

**Chronic Disease Prevention Alliance of Canada Policy  
Consensus Conference – Obesity and the Impact of  
Marketing on Children**

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|------------------------------|---------------------------|
| <b>Date:</b>                 | April 7, 2008             |
| <b>To:</b>                   | Board of Health           |
| <b>From:</b>                 | Medical Officer of Health |
| <b>Wards:</b>                | All                       |
| <b>Reference<br/>Number:</b> |                           |

**SUMMARY**

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This report summarizes the national policy consensus conference held in Ottawa on March 4-5, 2008, entitled “Obesity and the Impact of Marketing on Children”, organized by the Chronic Disease Prevention Alliance of Canada (CDPAC).

A panel of prominent Canadians heard evidence from an equal number of health experts and industry representatives on marketing and its influence on child health and obesity. Toronto’s Medical Officer of Health, Dr. David McKeown, was an expert presenter, advocating the Board of Health’s position of a national ban on the commercial advertising of food and beverages to children under thirteen years of age.

Based on the evidence heard, the panel drafted a policy consensus statement that calls on the Government of Canada to appoint a panel of public health experts within six months to define what constitutes unhealthy food and beverages. Once the definitions are established, the Government of Canada should create and enforce a regulatory regime that ends all marketing of unhealthy food and beverages to children within two years. If marketing of unhealthy food and beverages to children in Canada does not end within two years, there should be a ban on the marketing of all food and beverages to children at that time.

The CDPAC Steering Committee will meet in April to review the policy statement and decide whether to formally adopt it.

## **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 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”. Toronto’s Medical Officer of Health made a presentation at the conference on March 4, 2008 to advocate the Board’s position.

## **COMMENTS**

The Chronic Disease Prevention Alliance of Canada hosted a two-day policy consensus conference on March 4-5, 2008 entitled “Obesity and the Impact of Marketing on Children”. The Public Health Agency of Canada, the Canadian Institutes of Health Research and the Government of British Columbia funded the conference. CDPAC planned the event in response to the Federal Standing Committee on Health report from March 2007, “Healthy Weights for Healthy Kids”, that called for action to address rising levels of childhood obesity.

### **The Chronic Disease Prevention Alliance of Canada (CDPAC)**

CDPAC was formed in 2001 to strengthen linkages among established, new, and emerging chronic disease prevention initiatives in Canada. Its membership includes 64 national and regional organizations, including the Canadian Diabetes Association, the Canadian Cancer Society, the Heart and Stroke Foundation of Canada, the Canadian Public Health Association and the Public Health Agency of Canada.

### **Format of the Conference**

Using a format similar to a court proceeding on the first day, equal numbers of senior health experts and industry representatives presented evidence on marketing and its influence on child health and obesity, to a lay panel of eight prominent Canadians. The panel included educators, First Nations representatives, community and youth leaders, journalists, public policy researchers, academics and authors (see Appendix A). Organizers also invited approximately 130 health, industry and media representatives to observe the proceedings.

The first day was divided into four plenary sessions:

1. Setting the context (the status of child health and marketing to children in Canada)
2. The impact of marketing on children
3. What is the current federal system governing marketing to children? Does it work?
4. What are the options available to mitigate the impact of marketing on children? Do they work?

Four experts presented at each plenary, including two representing public health, government, or chronic disease prevention organizations; and two representing food companies, industry associations or advertising self-regulatory bodies. The industry-funded organizations that made deputations to the Board of Health on February 26, 2008 also presented at the conference. Ten minutes of questions from the panel for the speakers followed each session and, when time permitted, ten minutes of questions were allowed from the audience. The format did not permit debate about expert presenters themselves.

## **The Policy Consensus Statement**

At the end of the day, the panel was sequestered for the evening to absorb the information, assess the arguments and draft recommendations to governments and industry leaders, a task that took until five o'clock the next morning. Avi Lewis, the chair of the panel, read the draft policy consensus statement on the morning of the second day. Following the statement, audience members asked the panel questions about their conclusions and deliberation. Based on audience feedback, the panel made minor revisions and CDPAC released the final statement on March 28, 2008 (see Appendix B).

The panel concluded that:

- “marketing regulation should be only one piece of an integrated society-wide battle against obesity and all its many causes, including poverty, geographic vulnerability, and an increasingly sedentary lifestyle”;
- “We believe that the system of self-regulation of advertising to children – however extensive it is – is insufficient and was not designed to deal with the public health crisis of rising rates of childhood obesity”;
- and, “access to our children is a privilege, not a right, and as such should be subject to stringent regulation.”

The statement laid out a “made in Canada plan” to address children’s marketing as it relates to obesity. It calls on the Government of Canada to appoint a panel of public health experts within the next six months to define what constitutes unhealthy food and beverages. The panel should be transparent and engage in dialogue with children, parents, educators, industry, advertisers, food growers and producers, NGOs and other stakeholders; but public health experts should have primacy in setting the definitions. Once the definitions are established, the Government of Canada should create and enforce a regulatory regime that ends all marketing of unhealthy foods and beverages to

children within two years. If marketing of unhealthy food and beverages to children in Canada does not end within two years, it argued, “we call for a ban on marketing of all food and beverages to children either directly or indirectly through their parents at that time”. Furthermore, “we believe the status quo is unacceptable, and cannot continue”. “Complexity is not an excuse for inaction”.

The panel considered the Quebec model of banning all commercial advertising to children but was concerned that “applying it Canada-wide at this time would be divisive and might eliminate the opportunities for positive marketing of healthy foods and beverages”.

## **Analysis**

The policy consensus statement echoed many of the concerns expressed by the Toronto Board of Health in February 2008. The panel rejected claims by industry representatives that current self-regulation and proposed industry changes were sufficient measures. Unlike the Board, it called for government regulation of children’s marketing specific to unhealthy foods and beverages. It called for the ban to be extended to all foods and beverages, only as a last resort. The consensus statement also went much further than other advocates because it called for legislation to extend to children’s marketing broadly, rather than just advertising (the promotional component of marketing). The panel argued that any limitations should encompass all marketing practices, including pricing, product placement, packaging, in store displays, sponsorships, and marketing to children indirectly through parents and guardians.

The panel’s dismissal of the Quebec children’s advertising ban was questioned by audience members. It was pointed out that opinion polls show that the law receives overwhelming support in the province and that the ban only applies to commercial advertising, not public health promotion of healthy foods. Martine Painchaud, Executive Director of the Quebec Coalition on Weight-related Problems, expressed concern to the panel and conference organizers that no speakers from Quebec were included to present the merits of the province’s advertising law.

The final consensus statement, released by CDPAC on March 28<sup>th</sup>, is different from what was read by the panel on the final day of the conference on March 5<sup>th</sup>. Some of the changes were informed by comments from the audience after the statement was read. The final statement includes clarification of the role of the CRTC and more detailed timelines related to the recommendations. Other changes give the impression of softening criticism of food companies. The final version includes an appendix summarizing the regulatory frameworks for children’s advertising in Canada. The summary focuses on industry self-regulation and the voluntary changes announced by 16 major food companies. There is no mention of the substantial shortcomings of the self-regulatory system or the criticisms of the proposed industry changes that were expressed by health experts at the Consensus Conference. The panel’s original reference to the industry self-regulation of children’s advertising as “antiquated” was also removed from the final version.

## **Next Steps**

The CDPAC Steering Committee will meet in April to review the policy statement and decide whether to formally adopt it. It is not known what advocacy steps CDPAC will take to move the position forward if it is adopted.

## **CONTACT**

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## **SIGNATURE**

Dr. David McKeown  
Medical Officer of Health

## **ATTACHMENTS:**

Appendix A: Conference Panel Members and Presenters  
Appendix B: Policy Consensus Statement

## **Appendix A**

### **Conference Panel Members and Presenters**

#### Panel Members

- Avi Lewis (Moderator) - broadcaster
- Jane I. Campbell – former teacher and principal, TDSB
- Sheree Fitch - educator, children’s author and poet
- Renée Hodgkinson - Director of Leaders Today, youth leadership organization
- Sharon Manson Singer – President of Canadian Policy Research Networks
- Adam Spence – Executive Director of the Ontario Association of Food Banks
- Catherine Turner - Chair of the National Aboriginal Diabetes Association
- Kenneth Wong – Professor of Marketing, Queen’s School of Business

#### Expert Presenters

- Dr. Kathy Baylis - Food and Resource Economics, University of British Columbia
- Dr. Paul Carothers - Senior Vice President, Food, Health & Nutrition, FD Dittus
- Diana Carradine - Executive Director, Concerned Children’s Advertisers
- Dr. Peggy Cunningham - Director, Centre for Corporate Social Responsibility and Marie Shantz Teaching Professor of Marketing, Queen's University School of Business
- Dr. Corinna Hawkes - Consultant, France
- Dr. Dale Kunkel - Professor, Department of Communication, University of Arizona
- Dr. Susan Linn - Director, Campaign for a Commercial-Free Childhood, Judge Baker Children's Center and Instructor, Harvard Medical School
- Dr. David McKeown - Medical Officer of Health, City of Toronto
- Linda Nagel - President and CEO, Advertising Standards Canada
- Gabby Nobrega - Senior Vice President, Communications, Food & Consumer Products of Canada
- Dr. Arthur I. Pober - Senior Research Fellow, Center for the Digital Future – University of Southern California-Annenberg
- Jennifer Pomeranz - Director, Legal Initiatives, Rudd Center for Food Policy and Obesity, Yale University
- Bob Reaume - Vice President, Policy and Research, Association of Canadian Advertisers
- Neville Rigby - Director, Policy and Public Affairs, International Obesity Task Force, London, U.K.
- Dr. Mark Tremblay - Senior Scientific Advisor on Health Measurement, Statistics Canada
- Martine Vallee - Director, English-Language Pay and Speciality TV and Social Policy, Canadian Radio-Television and Telecommunications Commission

## **Appendix B**

### **Policy Consensus Statement (Approved March 28, 2008)**

Chronic Disease Prevention Alliance of Canada Policy Consensus Conference  
“Obesity and the Impact of Marketing on Children”  
Ottawa, Ontario - March 4-5, 2008

#### Background/Context:

We are a group of independently minded Canadians. We are educators, Aboriginal, community and youth leaders, journalists, public policy researchers, academics, and authors. We do not represent any private interest.

We had a difficult task given the volume of information presented in one day. We have done our best, however, to deliberate on the information presented by the experts, and reach a consensus in one long night.

The health of Canadian children and the reduction of childhood obesity are at the centre of this discussion. In our view, the voices of children and youth themselves are missing in this process and they must be heard.

**Canadians value a leadership role for the public sector in a wide range of social and economic issues. The current epidemic of childhood obesity demands such leadership, and we call on governments to lead the process of bringing all sectors together to find solutions.**

For purposes of context we have followed the definition of marketing as provided to us by the conference committees. They define marketing as “encompassing the planning and carrying out the conception, pricing, promotion and distribution of goods and services”.

Advertising is but one component of marketing. Today’s marketing is much more. We were not presented with any thorough research on the many dimensions of marketing in today’s world, including but not limited to: pricing; product placement; merchandising; labelling; branding; packaging; in-store displays; online advergaming; branded toys and clothing; sponsorship; character creation and celebrity endorsements; and many other platforms that marketing now employs.

#### **Answering the Questions:**

#### **WHAT IS THE IMPACT OF MARKETING ON CHILDREN?**

Marketing food and beverages to children has an impact on their food and beverage choices. The foods and beverages marketed to children are predominantly unhealthy, and unhealthy food and beverage choices are contributing to obesity.

## **WHAT IS THE CURRENT FEDERAL SYSTEM GOVERNING MARKETING TO CHILDREN? DOES IT WORK?**

Access to our children is a privilege not a right, and as such should be subject to stringent regulation.

Government legislation at the federal and provincial levels provides overarching rules on commercial marketing. The federal *Food and Drugs Act* and the *Competition Act* prohibit selling or advertising in a manner that is false, misleading or deceptive to consumers. However, for the most part, with the exception of Quebec, advertising to children is an industry self-regulated system.

The Canadian Association of Broadcasters and Advertising Standards Canada (both industry groups) developed a *Broadcast Code for Advertising to Children*. It has been endorsed by the CRTC, which requires broadcasters to comply with it as a condition of licensing in Canada. However, this system is administered by the industry. For a fuller explanation of the regulatory framework, please see the appendix.

Currently, Canadian legislation and the self-regulatory system do apply to all advertising, including advertising to children. However, the system is geared towards advertising: there are no specific provisions regarding the many other forms of marketing food and beverages to children that exist in today's multi-media marketplace. There is a regulatory void when it comes to protecting children's health from the dangers of marketing unhealthy food and beverages.

We believe that the system of self-regulation of advertising to children – however extensive it is – is insufficient and was not designed to deal with the public health crisis of rising rates of childhood obesity.

We live in a world where marketers are not just selling products, but are surrounding those products with multi-layered experiences. **The current regulatory environment is insufficient in scope and vision to respond to this new world.**

## **WHAT ARE THE OPTIONS AVAILABLE TO MITIGATE THE IMPACT OF MARKETING ON CHILDREN? DO THEY WORK?**

There are many options.

The first option is to continue the status quo with a self-regulated system that is focused mainly on television advertising.

For all of the reasons above, we believe this status quo is unacceptable, and cannot continue.

We considered the Quebec model of banning all commercial advertising to children under the age of 13, but we were concerned that applying it Canada-wide at this time



would be divisive and might eliminate the opportunities for positive marketing of healthy foods and beverages.

We considered the UK and Swedish models of banning certain types of TV advertising to children, but we clearly see that **TV advertising alone is a small piece of the puzzle.**

We agree, however, and we think Canadians would agree, that unhealthy food and beverages should not be marketed to children. We recognize and celebrate all ongoing efforts to promote media literacy and to harness the power of marketing to promote active lifestyles and encourage healthy dietary choices. After considering all of the evidence presented to us, we came up with this made in Canada plan.

## **THE PLAN**

First of all, we affirm that marketing regulation should be only one piece of an integrated society-wide battle against obesity and all its many causes, including poverty, geographic vulnerability, and an increasingly sedentary lifestyle.

Furthermore, any limitation on marketing food and beverages to children has to speak to all forms of marketing including indirect marketing to parents and guardians. These limitations must also apply to all stakeholders in marketing to children including, but not limited to, retailers, broadcasters, suppliers and providers that send ads to cell phones.

Marketing to children on the Internet is a significant dimension of the issue. The CRTC has told us it has the legal authority only to regulate broadcast video and audio streamed online, and for now there is yet another regulatory void for the rest of internet content. When it comes to the health of Canadian children and the dangers of marketing unhealthy food and beverages to them, we believe that the federal government should exercise its authority to regulate Internet marketing to children through the *Competition Act*.

Complexity is not an excuse for inaction.

We also understand that it is complex to define what constitutes unhealthy food and beverages, as well as the age definition of a child for this purpose. For these reasons, **we call on the Government of Canada to appoint a panel of public health experts to define the age threshold and what constitutes unhealthy food and beverages.** The panel should be convened and begin its work within six months of the release of this statement. We know that this is a tight timeline. But this is a public health emergency.

We encourage the expert panel to be transparent in its process and start a dialogue with children, parents, educators, industry, advertisers, food growers and producers, NGOs and other stakeholders, but we affirm the primacy of the public health experts on setting the definitions.

Once the definitions are established – and again, we call for the utmost speed in getting this crucial work done – we call on the Government of Canada to create, approve and

then go on to enforce a regulatory regime that ends all marketing of unhealthy food and beverages to children within two years.

As well, we include here marketing that is targeted to children indirectly through their parents or guardians.

In view of the urgency of this public health crisis, the epidemic of obesity in children, we believe that the complexity of the issues is no excuse for inaction. If marketing of unhealthy food and beverages to children in Canada does not end within two years, we call for a ban on marketing of all food and beverages to children either directly or indirectly through their parents at that time.

We highlight the practice of marketing to children **through** adults because we anticipate that marketers may simply shift to surrogates if they are limited in their access to children.

This would not solve the problem. If manufacturers are marketing healthy food and beverages to children, they have nothing to fear. If they are marketing unhealthy food and beverages, they should not be able to shift their marketing efforts to encourage adults to buy those products for their children.

We also want to exempt explicitly public service announcements about healthy lifestyles from any marketing restriction. Marketing is a powerful force, and it should be used by government to encourage healthy choices in food and beverages, as defined by public health experts.

Furthermore, we want to acknowledge that in calling for limitations on all forms of marketing unhealthy food and beverages to children, we are re-opening a longstanding societal debate about corporate sponsorship of children's activities, sports teams, etc. In the limited time we have, we cannot deal in full with this issue. But we do feel that if companies want to support the healthy activities of children and give back to the community, they should be willing to do so without making the promotion of their brand, logos and commercial characters a condition for their generosity. If we are serious about prioritizing the health of our children – and the future health of our society – sacrifices and compromises will have to be made on all sides.

We know that bans are controversial, but we believe our recommendations are in line with the principles underlying the industry's Canadian Children's Food and Beverage Advertising Initiative, the voluntary food industry initiative around food and beverage advertising to children. We believe our plan provides a more level playing field for all participants.

Finally, we recognize that the practice of Canadian companies marketing food and beverages to Canadian children comprises only a small part of the media landscape. We call on governments, broadcasters, retailers, and others to apply these principles in Canada wherever possible across media and platforms. For example, Canadian

broadcasters license US programming for both simulcast and rebroadcast in Canada, and sell the commercial time to Canadian advertisers. The Canadian Association of Broadcasters has told us that these prime-time US shows have the highest numbers of young viewers. Should these programs be exempt from the restriction on marketing unhealthy food and beverages to children? We think not – the same rules should apply wherever possible. While this is just one example, the message is that stakeholders should look for as many areas as possible where the marketing of unhealthy food and beverages could come to an end.

Sadly, Canada is one of the world leaders in childhood obesity. We think Canada can lead the world in addressing this epidemic and begin the reversal of this alarming trend. Our proposal is a small piece of that important task.

## **APPENDIX: BROADCAST REGULATION IN CANADA**

There are a number of codes that are supplementary to existing federal and provincial laws and regulations that govern advertising, including the regulations and procedures established by Health Canada, Industry Canada and the Canadian Radio-television and Telecommunications Commission (CRTC).

Since 1968, the CRTC regulates all aspects of the Canadian broadcasting system under a mandate outlined in the Broadcasting Act (1991), the *Telecommunications Act* (1993) and the *Bell Canada Act* (1987)<sup>1</sup>. The CRTC works with the Canadian Association of Broadcasters<sup>2</sup> (CAB) through the Canadian Broadcast Standards Council<sup>3</sup> (CBSC) to support the self-regulation of broadcast content by private sector broadcasters in Canada. In 1963, Advertising Standards Canada (ASC)<sup>4</sup>, the Canadian advertising industry self-regulatory body, developed the Canadian Code of Advertising Standards, which sets the standards for acceptable Canadian advertising messages, and applies to all media. Code clauses run the gamut - from accuracy and clarity to safety to advertising to children.

To complement the general principles outlined in the *Canadian Code of Advertising Standards*, the CAB, in cooperation with the ASC, developed the *Broadcast Code for Advertising to Children*. The CRTC endorsed this *Broadcast Code for Advertising to Children*. Compliance with this code is a condition of broadcasting licences in Canada. The Broadcast Code for Advertising to Children is administered by the ASC. CRTC mandates preclearance of children's advertising on television by ASC's Children's Clearance Committee under the *Broadcast Code for Advertising to Children*, and the ASC also administers the complaints-driven mechanism for children's advertising in other media.

In 2004 and 2007, under the social values provision of the *Broadcast Code for Advertising to Children*, Interpretation Guidelines were developed to ensure, among other things that snack food advertisements aimed at children clearly depict the role of the product within the framework of a balanced diet, and that portion sizes presented in commercials are age-appropriate. These Interpretation Guidelines were also added to the

*Canadian Code of Advertising Standards* to encompass advertising to children in media other than broadcast.

In 2007, the Canadian Children's Food and Beverage Advertising Initiative was announced. Under this Initiative, 16 leading food companies have committed to advertise only healthier products or not to advertise to children under the age of 12 on television, in print and on the Internet. However, different companies have different definitions of "healthier" products. Furthermore, public health experts are not involved in the determination process.

Participants have also made commitments in other areas, including no advertising in elementary schools. The initiative is administered by the ASC, which will audit and publicly report on company compliance.

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<sup>1</sup>The CRTC grants, amends and renews broadcast licences, monitors the performance of licencees (TV cable companies, cable and radio stations) and establishes broadcasting regulation and policy. The CRTC works closely with the industry in the development of broadcasting standards regarding violent content, gender portrayal, cultural/minority rights, advertising and programs aimed at children.

<sup>2</sup> CAB founded in 1926 represents nearly 402 privately-owned, advertising-supported television and radio stations across Canada and it offers advice on technical, regulatory and advertising issues, and presents the industry's position to governments, regulators and consumers.

<sup>3</sup> The CBSC is an independent council created by CAB in 1990 to respond to public complaints about radio and television programming. The CBSC administers the voluntary broadcasting codes developed by the industry and informs broadcasters of trends in complaints. When complaints are lodged, the CBSC acts as the "middle-man" between the public and the broadcasting industry. For example, if a complaint is settled at the CBSC level, then it doesn't go on record at the station level. When problems cannot be resolved by the CBSC, the CRTC makes the final decisions - which will remain on record at the station level.

<sup>4</sup> The members of the ASC include advertisers, advertising agencies, and media organizations. ASC accepts and adjudicates complaints from consumers or industry related to advertising. The Canadian Code of Advertising Standards is the principal instrument of advertising self-regulation in Canada, and since 1963, it has been revised periodically to keep it up to date and relevant.

### **Policy Consensus Statement Panel Members**

Avi Lewis (Moderator)

Jane I. Campbell

Sheree Fitch

Renée Hodgkinson

Sharon Manson Singer

Adam Spence

Catherine Turner

Kenneth Wong

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