



**Public Health Association**  
AUSTRALIA

**Submission from the Public Health Association of Australia to  
the Australian Senate Community Affairs Committee Inquiry**

**Protecting Children from Junk Food Advertising (Broadcasting  
Amendment) Bill 2008**

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## **1. Preamble**

The Public Health Association of Australia Inc (PHAA) is a national organization comprising individual members and representing over 40 professional groups concerned to promote health at a population level. This includes, but goes beyond the treatment of individuals to encompass health promotion, prevention of disease and disability, recovery and rehabilitation, and disability support. This framework, together with attention to the social, economic and environmental determinants of health, provides particular relevance to, and expertly informs the Association's submission on Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008.

The main emphasis of this submission is that a comprehensive approach is required if there is to be success in dealing with the issue of obesity and chronic disease prevention in our community and particularly with regard to our children. Although the approach should primarily be focused on both food and nutrition and physical activity it is important that a coordinated effort led by government and other agencies is deployed to achieve a national, integrated, multi-sectoral and multi-dimensional approach to tackling overweight and obesity.

Turning the obesity epidemic around is particularly challenging as it involves a range of complex issues. However, this complexity should not be used as a way of preventing action now. There are clearly some steps that are available to policy makers and such steps should be taken at the first opportunity in order to begin turning the situation around.

As an integral part of this program there should be a priority approach to restrictions on advertising of junk food that specifically targets children. Such restrictions should not be limited to television advertising and other broadcasting but should also extend to all other forms of promotion that specifically targets young people – especially in their sports, schools and recreation. Although the PHAA does suggest minor amendments and looks forward to the intent of the Bill being extended in the future, we believe that Senator Bob Brown's Bill effectively achieves this priority part of such a strategy and should be supported.

## **2. Obesity is a major but preventable health problem**

The World Health Organization's (WHO) Expert Consultation on Obesity recognised in 1997 that "overweight and obesity represent a rapidly growing threat to the health of populations and an increasing number of countries worldwide".<sup>[1]</sup> WHO has ranked obesity as one of ten preventable conditions that require urgent attention.<sup>[2]</sup> In Australia, the National Health and Medical Research Council (NHMRC) has recognised that overweight and obesity poses a major public health problem in Australia.<sup>[3]</sup> Overweight, including obesity,

now contributes 8.6% of the burden of premature death and disability, the largest contributor of the biomedical and behavioural risk factors measured. <sup>[5]</sup> The Australian Government has recognised obesity as an epidemic and a social problem and has developed strategic plans which aim to achieve healthier weight in children and young people <sup>[6]</sup> and reduce the burden of weight-related illness in adults<sup>[7]</sup>. The government has appointed the Preventative Health Taskforce with one of the key responsibilities to make recommendations regarding the issue of obesity. The following information has recently been released as part of the Discussion Paper by the Taskforce<sup>[3]</sup>. “The prevalence of overweight and obesity in Australia has been steadily increasing over the past 30 years. In only 15 years, from 1990 to 2005, the number of overweight and obese Australian adults increased by a staggering 2.8 million”.

The Taskforce Discussion Paper also points out “if the current trends continue unabated over the next 20 years, it is estimated that nearly three-quarters of the Australian population will be overweight or obese in 2025”. It also draws on *The National Children’s Nutrition and Physical Activity Survey 2007* that indicates “almost a quarter of Australian children are overweight or obese, an increase from an estimated 5% in the 1960s. Nearly a third of children don’t meet the national physical activity guidelines. Alarming, even less children met the Australian dietary guidelines for children and adolescents. Almost all (99%) of 14 to 16 year olds ate less fruit than recommended fruit intake and 95% ate less than recommended vegetables. Dietary habits are formed during early childhood results indicate that poor habits are starting young, with 40% of children 4-8 years of age are not meeting the fruit recommendation. The average saturated fat and sugar intake were above recommended levels (14% compared to the recommended 10% of total energy from saturated fat) and (24% compared to recommended 20% of total energy from sugar).

### **3. Risk factors for obesity**

The risk factors for obesity are a sedentary lifestyle and consumption of high energy nutrient poor diet. The causes of obesity are largely environmental.

The World Health Organisation (WHO) has identified the underlying causes of the global obesity epidemic as: sedentary lifestyles; overconsumption of energy-dense, micronutrient-poor foods and beverages (particularly sugar-sweetened drinks); heavy marketing and promotion of these foods and beverages, particularly fast food outlets; and adverse socioeconomic conditions, especially for women and children. The protective factors are listed as: regular physical activity, eating a diet that consists of a wide range of nutritious foods particularly a high intake of fibre-rich foods such as vegetables, fruit, legumes and wholegrain cereal foods; increased availability and promotion of these foods in home and school environments that promote healthy eating and activity choices for children and adolescents. The other factor is breastfeeding.

The causes are environmental not genetic.

Individuals may become obese in part because they have a genetic predisposition to gain weight readily in an unfavourable environment, but the fundamental causes of the "obesity epidemic" are considered to be societal, resulting from an environment that promotes sedentary lifestyles and overconsumption of food generally and consumption of energy-dense diets in particular. <sup>[1,9]</sup> The NHMRC points out that inter-individual differences in response to clinical treatments are due to differences in exposure to the 'obesogenic' modern environment. <sup>[9]</sup>

## **4. Children and adolescents are important target groups**

Prevention rather than treatment is key to dealing with obesity in general – but even more important in children. Prevention requires the adoption of good eating and being regularly physically active. Therefore, targeting children is the most efficient and effective method. Individual behaviour change strategies alone are ineffective, particularly for children. Strategies need to target the whole family, the community and environments in which children predominate such as schools, sporting fields, recreational facilities and children's viewing times on TV. Children need repetition and consistency to internalise concepts, to grasp messages and to develop positive behaviours around healthy eating and regular activity. The focus of population based preventative strategies should be about balance - not a focus on diets or 'weight loss' as this has the potential to do more harm than good. It is important to ensure that interventions directed at children are supportive of positive body image and do not contribute to body dissatisfaction. An approach is needed which promotes care and respect for the body and is consistent with prevention of both obesity and body image disorders. <sup>[8]</sup> Eating a diet consistent with recommendations of the Australian Dietary Guidelines and following physical activity guidelines can prevent increases in the proportion of children and adolescents who become overweight or obese.

While parents are attempting to ensure that children are dealing with these issues in a positive way, it is not helpful for the barrage of advertising that is specifically targeted in their time slots on television and in other broadcasts that encourages the intake of high nutrient (junk) foods. For this reason it is important to act quickly to effectively reduce the advertising targeted at children.

There is a lesson in recognising that the food industry is so opposed to this sort of legislation when they spend so much of their money on advertising. The vigorous nature of their opposition indicates the impact that such advertising has in reaching young people. Suggestions by the food industry that they will develop and respect a code of practice indicates that they have seen the writing on the wall and this issue is now being taken

seriously by them. However, the code that was suggested by the Food and Grocery Council (AFGC) would not cover key elements of the junk food industry – significantly, outlets like McDonalds and KFC would be outside of the scope. While recognising the positive strides of the AFGC the PHAA is strongly of the view that this issue is much too serious to be left to self-regulation and that the legislation is needed as a matter of urgency.

## **5. Support for physical activity guidelines**

The PHAA suggests that in addition to support for the Bill before the Senate sufficient funding should be provided for health promotion with a particular focus on implementing and enabling the physical activity guidelines to the public for children.

Healthy approaches in the general public are often subject to a range of myths. Simple clear messages about sensible physical activity provide a key to community understanding should also be used as an alternative to junk food advertising. Marketing does work; that's why food companies do it. What is needed along with restrictions that are set out in this legislation is to enable marketing that has positive health outcomes such as marketing of physical activity and core foods. Health promotion techniques such as clearly targeting specific groups, engaging community and appropriate targeted marketing are now well understood and should be an central part of any comprehensive strategy.

## **6. Reduction of junk food marketing and promotion to children**

The PHAA argued in its submission to the House of Representatives Committee on Health and Ageing's Inquiry into Obesity in Australia that "regulations on marketing foods and beverages to children should be significantly strengthened so that they afford substantial protection to children and extend beyond television advertising to cover other forms of marketing such as Internet, sponsorships, games and competitions, and direct marketing". To support this claim that is contrary to the position often put by industry the PHAA argued "the emphasis that companies put on marketing to children reflects their effectiveness". Hastings' 2003 review into impact of food and drink advertising and promotion to children have reported "food promotion can and is having an effect on children, particularly in the areas of food preferences, purchase behaviour and consumption" and that "these effects are significant, independent of other influences and operate at both a brand and category level"<sup>(11)</sup>. The PHAA believes that tougher regulation will protect children. It is not enough to look at the most obvious form of marketing through carefully timed TV advertising. Experience from tobacco in particular would suggest that when one avenue is closed off, many companies will look for alternative forms of reaching children. Monitoring of the changes in child-themed food and drink advertising and promotion to children in the UK

have already indentified an overall decrease in advertising spend since 2003, however, television is the only media showing consistent reductions, with press spend on child themed food and drink advertising higher in 2007 than 2003 when restrictions were introduced.

We believe that the Bill being examined by the Committee is an important first step in this process and should be supported in principle.

## **7. Specific Amendments**

### **Schedule 1**

#### *Amendment of the Broadcasting Services Act 1992*

With regard to Section (2B) of the Bill

“The Minister may, in writing, exempt from the standards mentioned in subsection (2A) advertisements for a food or a beverage if the Minister considers that that food or beverage is beneficial to children’s health and well-being, based on the Food Standards Australia New Zealand (FSANZ) nutrient profiles”.

We suggest an amendment following the words “based on”

Omit the following words:

“the Food Standards Australia New Zealand nutrient profiles”

Insert the following words:

“food or beverages that are considered to be basic core foods and part of core food groups”

The PHAA opposes linking any opportunity for exemption with the FSANZ nutrient profiling criteria which seems to be the intent of the criteria in the legislation. The criteria are unlikely to achieve their aim and as they are very nutrient focussed they are likely to be confusing and to facilitate loopholes. The suggestions that we propose would require a criteria of minimally processed core foods such as fruit, vegetables, meat, chicken, fish, nuts, eggs, milk, cheese, yoghurt, pasta, rice, bread and minimally processed or wholegrain breakfast cereals (such as rolled oats). Of course there is no perfect method which is why the legislation and our suggested amendment incorporate a decision by the Minister. As an example, there are a range of breakfast cereals that might meet this definition that the Minister would not allow in an exemption.

This suggested amendment would also encourage companies that do produce healthy foods to seek an exemption and would allow those companies and governments to advertise whole, unprocessed core foods to children. This would positively facilitate healthy eating rather than acting against it. This also ties in well with the NNS, future for food and sustainability issues.

The reason for this recommendation is that the PHAA believes that nutrients alone should no longer be considered the test for beneficial food and the Association is concerned that the criteria can be easily be manipulated through further processing of food. As an example under the exemption process in Schedule 1 (2B) of the Bill a food such as “fruit juice with added calcium” may get exemption from TV advertising ban as there are indications that Australian children are not meeting calcium nutrient reference values. In such a case it could be argued that promoting such juice is a “public health benefit”. The issue here is that they replacing wholesome food such as milk, yoghurt and cheese with junk such as soft drinks, cakes and chips will simply provide energy with poor nutrient density. Nutrients alone do not take into account a range of other factors that should be part of any approach to food. The PHAA is preparing a document on this matter to be circulated to all Senators shortly.

It is possible that in the not too distant future work being undertaken by FSANZ will be able to be added to the criteria so that there is a system that provides more certainty for industry and takes into account the whole food position that we advocate as well as incorporating nutrient values. However, it would be entirely inappropriate to delay this legislation to wait for this sort of work to be conducted. The point here is that there is a growing need to define ‘junk food for restriction of advertising’ and to clearly define “core foods and eating patterns that should be encouraged or promoted as part of a total diet”. The existing FSANZ profiling model needs to be adapted and tested for its application to promoting core foods to children and adolescents and for its applicability to this situation as the current modelling is intended to identify individual food products that could carry health claims based on adult nutrition recommendations. PHAA makes a recommendation on this issue.

## **Schedule 2 —**

### *Amendment of the Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004*

The PHAA supports the Schedule two amendments with the reservation about the nutrients as discussed in our section 7 (above). For the same reason we would suggest an amendment in 21 A (2).

We suggest an amendment following the words “based on”

Omit the following words:

“the Food Standards Australia New Zealand nutrient profiles”

Insert the following words:

“food or beverages that are considered to be basic core foods and part of core food groups”

In principle we appreciate that this section effectively demands a healthy approach to food within schools that have the advantage of industry or government assistance whether the

schools are private or government sector. A comprehensive approach in dealing with obesity in our children is a community responsibility. However, this does not provide an excuse for inaction. It is important to quickly adopt measures that are available now in order to reduce obesity in our children and give them the opportunity of a healthier future.

We believe that this legislation will make a start on limiting the promotion of junk food to children. However, it should be followed with legislation that effectively tackles the promotion of such foods through donations not only to schools but also to sports and recreation activities – such promotions are simply inappropriate in a climate when children are at growing risk of obesity.

## **8. The New Nutrition Science – “From paddock to plate”**

The PHAA is in the process of examining the future for food and believes that it is necessary to address the issues of public health, sustainability and equity from paddock to plate. In doing so the PHAA is calling for an overhaul in the way we approach food policy in Australia. In broad terms the PHAA is calling on:

Governments to:

commit to a vision for food that is integrated across all sectors and specifically includes health, social inclusion, agriculture and fisheries, education treasury, innovation and the environment to ensure consistency in policy

establish a food strategy task force to develop a centralised food policy that has public interest at its core

National Health and Medical Research Council (NH&MRC) to:

apply new nutrition thinking – encompassing biomedical, environmental and social considerations – to the dietary guidelines review underway right now

Food industry to:

work with government and public health organisations and professionals to create food buying and consumption environments for Australians that protect and promote health, are ecologically sustainable and socially equitable – at a national and global level

Education sector to:

ensure basic food literacy and skills education is available in all schools in Australia, as well as being available via community-based education initiatives.

It is this vision for food that goes well beyond a nutrient or food product approach and adopts the approach of the “New Nutrition Science” that we believe is important in addressing the broader issues and warrant the suggested amendment.

## **9. PHAA support for the Bill**

The PHAA made public statements on this Bill when it was tabled earlier this year. The Association’s media release included a general recognition of the attempt by the Australian Food and Grocery Council to come some way to dealing with these issues. However, rejected self-regulation as inadequate:

“While welcoming the long-overdue concession of the Australian Food and Grocery Council (AFGC) in recognising that there is a problem and offering tentative first step through its ‘Responsible Children’s Marketing Initiative’, the PHAA believes that a strong government hand is needed”.

“Everyone knows that obesity is at crisis point in Australia. We’re becoming one of the fattest countries in the world - more than 50% of adults, more than 25% of kids are either overweight or obese,” explained Professor Mike Daube, President of the Public Health Association of Australia.

“This Bill can make an important contribution to changing the culture that leads to obesity.

“Junk food promotion dominates our television screens through advertising and sponsorship, much of it targeting kids directly. The current voluntary controls do little to protect our kids from costly and cynical advertising and promotion. The recent capture of Olympics advertising by junk food promotions showed yet again that we need proper, legislated controls.

“There can be no doubt that junk food, confectionery and soft drink companies want to target kids, despite the massive health and social costs of obesity. Kids are targeted through direct advertising, and more insidiously through sports sponsorship. A recent analysis showed that during one junk-food sponsored sporting event the sponsor’s logo was clearly visible for 61% of playing time.

“Even as we are encouraging our children to get out and be active, junk food is being promoted at every opportunity. They just don’t need a diet high in fat, saturated fat, sugar and salt. This is an important Bill aimed at protecting the health of our children. We urge all legislators to support Senator Brown’s proposed legislation,” said Professor Daube.

The reason that the PHAA has been vigorous in its support for the legislation is that after tobacco, obesity is one of the single most important public health challenges facing our community. We know the positive impact of banning tobacco advertising (as part of a comprehensive approach) and believe that we should not delay while our children are being exposed to messages that have a clear impact on their health in both the short term and particularly in the long term.

## **10. Recommendations to the Senate Committee**

The Public Health Association of Australia therefore makes the following recommendations to the Senate Committee on Community Affairs:

- The Senate support the legislation in principle
- Amendments be proposed to the sections on Ministerial exemption in both Schedules to take account of the latest thinking in “New Nutrition Science” and rather than exemptions being based on nutrients have them based on “whole foods”
- FSANZ be asked to develop a profiling model that takes into account both nutrients and core food groups and is adapted and tested in specific application for promotion to children and adolescents to form the base of future ministerial exemptions
- The Senate reject suggestions that this is an area for “self-regulation” by industry.

## **11. Conclusion**

This submission by the Public Health Association of Australia is provided to the Committee with the simple intention of improving health outcomes. Our motives are not blurred by profit but rather in seeking to improve health on a population basis. Obesity, particularly in children, is a serious issue that will *not* be dealt with effectively by self-regulation. The PHAA encourages the Senate Committee to recognise the importance of immediate action on the issue of childhood obesity by supporting this legislation in principle and considering the amendments that we have suggested.



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