to the Board of Health's recommendation. Its new policy states that "The Library will not seek or accept sponsorships for programs, events, services or activities involving or targeted to children... that involve commercial advertising of food and beverages to children."

## **CONCLUSIONS**

Support for restrictions on children's commercial advertising has increased since the Toronto Board of Health took the decision in 2008 to urge governments to "prohibit all commercial advertising of food and beverages to children under the age of thirteen years". Children continue to be exposed to a greater intensity and frequency of marketing messages than any previous generation. In the last year there have been no meaningful improvements by industry, no signs that the advertising environment to children has improved in quality or quantity, and no evidence that the current system of self-regulation is capable of addressing the concerns of public health authorities. To protect children and support parents, the Board of Health should continue to urge local, provincial and national stakeholders to endorse legislated restrictions on commercial advertising targeted to children.

## CONTACT

Carol Timmings  
Interim Director, Planning & Policy  
Toronto Public Health  
Tel: 416-392-7463  
Fax: 416-392-0713  
Email: [ctimming@toronto.ca](mailto:ctimming@toronto.ca)

Brian Cook  
Research Consultant  
Toronto Public Health  
Tel: 416-338-7864  
Fax: 416-392-0635  
Email: [bcook@toronto.ca](mailto:bcook@toronto.ca)

## SIGNATURE

Dr. David McKeown  
Medical Officer of Health

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