



IFA SUBMISSION TO THE BROADCASTING AUTHORITY OF IRELAND

REVIEW OF THE CHILDREN'S COMMERCIAL COMMUNICATIONS CODE

12th October 2011

INTRODUCTION

IFA represents over 87,000 farm family members, including the vast majority of Ireland's 18,000 dairy farming households. Obesity and diet related ill-health in children, and the impact they can have on their future health, are issues farm families struggle with just as much as anyone else. The susceptibility of children to sophisticated television advertising and the impact it can have on their own, and their family's, food choices are also issues of concern to parents in the farming community.

IFA therefore accepts the validity of the move by the Broadcasting Authority of Ireland (BAI) to undertake a review of its Children's Commercial Communications Code, to see whether its regulation of TV advertising of foods to children can be updated to more positively influence their dietary habits.

With fundamental changes in the European Common Agriculture Policy and the abolition of the milk quota regime from 2015, Irish dairy farmers and the Irish dairy sector are facing exceptional expansion opportunities. These were clearly identified by Government in the publication of the Food Harvest 2020 report, which predicted a 50% expansion in Irish milk and dairy production within the next 10 years. Irish milk processors and dairy farmers are now proactively planning and preparing for this expansion, which should increase very substantially the value of our dairy exports by 2020.

It is also well documented that dairy products, which constitute a readily available and concentrated source of calcium, play a crucial part in the diet of children and teenagers. Recent studies have further shown no link between a relatively stable cheese consumption among the under-18 and the rising incidence of overweight and obesity in this age group.

This is why IFA is alarmed by suggestions in the BAI consultation documents that full fat or low fat cheese and butter should be treated, from the point of view of television advertising restrictions, on par with confectionary or sugary soft drinks, which would be readily associated with "junk foods".

THE CONSULTATION DOCUMENT

The BAI consultation document was put out for public consultation in August 2011. It includes a short report on advertisements seen by children on Irish TV channels, and the times Irish TV channels are watched by children. It then identifies dairy foods as the second most important type of foods advertised at times when children are watching, immediately behind prepared and convenience foods.

It also contains its Expert Working Group report, which briefly describes and illustrates the UK Nutrient Profiling model (NP) which it proposes to use to identify HFSS foods, considers then rejects the exemption of cheese from advertising restrictions, then makes five recommendations of how advertising for HFSS foods to children, teenagers and their carers might be restricted. While the EWG stops short of recommending an outright ban on advertising of certain foods at certain times,

this is the option taken in the UK, and it is clear from the direction of the report that this is a favoured option for the EWG and the BAI.

Finally, the BAI outlines a number of regulatory options, reflecting the EWG's recommendations, and asks specific questions relevant to each section of the consultation document which individuals and organisations wishing to submit comment as part of the consultation process should respond to.

IFA views – Summary

- 1) The BAI's EWG report is partly self-referential, with a substantial number of papers authored by EWG members serving as reference, which we believe is a questionable practice.
- 2) The EWG was exclusively composed of "public health experts" from FSAI, Safefood, the HSE and the Department for Health, with a few BAI administrators, so that its proposals were developed in isolation from the food industry. IFA believes that food/dairy industry representatives and personnel from the Department of Agriculture, Food and Fisheries must be introduced into the EWG, to ensure that regulation remains practically implementable, and coherent with the Government Food Harvest 2020 policies for the sector.
- 3) The NP model is fundamentally flawed. It was specifically developed based on UK dietary data to be "a simple scoring system"¹ – we would argue it is simplistic more than simple. The NP model only considers foods in 100 grs portions² – when many nutritious foods are consumed in significantly lower portion sizes as part of a healthy, balanced diet. E.g. low or full fat cheese (portion of full fat cheddar defined as "a matchbox sized 28 grammes piece"³ and low or full fat butter (less than 10 grammes on a slice of bread⁴). It also ignores the importance of calcium and other positive nutritional contributions which dairy foods have been proven to make within a healthy diet.

The NP model also contributes to demonising certain foods as "bad foods", while others are given a "good food" blank cheque. This undermines the very concept of balance and controlled, healthy portion sizes, by encouraging consumers to avoid certain potentially nutritious foods altogether while overindulging in others. Does the EWG seriously believe children would be better off consuming unlimited amounts of diet cola rather than moderate portions of cheddar cheese?

Far from improving children's diets, we would contend that the EWG recommendations

¹ See page 25, point 4.1 at http://www.bai.ie/wordpress/wp-content/uploads/BAI-CCC-Consultation-Documents/vfinal_BF.pdf

² See page 11, point d) at http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_123492.pdf

³ National Dairy Council

⁴ FSAI new recommendations for food-based dietary guidelines for healthy eating in Ireland.

would, if implemented, damage the consumption of cheese in Ireland and reduce children's opportunities to improve their calcium intake.

- 4) The suggestion, after specific examination by the EWG of the case for cheese to be exempted from advertising restrictions, that it should be treated as a less healthy food on the basis of the above flawed model is shocking, confusing and lacks any credibility. It sends the appalling and totally unsubstantiated message that cheese should be associated with junk food, not only to Irish consumers, but to our international customers, seen as we export over 90% of all the cheese we produce.

It also fails to recognise that, as shown by the IUNA surveys, the consumption of cheese by children and teenagers in the last 20 years has remained relatively stable, while the incidence of overweight and obesity has undeniably increased. The EWG have therefore every reason to exempt cheese from advertising restrictions.

The Irish Dairy Board, in conjunction with Teagasc Moorepark, have just invested €1.5m in a R&D project to develop new cheese products for new export markets, as part of the Government promoted Food Harvest 2020 plan to expand milk and dairy production by 50% in the next 10 years. The suggestion by the EWG to relegate cheese to the same rank as junk foods runs against this crucially important industry project, with serious potential economic consequences for the sector.

- 5) We believe that for the BAI to adopt the recommendations of the EWG as they currently stand, including their proposed discrimination against nutritious dairy products such as cheese would fly in the face of Government policy to promote development and expansion in the dairy sector, as expressed in the Food Harvest 2020 report. This is totally unacceptable to Irish dairy farmers and to IFA.
- 6) We are concerned that, having copied the NP model from the UK, the BAI and their EWG would also be tempted to copy the measures adopted there with regards to advertising of HFSS foods: namely an outright ban on such advertisements during certain time bands. This would be a totally unacceptable form of restriction, as it would constitute a disproportionate interference with the legitimate marketing activity of the food sector.
- 7) We believe the BAI should encourage advertisers of HFSS foods to educate consumers and promote their products in the context of the balanced diet and active lifestyle message. This is not a simple message which a ban on advertisements of certain hastily identified foods at certain times of the day when children or their carers could be watching will do anything to promote.

If the BAI is serious about promoting measures which will educate children about good food choices and actively help improve the diet of the adults of tomorrow, it should also engage with broadcasters to promote fun food, cookery and lifestyle television programmes targeted to children. Those programmes should aim to engage children and carers and help educate them in a fun way on how to make good food choices within a healthy, balanced and varied diet and maintain healthy levels of physical activity.

Banning advertising of certain foods to children may seem like an obvious and simple solution, but in fact it is a cop out in the face of a complex issue.

IFA views - responses to the consultation questions

In this section, IFA responds specifically to the series of questions asked by the BAI under each section of its consultation document. Each of the 8 questions from the consultation document is repeated below, before the relevant answer. The answers may appear somewhat repetitive, and some questions are grouped for the purpose of responding, reflecting the fact that questions cover the same or similar ground.

Expert Working Group report

Question 1 - What are your views, generally, on the five recommendations of the Expert Working Group?

- IFA represents 85,000 farming households, among which the vast majority of Ireland's 18,000 dairy farm families. Farmers, as parents, struggle as much as anyone else with the health implications of poor diets among children. Farmers are also sharply aware of the vulnerability of children to the sophisticated messages from advertisers, and the influence these have on their and their family food choices.
- Dairy farmers are an integral part of the dairy industry, which they largely own as shareholders of dairy co-operatives, and from which they derive their and their families' livelihoods. Dairy farming, milk processing, and agriculture/agribusiness in general are prevalent throughout the country, and make a vital contribution to the local and national economies⁵. Dairy farmers are strongly aware of the importance of advertising as a legitimate part of dairy companies' marketing activity, and as a means of communicating important product information to consumers. They fully realise the importance advertising has in securing existing and additional markets both at home and most importantly on the export market in the context of Government plans for a 50% expansion of milk production by 2020⁶. With over 85% of our dairy products sold on the export market, and with the prevalence in children's and teenagers' lives of the internet and social media, advertising restrictions at home send a very strong message beyond our borders which has the potential of harming a sector of vital national economic interest.
- Therefore, while recognising that TV advertising of HFSS foods and drinks to children and teenagers must be regulated, farmers and the IFA want to see an approach which does not unreasonably limit the ability of the industry to market its products, and does not create an unfairly negative image at home or abroad for products with strong nutritional credentials such as cheese.

⁵ See: The Importance of Agriculture to the Irish Economy by Dr. John O'Connell and Prof. Jim Phelan, UCD 2011

⁶ See: Food Harvest 2020 report

- IFA contends that more careful consideration is required by the BAI as to how the foods concerned by the proposed advertising restrictions are to be identified, what constitutes advertising to children (as opposed to advertising generally at times when all age groups are watching), and indeed whether restrictions should involve banning ads for certain foods at certain times of the day.
- The EWG was exclusively composed of “public health experts”. IFA believes food/dairy industry representatives and personnel from the Department of Agriculture, Food and Fisheries must be introduced into the EWG to ensure that regulation remains practically implementable, and coherent with Government policies for the sector.
- We are concerned that the EWG report is substantially self-referential, which harms the credibility of the group and taints its recommendations.
- We disagree fundamentally with the proposed adoption of the NP model as a base to identify HFSS foods. The model was developed in the UK to help regulate TV advertising to children in the UK, based on UK data. Irish dietary data has been compiled over the last 15 years as part of the Department of Agriculture, Food and Fisheries’ world class Food Institutional Research Measure (FIRM) project. Those food consumption surveys are carried out by the Irish Universities Nutrition Alliance (IUNA) and are compiled into their National Food Survey databases⁷, at an estimated cost to the Irish taxpayer of €7m. These high quality long series of data directly relevant to the Irish market should form the base of any Irish regulations – not an inadequate and flawed system copied and pasted from a substantially different market.
- The NP model is overly simplistic in its good food/bad food approach, in that it focuses on the nutrient profile of individual foods rather than that of complete diets. It ignores the crucial concept of portion size, and measures everything in 100 grammes⁸. It does not factor in valuable nutrients such as calcium, and is acknowledged by the EWG as being flawed in that it does not include any reference to trans-fats. The NP model undermines the very notion of a balanced diet based on moderation and variety.
 - The NP model results in the classification – as highlighted in the consultation document – of diet cola as a healthier product for children than cheddar cheese. This alone shows it lacks any credibility as a base to identify the foods to be regulated.
 - Its simplistic approach classifies cheese in the same list as confectionery, sugary soft drinks, crisps and other “junk foods”, which is profoundly confusing for parents genuinely trying to provide a healthy diet for their children.
- With specific regards to cheese, we hold absolutely that the EWG were incorrect in their conclusions.
 - The EWG, while referencing the IUNA databases, has made only very selective use of them. Closer examination would have shown that in the last 15 years, children and teenager’s consumption of cheese has remained relatively stable – unchanged at 7grs/day for male children, up slightly from 11 to 13grs for male teenagers; down from 10 to 8 grs/day for female children and steady at 10grs

⁷ See: www.iuna.net

⁸ See page 11, point d) at

http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_123492

for teenage girls⁹. As the incidence of overweight and obesity have increased substantially among both sexes and age groups over the same period, it should be obvious to the EWG that there is absolutely no link between the consumption of cheese by the under-18 and overweight/obesity. There is therefore no valid reason to apply restrictions to the TV advertising of cheese to that age group.

On the other hand, no attempt has been made by the EWG, using the IUNA database, to identify what food consumption trends and which foods actually consumed by Irish children and teenagers, actually make a contribution towards increasing overweight and obesity.

- The FSAI dietary guidelines¹⁰ recommend 3 to 5 portions of dairy a day for children from 5 to 13 years of age, and 5 portions of dairy a day for teenagers under 18. This means children must be given maximum choice among the nutritious products, including low and full fat cheese, which the dairy category has to offer.
- By recommending that cheese should be subject to TV advertising restrictions despite its acknowledged value as a ready source of calcium and numerous other nutrients, the EWG is effectively reducing the choices of children and their parents in trying to achieve a healthy, balanced diet. This is in the context of Irish children and teenagers having documented inadequate calcium intakes. Recent studies found an insufficient calcium intake in 42% of teenage girls and 23% of teenage boys. Corresponding figures for children from 5 to 12 years of age were 37% and 28% respectively¹¹.
- A portion of cheese is defined as 28 grammes¹² – not 100 grammes¹³ as provided by the NP model. Evidence from the IUNA database¹⁴ shows that the actual portion size consumed by children is even less than that, at 13 grammes per day. A portion of butter is defined by the FSAI as less than 10 grammes on a slice of bread¹⁵, so not 100 grammes either. Actual consumption as per IUNA is 6 grammes and 9 grammes per day for children and teenagers respectively. It is clear that the NP reliance on profiling foods based on 100 grammes regardless of portion sizes, or actual consumption within the overall diet is wide of the mark.
- The EWG's findings on cheese also fly in the face of EU nutrition policy with regards to the School Milk Scheme. This long-established scheme makes milk and dairy products available at reduced cost to children in schools in order to improve their nutrients intake and help establish good food habits from an early age.

⁹ See: www.iuna.net

¹⁰ See: New recommendations for food-based dietary guidelines for healthy eating in Ireland - FSAI

¹¹ Hayes E *et al.* *Proc Nutr Soc.* 2008; 67 (OCE7): E275.

¹² Source: National Dairy Council

¹³ See page 11, point d) at

http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_123492.pdf

¹⁴ See: www.iuna.net

¹⁵ See: New recommendations for food-based dietary guidelines for healthy eating in Ireland - FSAI

In recent years, the School Milk Scheme has been expanded to include a variety of low and full fat dairy products, including cheese, to “respond to the existing health and nutrition tendencies”¹⁶.

- Restricting TV advertising of HFSS foods when adults are watching on the basis that they are the carers of children could involve restriction on all advertising of HFSS foods at all times. Should those restrictions take the form of an outright ban, this would be a totally unacceptable disproportionate interference in the Irish food industry’s legitimate marketing activity. The advertising of foods to adults is already covered within the BAI General Commercial Communications Code, and it is therefore inappropriate to bring this issue into the Children’s code.
- Focussing such a ban on the times at which children watch television supervised or otherwise by carers is also unacceptable, as this would potentially restrict legitimate marketing activity for much of the day.
- An outright TV advertising ban at times when children and/or carers are watching is a cop out: it may seem like a simple and neat solution, but it ignores the complexity of the problem, and provides no opportunity for the promotion of the healthy eating message.
- The last EWG recommendation regarding trans-fats is further proof of the inadequacies of the NP model. It must be abandoned as it is an inappropriate basis with which to identify foods whose TV advertising may be restricted on the Irish market.

The Nutrient Profiling model

Question 2 - Do you think the BAI should adopt the Nutrient Profiling Model of the Food Standards Agency in the event that it puts in place specific regulation of HFSS foods?

Question 3 - Do you anticipate any difficulties implementing this model in practice? If yes, how might these be resolved?

- As previously explained in detail, we believe the NP model is an inadequate tool to identify HFSS foods for the purpose of advertising restrictions, especially in the Irish context. The NP model is incompatible with the promotion of a balanced diet made up of a variety of foods in suitable portion sizes, and it disregards many valuable nutrients. It reduces all foods to a simplistic classification of “good” or “bad” foods. This was so clear to the EWG that, when they realised that cheese would fall foul of the NP model, they decided to consider cheese separately. Regrettably, as we have stated above, the EWG came to incorrect conclusions on this product.

In view of their exceptionally important contribution to children and teenagers’ calcium and other nutrient intake, and as the consumption of cheese clearly does not contribute to the incidence of overweight and obesity in the under 18, all dairy products, including low and full fat cheese, must be exempt from whatever advertising restrictions may be applied to HFSS foods.

¹⁶ See: COMMISSION REGULATION (EC) No 657/2008 of 10 July 2008

Question 4 - Who should have responsibility for certifying that a product is/is not a HFSS food? Should it be advertisers or broadcasters?

- We believe that an approach rejecting the NP model, using Irish dietary data collected by IUNA¹⁷ as a base, focussing on diets rather than individual foods and involving consultation with the food industry should be used as a base to identify/certify that a product is or is not a HFSS food, and provide for appropriate advertising restrictions.

Question 5 - The NP model uses the UK National Health Services „5 A DAY“ definition of what constitutes a fruit or vegetable. On what basis should the BAI define food and drink in the event that it applies the model in Ireland?

- Again, IFA rejects the NP model outright, as inadequate for the Irish context and overly simplistic to make a real contribution to improving children’s diets. Irish data collected by IUNA as outlined above should be used as a basis to develop, in conjunction with the food industry, a specifically Irish approach based on overall diets rather than individual foods.

Regulatory options

Question 6 - Regarding the regulatory approaches outlined at 5.1 (of the consultation document), which of the three approaches do you think would work best:

- Self-regulation;
- Co-regulation, or;
- Governmental/Independent statutory regulation?

Please provide the reasons for your opinion.

Question 7 - Regarding the regulatory approaches outlined at 5.1, which, if any, of the approaches outlined do you think is unsuitable? Please provide reasons for your opinion.

- Whatever regulatory approach is retained, the details of the regulation must be developed in co-operation with industry and the Department of Agriculture, Fisheries and Food, including the type of advertising regulation involved and the identification of the foods it should be applied to. This would ensure that, while helping to achieve the desired result of improving children’s diets, the said regulation remains practical from an implementation point of view, and coherent with Government economic policy for the agri-food sector.

Question 8 - Regarding the regulatory measures outlined at 5.2, which, if any, of these measures do you favour:

- No additional regulation;
- Restrictions based on time bands;
- Restrictions based on the definition of children’s programmes;
- Content restrictions;
- On-screen measures;
- A combination of measures;

Please provide the reasons for your opinion.

¹⁷ See: www.iuna.net

- We would favour on-screen or audio messages emphasising the importance of consuming HFSS foods in moderation as part of a healthy, balanced diet and active lifestyle. This approach would provide a valuable opportunity to communicate this important message to children, teenagers and carers, which a ban on advertising of HFSS foods at certain times clearly removes.
- Restrictions based on time-bands or the definition of children's programmes, in so far as those restrictions intend to ban advertising of HFSS foods during those time bands or programmes, would be both ineffectual in furthering the healthy diet message, and a disproportionate interference with the legitimate marketing effort by the food industry.
- The BAI must bear in mind that, while rightly attempting to regulate the television advertising to children and teenagers of HFSS foods, the Irish food processing sector, especially the dairy industry, bears one of the strongest potential to grow domestic and export earnings in coming years. Both dairy farmers and processors are currently investing and planning to deliver on the 50% expansion mandated by the Food Harvest 2020 report. The ability to inform the public about the strong nutritional credentials of its products, the ability to market and advertise those products, including to children on television at home and abroad, is crucial to ensure that the Irish dairy industry can thrive and expand and deliver substantial export revenue growth for the benefit of the entire economy.
- Finally, the BAI should not lose sight of its purpose in reviewing the Children's Commercial Communications Code: namely encouraging children and their parents to make better food choices in the context of a healthy, balanced and varied diet and an active lifestyle.

Banning the advertising of HFSS foods at certain times of the day may appear an attractive simple and neat solution, but in reality it is a cop out in the face of a complex problem.

If the BAI is serious about addressing children's diets, it should perhaps encourage broadcasters to produce fun, children oriented food/cookery/lifestyle programmes with an engaging and educational approach to the importance of a healthy diet and ongoing physical activity.

CONCLUSIONS

The 87,000 farm family members represented by IFA recognise fully the threat to the health of future generations of the increasing prevalence of overweight and obesity among children, teenagers and adults. They are very aware of the importance of promoting good food habits, a healthy diet and a physically active lifestyle from the early stages of childhood.

They are also totally dependent for their livelihoods on a thriving and expanding agri-food industry which has the potential to increase national export revenue by 42% to €12 billion in the next 10 years, making a significant contribution to the recovery of the Irish economy.

Dairy products, especially low and full fat milk, yoghurts, dairy desserts, cheeses and butter, contribute a variety of nutrients in addition to calcium in the form of products which children and teenagers enjoy consuming. The FSAI recommends 3 to 5 portions of dairy a day should be consumed by children and teenagers in the context of a healthy, balanced diet. Access to

information, through advertising and other forms of marketing, on all types of dairy products which can contribute to a healthy diet is crucial to give children, teenagers and their carers the opportunity to make informed choices.

Ireland is well recognised for its natural advantage to dairy production, and Government policy as expressed through the Food Harvest 2020 report has identified the dairy sector for its potential to increase output by 50% within 10 years. Farmers and their processing co-operatives are now planning and investing to deliver this expansion which will help increase very substantially export earnings and growth in the Irish economy. The dairy activity, from farming to processing, is present in every region of the country, and the spin off into the local economy from this sector is the highest in agriculture.

IFA understands fully the importance to regulate the advertising to vulnerable children and teenagers of high fat, salt and sugar, or “junk” foods which make little positive contribution to their diet and nutrient intake.

However, no dairy product consumed in appropriate portions in the context of a balanced diet belongs in this category.

It is therefore critical that all dairy products would be exempted from any advertising restrictions which could interfere disproportionately with the dairy sector’s legitimate marketing activity, especially in the context of the economically vital expansion planned by the industry in the next 10 years.

Furthermore, the BAI must go back to the drawing board, incorporate industry representatives in its Expert Working Group, and find, in conjunction with the food industry, a credible methodology appropriate to the Irish market and Irish children’s diets to identify HFSS foods.

Finally, the BAI must not be tempted by the lazy cop out of banning TV advertising during certain time slots, but rather engage with advertisers and broadcaster to make a greater effort to market and present HFSS foods to children in the context of a healthy diet and lifestyle.

