



Report on developments in self-regulation for food & beverage advertising across the EU following egta's recommendation paper of October 2008 *October 2010*

Background

In October 2008, egta published a recommendation urging its member television sales houses to engage in discussions with advertisers and agencies at the national level to envisage what concrete steps can be taken to further strengthen advertising self-regulation in the member States. The paper was sent to all senior executives in 123 egta member sales houses with the aim of outlining the advertising industry's common vision of effective self-regulation and helping sales houses launch discussions with partners at the national level to facilitate the implementation of such best practices. As advertising self-regulation can only work with the involvement of all three elements of the advertising industry, notably the media, the advertisers and the agencies, television sales houses are not in a position to develop new advertising codes by themselves. However, they can have an active role in initiating the process. Alerting television sales houses on the need to improve the effectiveness of self-regulation of food advertising, the egta recommendation paper establishes best practices for sales houses in the efficient functioning of advertising self-regulation.

The present report has been drafted with the aim of assessing the actual progress that has been achieved over two years, i.e. since the issue of egta's recommendations of October 2008. The information outlined in this document shows that significant improvements have taken place in different countries. In turn, it demonstrates that broadcast media are making strong attempts to properly respond to the ad-hoc provisions contained in the Audiovisual Media Service directive concerning the development of codes of conduct for the advertising of food high in fat, salt or sugar inserted in or around children's programmes (Article 3e(2)). In different countries, where effective self-regulatory codes on food advertising are in place, such codes have been reviewed or their application has been strengthened to face the raise of the obesity threat. In other countries, additional *ad hoc* self-regulatory rules for child-targeted food advertising have been developed in addition to the general advertising code. In addition, relevant initiatives have been launched by networks of broadcasters to help raise awareness on healthy lifestyles among children. Finally, a general self-regulatory advertising code has been adopted in two more countries following the establishment of a new self-regulatory organisation. Please refer to the table below for more detailed information on each of these developments.



Latest developments in self-regulation for food & beverage advertising across the EU

Austria

- In October 2010, the Austrian association of telecom-broadcasting, the Austrian Broadcasting Corporation (ORF) and the Austrian Association of Private Broadcasters (VÖP) issued a code of conduct covering audiovisual commercial communications for food products in children's programs. According to the code, that was developed in cooperation with the Association of Food and beverage industries, the signatories voluntarily commit themselves to comply with a set of safeguards applying to audiovisual commercial communication for HFSS food products that accompanies and/or are included in children's programs (defined as programs that are directed solely or mainly to children under 12 years old). www.werberat.or.at/layout/HFSS%20Kodex%20%20Kindersendungen.pdf
- The guiding principle is that commercial communications for HFSS food broadcast prior to, after or during programmes that are directed solely or mainly to children, should not encourage excessive or exclusive consumption (or present the abstinence or moderate consumption as negative), not oppose to a healthy, active lifestyle, or to a balance, healthy diet, and, in general, be designed in a way that could take advantage from the children vulnerability. The code contains special provisions related with the exploitation of children inexperience and credulity, peer pressure, parental influence and purchase pressure.
- The code is based on the ICC Framework but contains more detailed rules concerning, for example, the low-calories variation of the products.
- The code will be submitted to compliance handling by the national self-regulatory organisation (OWR). Please note that the general Austrian self-regulatory code was revised in 2009.

Belgium

Following the adoption of the new media law transposing the AVMS directive, certain rules concerning HFSS food advertising directed to children contained in the self-regulatory code on food advertising have been implemented by statutory law¹. The Belgian self-regulatory organisation (JEP) will still be in charge of handling complaints with regard to the self-regulatory code on food advertising in place since 2005.

¹ Art. 77 of the new media law adopted in Belgium (Flanders) on March 2009 establishes that commercial communication targeting children and youngsters must not encourage or excuse the excessive consumption of food and beverage products which contain substances of which an excessive consumption is not recommended, such as fat, fat acids, salt or sodium and sugar.



Bulgaria A new general advertising self-regulatory code has been adopted following the launch of the Bulgarian self-regulatory organisation on 30 September 2009. <http://www.nss-bg.org/kodeks.php>

Denmark The code on responsible marketing to children, i.e. a voluntary code placing rules on the marketing of food and beverages aimed at children, was developed in Denmark in December 2007 by the Forum for Responsible Marketing, which brings together representatives from the food industry, the media and advertisers² (please refer to the Forum's web site <http://kodeksforfoedevarereklamer.di.dk> for further information). The objective of the code is to avoid commercial communication messages for food with a high content of fat, salt or sugar in media targeted at children younger than 13. For broadcast media, criteria such as the time of broadcast, the target group, the content and use of language are assessed to decide whether or not an advertising message targets children under 13.

France - On February 18th 2009, the heads of French TV stations and representatives of the food industry signed a charter together with the French Ministers for Health and Culture, in which they committed to promoting a healthy diet and physical activity in both editorial content and advertising broadcast on French television (the "*charte pour promouvoir une alimentation et une activité physique favorables à la santé dans les programmes et les publicités diffusés à la télévision*" is available in French at <http://www.sante-sports.gouv.fr>). While TV channels have committed to dedicate a total of between 340 and 470 hours a year of their programming targeting minors to the promotion of healthy nutrition and physical activities, their sales houses will offer preferential tariffs for social marketing campaigns promoting high nutrition profile products and a healthy lifestyle (a 60% reduction is envisaged for spots coming from the French Institute of Prevention and Education for Health). On the side of advertising content, food advertisers committed to ensuring that advertising messages help support healthy lifestyles and to engage in the financing of short programmes on healthy nutrition targeting young audiences.

In June 2010, the French national audiovisual Authority (CSA) released a report on the one-year implementation of this Charter: more than 500 hours of programs have been broadcast; all signatories have initiated some projects to fit with their obligations linked to the Charter (common production of TV short-programs, more precisely for special events like "La semaine du goût" (October 2010); specific programs have been produced and broadcast during the European Obesity Day (May 21st

² Danish Food and Drink Federation in The Confederation of Danish Industries, The Danish Chamber of Commerce, The Federation of Retail Grocers in Denmark, TV2 | DANMARK, Danish Brewers' Association, Danish Newspaper Publishers' Association, Association of Danish Advertisers, the Association of Danish internet medias, Danish Association of Advertising and Relationship Agencies, Danish Magazine Publishers' Association.



and 22nd 2010) in cooperation with the French Collective of Obese People (CNAO). The French Ministry of Agriculture and Food could sign the Charter in 2010 or 2011.

- In line with this initiative, the French national self-regulatory organisation (ARPP) has issued new “Recommendations on nutritional habits” which were adopted by its Administrative Council on 30 September 2009 to enter into force on 1 January 2010 (available in French at http://www.arpp-pub.org/IMG/pdf/Reco_Comp_Alimentaires.pdf). The new rules include, for example, the obligation to present a full meal that corresponds with a healthy diet, as well as the fact that no eating activity can be shown in advertisements to take place in front of a screen. The text also provides specific rules for advertisements featuring children and/or targeting children. Thus, the combination of portrayals with the use of humour or the presentation of an imaginary world must be used cautiously in order to avoid giving children the impression that food can transform their daily lives. The new rules will apply to all advertisements representing food behaviours, regardless of the persons pictured in the advertisements or the viewers thereof. An assessment of these recommendations will be released at the end of 2011.

Germany

- In May 2009, the member organisations of the German Advertising Federation (ZAW), which include the food and beverage industry, retailers, the media, communication agencies and advertising professionals, adopted the "Code of Conduct of the German Advertising Standards Council on Commercial Communication for foods and beverages", which entered into force in July 2009 (please refer to the Appendix of this report for further information). The guiding principle is that commercial communications should not incite excessive consumption or suggest an unbalanced diet. The code contains a special chapter on commercial communication directed at children. The Deutscher Werberat, i.e. the German Advertising Standards Council, is responsible for the complaints procedure.
- The Deutscher Werberat code is based on the ICC Framework but contains more detailed rules concerning, for example, foods and beverages containing nutrients and substances of which excessive intake is not recommended and child-targeted advertising (e.g. food advertising should not exploit the special confidence that children place in parents or teachers).
- As of May 2009, the German Advertising Federation offers a service of copy-advice, i.e. the provision, on request, of confidential advice on the compliance of an advertising campaign before it is launched, available to media, advertisers and agencies.



- In addition, both private and public broadcasters are engaged in proactive initiatives to support healthy lifestyles in the framework of the government national action plan "In shape Germany's initiative for a healthy feeding and more physical exercises" adopted in June 2008³.

Ireland	Following the adoption of the new Children's Commercial Communications Code of 11 May 2010, ad hoc rules apply to broadcast commercial communications for HFSS food to children (i.e. under the age of 18). In particular, 'fast food' and snack food advertising should be carrying health messages and health warnings respectively. The code stipulates also a number of measures that apply to children under 6 and under 15, such as not to portray or refer to celebrities or sports stars to promote food or drink products.
Luxembourg	A new general advertising self-regulatory code has been adopted following the launch of a new self-regulatory organisation on 19 May 2009.
Portugal	A new code on advertising of food and beverage directed to children was adopted in March 2010 and entered into force in May 2010.
Spain	On 7 September 2009, a new agreement concerning child-targeted food advertising was co-signed by the Spanish government, the food industry and the majority of Spanish broadcasters. The agreement aims to strengthen the application of the self-regulatory code of conduct on food advertising directed to children (the PAOS Code is available in English at www.autocontrol.es) in place in Spain since 2005 in order to ensure that all broadcast food and beverage advertising targeting children comply with it. The agreement has been signed by a total of 36 food companies, which represent 94.29% of the investments on food and drinks advertising toward children. However, following the adoption of the agreement, PAOS' rules will apply to all advertisers regardless of their involvement in the agreement. The extension of the PAOS Code from children aged 12 to children aged 14 is currently under discussion.
Romania	Starting June 2009 the Romanian Advertising Council (RAC) is the depositary for the Ethical code for food product advertising targeting children. http://www.rac.ro/EN/the-code-for-food-product7

³Other Initiatives were also conducted before the government's initiative was launched. For example, in 2005 ZDF, together with an insurance company and the newspaper 'Bild am Sonntag' had already started an initiative called "Deutschland bewegt sich" (Germany is moving).



- The Netherlands** An initiative named KidsVitaal was launched in September 2009 by all major television and radio broadcasters in the Netherlands with the aim of raising awareness among minors on healthy lifestyles. Following the launch of this initiative, all major broadcast sales houses in the Netherlands have engaged in cooperating in the network by making available air time for campaigns that support existing and new initiatives aimed at raising awareness among children (aged 7 to 12).
- UK** On 30 October 2009, the UK Broadcast Committee of Advertising Practice updated its Advertising Codes in order to reflect the European Regulation on nutrition and health claims made on foods (NHCR) adopted in 2006 governing the use of nutrition and health claims in the advertising, labelling and presentation of all foods.

Following the developments mentioned above, the European framework concerning the self-regulation of food and beverage advertising has changed and the new state of play is summarised in the table on the next page.



Self-regulation of food & beverage advertising across the EU member states

EU COUNTRIES	A	B	BG	CY	CZ	DK	EE	FIN	F	DE	GR	HU	IRL	IT	LV	LT	L	MT	NL	PL	P	RO	SK	SL	E	SW	UK	
SRO	V	V	V	⇒	V	V1	⇒	V	V	V	V	V	V	V	X	V	V	X	V	V	V	V	V	V	V	V	V	V
Media involvement	V	V	V	⇒	V	V	X	X	V	V	V	V	V	V	V	X	V	V	X	V	V	V	V	V	V	V	X	V
Code of advertising	VF	V	V	V	VF	V2	⇒	V2	V	V	V	VF	VF	V	X	V	V	X	V	VF	VF	VF	VF	VF	VF	V	V2	V
ICC framework	V	V	X	X	V	V	X	V	V	V	V	V	V	V	X	⇒	X	X	V	⇒	V	V	⇒	⇒	V	V	V	
More detailed national code beyond ICC Framework	V	V	X	X	X	V	X	X	V	V	X	X	X	X	X	X	X	X	V	X	X	X	X	X	V	X	V	
Copy advice	V	V	X	X	V	X	X	V	V	V	V	V	V	V	X	V	X	X	X	V	V	V	V	V	V	X	V	
Pre-clearance	X	X	X	X	X	X	X	X	V	X	X	X	X	X3	X	X	X	X	X4	X	X	X	X	X	X	X	X	V

The chart:

- self-regulatory feature in place
- self-regulatory feature not in place
- Self-regulation system under development
- ⇒ self-regulatory feature being developed
- F** General Code includes a specific section on food

1. There are elements of advertising self-regulation in Denmark by means of an Ombudsman but no dedicated SRO, as understood by industry & presented in this document.
2. The ICC Code is directly translated and applied at national level.
3. Only applied to advertisements for non-prescription medicines on press and radio
4. Only applied to advertisements for medicines and alcoholic beverages on radio and TV

* Please note that in order to simplify the changes that have taken place, this table does not provide the full picture for self-regulation across Europe.



Next steps

Regardless of the above-mentioned developments, egta will continue to direct its efforts at ensuring that the following self-regulatory features are in place for every country covered by its membership:

- A functioning SRO in place and broadcasters involved in its activities
- A general code on advertising practices applied
- The ICC Framework on Food and Beverage Marketing Communication working as a point of reference for the advertising sector, and/or stricter sector-specific codes on food advertising to minors being implemented.

In order to help its members in achieving the above-mentioned objectives, in January 2010 egta held a workshop in Brussels on the topic: food advertising & the obesity debate. The aim of the workshop was to offer egta's members an opportunity to better understand what sales houses, together with the other parts of the advertising industry (i.e. advertisers and agencies), have done to-date in response to European and national decision-makers' calls to address the issue of the content of food advertising to children via self-regulation and to discuss and agree what more can be done. In addition to the discussion about the latest developments and the exchange of best practices, the conference also gave participants an opportunity for hands-on learning through a practical exercise led by self-regulation experts on HFSS food advertisements to children. With the same aim of helping egta TV member professionals in charge of screening advertisements before they are broadcast to ensure that all broadcast advertising complies with the self-regulatory codes in place in their country, egta drafted an Interpretative Guidelines on the ICC Framework on Food and Beverage Marketing Advertising, i.e. the most commonly used self-regulatory code on food and beverage advertising across Europe. The guidelines will equip sales houses with a better understanding of the most commonly used self-regulatory codes on food and beverages advertising. In addition, it will provide them with best practise recommendations and concrete suggestions on how to better systematically seek the support of national self-regulatory organisations. Please notice that the guidelines represent egta's commitment to the EU Platform on Diet, Physical Activity and Health.



Appendix

The Code of Conduct of the German Advertising Standards Council on foods and beverages advertising

1. General Principles

- 1.1. Commercial communication for foods and beverages should be designed in a way that doesn't abuse the consumers' confidence in the quality of the advertised product.
- 1.2. Commercial communication for foods and beverages should not undermine a healthy, active lifestyle.
- 1.3. Commercial communication for foods and beverages should not undermine a balanced, healthy diet.
- 1.4. Commercial communication for foods and beverages should not encourage excessive or one-sided consumption of the advertised products.
- 1.5. Commercial communication for foods and beverages containing nutrients and substances with a nutritional or physiological effect, of which excessive intakes in the overall diet are not recommended, should not represent avoidance of consumption of this item in a negative manner.

2. Children

In commercial communication directed at children, in addition to the principles under point 1, the following rules are to be observed. Account must be taken of the commercial inexperience and the need for protection of persons of this age group.

- 2.1. Commercial communication for foods and beverages should contain no direct demand to children to induce their parents, other adults or other children to purchase the advertised product.
 - 2.2. Commercial communication for foods and beverages should not exploit the special confidence which children place in persons of trust such as parents and teachers.
 - 2.3. Commercial communication for foods and beverages directed to children should not employ inducements to purchase (e.g. add-ons) and aleatory advertising (e.g. lotteries and prize competitions) in a way which exploits children's commercial inexperience. In particular, commercial communication for foods and beverages should not attract children with excessive advantages in a non objective inappropriate manner.
 - 2.4. Commercial communication for foods and beverages should not suggest to children that the consumption of a particular product is irreplaceable in a complete and balanced meal.
 - 2.5. Commercial communication for foods and beverages should not deter children from acquiring a healthy, active lifestyle.
 - 2.6. Commercial communication for foods and beverages should not deter children from acquiring balanced, healthy dietary habits.
- Deutscher Werberat