

MINUTES OF THE BOARD MEETING ON THE FSA RESPONSE TO THE OFCOM CONSULTATION ON BROADCAST ADVERTISING OF FOOD TO CHILDREN

11 MAY 2006, AVIATION HOUSE, LONDON

Present:

Dame Deirdre Hutton, Chair
Richard Ayre
Chrissie Dunn
Maureen Edmondson
Alan Gardner
Valerie Howarth
Graeme Millar
Christopher Pomfret
Bill Reilly
Ian Reynolds
Sandra Walbran
Nelisha Wickremasinghe

Officials attending:

John Harwood, Chief Executive
Pat Stewart, Deputy Chief Executive
Chris Lawson, Chief Executive, Meat Hygiene Service (MHS)
David Statham, Director of Enforcement
Terrence Collis, Director of Communications
Vivienne Collett, Director of Legal Services
Gill Fine, Director of Consumer Choice and Dietary Health
Andrew Wadge, Acting Chief Scientist and Director of Food Safety Policy
Allan Hutton, Finance Director
Lydia Wilkie, Assistant Director of FSA Scotland
Jane Davies, Assistant Director of FSA Wales
Alan Harvey, Head of Corporate and Board Secretariat Division
Rosemary Hignett, Head of Nutrition Division
Claire Boville, Head of Labelling, Promotions and Dietetic Foods Branch
Keith Gregory, Board Secretariat
Claire Voller, Board Secretariat

Chair's Introduction

1. The Chair noted that apologies had been received from the Deputy Chair (who was unwell), Iain MacDonald, the Directors of FSA Scotland, Wales and Northern Ireland and the Veterinary Director.
2. The Chair reminded Board members of their obligation to declare interests before discussion of relevant items.
3. The Chair reminded Board members that it was the intention to sound record this discussion to ensure that the Board's decisions could be made public via the FSA's website at a later stage, should that be appropriate. It was most likely that the sound recording would be published on the FSA's website at the same time as the FSA's response to the Ofcom consultation on broadcast advertising of food to children. Board members agreed with this approach on the basis that:
 - it should not set a precedent for handling discussions in the future; and
 - it was necessary in this particular case to enable the FSA's response to be submitted within the deadline set by Ofcom, which unfortunately it had not proved possible to extend to allow the Board to discuss this issue at its next scheduled open meeting¹.

FSA Response to Ofcom consultation on Broadcast Advertising of Food to Children

(Paper CLO 06/05/04)

[Prior to the discussion of this item Richard Ayre declared an interest as a potential employee of Ofcom and, with the agreement of the Chair and the Director of Legal Services, consequently left the room and took no part in the discussion and determination of this issue.]

4. The Chair informed Board members that this item was being taken at this closed Board meeting because there was no open Board meeting scheduled before the end of the Ofcom consultation period (6 June). Ofcom had not been prepared to agree to an extension to its deadline to allow the Board to discuss this issue at its next open meeting on 15 June. It had therefore been agreed that this item would

¹ 15 June 2006

be sound recorded for later transmission on the FSA's website to meet the FSA's commitment to transparency and openness.

5. The Chair invited Rosemary Hignett (Head of Nutrition Division) to the table to introduce the paper and answer questions.
6. Rosemary Hignett reminded Board members that in July 2004, the Board had agreed that action needed to be taken to address the imbalance in TV advertising of food to children. This decision had been based on
 - the fact that many children eat too much fat, salt and/or sugar;
 - an independent review of the evidence, which had concluded that advertising affected children's eating related behaviour²; and
 - evidence that the majority of food advertisements during children's TV are for foods high in fat, salt or sugar.
7. The Board had concluded that
 - action on advertising during children's TV programmes would be likely to have a beneficial effect and that wider action may be justified; and
 - action on the relative amounts of advertising for foods high in fat, sugar or salt ("HFSS" foods) compared with "healthier" foods, and the times at which these adverts are scheduled, was likely to be the most effective way to address the current imbalance.
8. The content of an evidence package published by Ofcom in July 2004 and details of commitments to action by health departments across the UK had been set out in Annex 2 to the paper. The Ofcom consultation package, described in Annex 3 to the paper, updated the evidence package published in 2004 and set out four possible options. The costs and benefits of three of these had also been assessed. The focus in options 1 to 3 was on children up to nine years of age despite the fact that the evidence from the Hastings review covered children aged 2-15 years. The points proposed to be made in the FSA's response had been set out in paragraph 13 of the paper and made clear that the FSA did not consider any of the proposed options to be a sufficient response to the problem of

² Review of research on the effects of food promotion to children: Hastings *et al*/ September 2003

imbalance in TV advertising to children; in particular that focussing on children up to age 9 was not justified by the evidence on impact.

9. The Chair drew Board members attention to the letter sent by Which? to the Chief Executive dated 28 April.³

10. In discussion Board members made the following points:

- there was general disappointment on the options proposed and two Board members made pleas for a more radical approach;
- with some exceptions, there was overall support for using nutrient profiling to underpin advertisement restrictions (option 1 was the only one that did so);
- adverts were usually aimed at a few years above the target age group due to the aspirational nature of children. A more realistic approach would be to ban the advertising of HFFS foods before the 9pm watershed;
- the proposals should take more account of children above age 9; children between 9-15 years often made their own food choices/purchases, and statistics showed the biggest problem with childhood obesity was in this age group;
- it was illogical to have restriction of advertisements for all foods (options 2 and 3), as this would restrict advertising of healthy foods such as fruit and vegetables. It was important to encourage the industry to reformulate foods to achieve a healthier nutrient profile;
- parents' views needed to be taken into account, and the Which? research indicated that they supported action to restrict food advertising for less healthy foods⁴;

³ Copies of the Which? letter had also been sent separately to Board members. The letter provided details of recent research by Which? indicating that the Ofcom proposals failed to meet the Government's objectives to ensure that children are not encouraged to eat too many foods high in fat, sugar and salt.

⁴ Which market research – a survey of 815 parents of 0-16 year olds in Great Britain took place from 9 February to 7 March 2006. According to latest Which? market research almost four out of five of parents thought that TV advertisements for unhealthy food should not be shown at the times when children are most likely to be watching TV.

- it would be preferable to propose a new option, rather than option 1 with significant amendments;
- it was agreed that finding a means of accessing HFSS food advertising revenue to promote healthier options would not be feasible;
- with respect to brand advertising it was considered that this was a complex issue to which the Board had no ready answer;
- it was recognised that TV advertising was only one of the ways by which children would be influenced.

11. In summary, the Chair noted that the Board had agreed that the FSA should submit a short, focussed response covering the following points:

- that options 1- 3 did not provide a sufficient response to the situation, bearing in mind the concerns about children's diets and findings of the Hastings review;
- that advertising restrictions should be underpinned by the FSA's nutrient profiling model; and
- that restrictions on the advertising of HFSS foods should apply up to the 9pm watershed to extend protection to older children;

Date of next meeting

12. The next open meeting would be held on 15 June in Bristol.