

Look into my eyes, look into my eyes

The food industry is where the financial services industry was a decade or two ago, playing the same kinds of distracting games rather than playing it straight with consumers. And if it doesn't shape up soon, argues CLARE HUGHES, it can expect the same avalanche of regulation to befall it.

Clare Hughes is the Consumers' Association's food policy officer.



SIMON BOSCH

It's time to take a critical look at the tricks the food industry uses to dupe consumers, regulators and politicians that it is taking the obesity epidemic seriously. While there is some evidence of genuine attempts to be part of the solution, diverting strategies continue to be used to deflect attention away from food manufacturers and their unhealthy products.

Tactic #1: Tell them it's healthy

Advertisements for children's food are being targeted to parents, selectively highlighting positive aspects of the product — including the presence of vitamins and minerals — while remaining silent on the negative nutritional aspects, such as high sugar content or lack of fibre.

Examples include the winner of this year's Parents Jury 'smoke and mirrors' award: Kellogg's *Coco Pops*. The ad in question features children's TV personality Monica Trapaga, espousing the virtues of *Coco Pops* — it contains eight vitamins and minerals including calcium for healthy bones. What we aren't told is that the product contains more than 36 per cent sugar and is low in fibre compared to many other breakfast cereals. *Nutella* hazelnut spread has also attracted attention for its advertisements focusing on its low glycaemic index. Apparently this provides slow-release "energy to live and learn". However, *Nutella* is 55 per cent sugar and around 30 per cent fat — and when spread on white bread it is no longer a low GI food. Here's a third example: Kellogg's *LCM* cereal bars are promoted as containing wholesome grains of puffed rice and having less than 10 per cent fat — never mind that they contain 30 per cent sugar.

At a time when we are bombarded with information about childhood obesity, this sort of advertising targets parents who may feel guilty about buying their kids 'unhealthy' foods. Accentuating the positive attributes of a product may mean that parents don't have to feel guilty about giving their kids these products — just look at how good they sound in the ads.

Tactic #2: Self-regulation becomes self-protection

From July 2005, the Australian Communications and Media Authority became the body responsible for regulating food advertising to children, through the Children's Television Standards (CTS) and an industry code of practice. The CTS has general provisions on advertising to children while the code contains specific guidance in relation to food advertising. Despite revisions of the CTS and code, the provisions still do not afford adequate protection for children.

Let's look at how the advertising regulator handled three consumer complaints.

1. A complaint about an ad for *Chupa Chups* lollipops was made to the former regulator, the Advertising Standards Bureau. The complainant felt that the advertisement misled children and their carers about the supposed health benefits of the product by putting emphasis on the presence of real fruit. The fruit content is a mere 3 per cent and the product is 37 per cent sugar. This complaint was rejected on the basis that the advertisement was directed primarily towards adults.

2. A complaint concerning the *Coco Pops* advertisement (see page 6) was also rejected. While the ad was shown in general viewing timeslots where children make up a large proportion of the viewing population, the regulator indicated that because the ad was shown outside children's programming times it could not be judged against the CTS.

3. The advertising regulator also rejected earlier complaints about the promotion of children's fast food meals — McDonald's Happy Meals and Hungry Jack's Kids Club. A research project assessing food advertisements

aired during children's viewing hours found that in many ads for children's fast food meals more airtime was given to the promotion of the free toy or 'premium' than the fast food meal itself. However, the CTS stipulate that advertising of the 'premium' should be incidental to the advertising of the primary product. On the basis of these findings a complaint was lodged with the Australian Broadcasting Authority (ABA) in December 2001. When the ABA responded — nearly a year later — it was held there had been no breach of the standards and that the ABA did not intend to take any further action. The ABA reasoned that the toys offered free with these meals were not considered 'premiums'. Rather, the meal and the toy were 'bundled products'. The ABA argued that consumers purchase bundled products for a number of reasons and the Authority could not determine which element (the meal or the toy) was the primary product in the bundle.

These results raise concerns that the advertising 'watchdog' is more interested in looking after the interests of advertisers and their food industry clients than supporting consumers. Kaye Mehta, Chair of the Coalition on Food Advertising to Children (CFAC) says that even though the AANA Advertising to Children Code says that advertisements should not promote unhealthy eating or sedentary behaviour, the system does not protect children from persuasive food advertisements that may contribute to the development of poor eating habits. "Interpretation of the standard is likely to render any complaint unsuccessful," Ms Mehta adds. "The standard is always interpreted in favour of the industry, but the intent of the standard is to protect children, not industry."

Tactic #3: Use meaningless caveats like "as part of a healthy lifestyle"

Positive messages are also advertised, such as with the 'Jo Lively' campaign launched in February this year. This is the response of the Australian Association of National Advertisers to calls for a ban on food advertising to children as an aid in combating the

obesity epidemic. This campaign uses an animated character, Jo Lively and his dog Jive, along with the catch-cry "eat well, live well, play well", to teach children the importance of a balanced diet combined with regular physical activity.

At the same time, Nestlé has launched its 'Good food, good life' campaign featuring Australian netball captain, Liz Ellis. While some individual Nestlé products may well be healthy foods, this is a manufacturer whose core business also includes confectionery and sugary desserts. The Commonwealth Government has also invested in an advertising campaign encouraging consumers to eat two serves of fruit and five serves of vegetables a day.

Positive as these may be, will a handful of generic healthy lifestyle campaigns be enough to show that the industry is prepared to be part of the solution to the obesity problem? Not likely, if you look at the figures. The money spent on healthy lifestyle campaigns will be no match for the millions spent by manufacturers to advertise unhealthy products such as salty, sugary and fatty snacks and fast foods. Manufacturers still spend more on selling their unhealthy food to consumers than encouraging consumers to eat healthy foods and to exercise regularly. General healthy eating messages, encouraging physical activity and using prominent sports people or health professionals to convey that message, are in their own way a diversion from the serious business of getting manufacturers to actually improve the nutritional value of their strongly promoted, unhealthy products.

The Australian Beverage Council argues that "there is no such thing as a bad food, only bad diets", perhaps in response to criticism for producing sugary beverages that evidence suggests are linked to weight gain. Some manufacturers also encourage consumers to enjoy their products "as part of a balanced diet". Kellogg's *Nutri-Grain*, for example, is advertised as being high in protein for "muscle development"; but the fine print reminds those consumers with good eyesight that it should be as "part of a balanced

diet and regular exercise”. *Nutri-grain* is high in sugar and salt and low in fibre, and while it’s true that consuming the odd bowl of *Nutri-Grain* shouldn’t be too much of a concern if the rest of your diet is healthy, these kinds of meaningless ‘healthy image’ caveats should not be used by manufacturers as a ‘get out of jail free card’ to avoid fixing the foods.

Tactic #4: Sponsor the experts

Some members and former members of the Dietitians Association of Australia (DAA) challenged their Association earlier this year over its partnership

that industry sponsorship inhibits the DAA’s capacity to be critical of the food industry. Dr Stanton bases this concern on the DAA decision not to join the Coalition on Food Advertising to Children (CFAC) — a coalition of public health, nutrition and consumer groups, with members such as the Australian Medical Association and Public Health Association of Australia. CFAC supports a ban on food advertising to children as a way of preventing children being bombarded with advertisements for unhealthy products. Dr Stanton is also critical of the financial contribution McDonald’s makes to the annual

advertising to children.

While the food industry is happy to support the promotion of physical activity and better nutrition education, when it comes to interventions that might affect their bottom line the food industry isn’t so supportive. Food and advertising industry representatives, opposing the placement of controls on food advertising to children, cite a lack of evidence that a ban on food advertising reduces obesity levels.

Dr Stanton argues that there is evidence to justify a ban on advertising food to children. In Quebec, where there is a ban, children have a lower intake of sweetened cereals, and the percentage of the population over 12 years of age that is overweight or obese is lower than in any other Canadian province (where there is no such ban). Dr Stanton suggests that the food and advertising industries sometimes misuse data from these countries to show that advertising bans have not had a positive impact. Some in the industry argue that in Norway, Sweden and Quebec, there has not been a decline in obesity and that obesity in children has risen there as it has everywhere. Stanton notes that Swedish children watch many programs (complete with advertisements) from other countries. She also points out that the material used by the advertising industry at the NSW Childhood Obesity Summit, to promote its point about obesity in Swedish children, used data showing increasing body mass index (BMI) levels in 18-year-olds about to enter national service. However, she points out that while the average BMI of this group had increased it was still well within the healthy range, and was certainly not considered ‘overweight’.

Of course, there are also other factors that would influence the impact of a ban on food advertising to children — the causes of overweight and obesity are multifaceted. No one has ever suggested that a ban on food advertising to children will, on its own, prevent childhood obesity. Yet you could argue that, in conjunction with other initiatives, it is one promising intervention that might have a positive impact on childhood eating behaviour. It should not be

WHILE THE FOOD INDUSTRY IS HAPPY TO SUPPORT THE PROMOTION OF PHYSICAL ACTIVITY AND BETTER NUTRITION EDUCATION, WHEN IT COMES TO INTERVENTIONS THAT MIGHT AFFECT THEIR BOTTOM LINE THE FOOD INDUSTRY ISN’T SO SUPPORTIVE.

with industry heavyweights such as Nestlé and Kellogg. Some suggested that these partnerships were compromising the DAA position on food regulation, including food advertising to children.

Julie Woods, a nutritionist and lecturer at Monash University, resigned from the DAA three years ago when she became frustrated that, in her opinion, the views of food industry dietitians were dominating the concerns of non-industry members. Ms Woods says that the DAA Food Standards Advisory Committee — responsible for preparing DAA submissions on issues such as functional foods, health claims and fortification — was heavily weighted in favour of the food industry with only two members (herself and a government community nutritionist) employed from outside the food industry. While Ms Woods acknowledges that the committee is now more balanced, she doesn’t believe the DAA can be critical of the food industry while it continues to have strong links with manufacturers.

Nutritionist and current DAA member Dr Rosemary Stanton agrees

DAA conference and the presence of McDonald’s displays at the conference venue. She says the McDonald’s sponsorship played a part in her decision not to attend the DAA conference this year.

The DAA has said that industry partnerships allow it to influence the nutritional value and marketing of products, but ultimately the DAA reserves the right to be critical if a member of the food industry, sponsor or not, is doing something the DAA doesn’t condone. While individual DAA members may be supportive of a ban on junk food ads, ACA believes it will be difficult for the DAA to turn this into official policy while it receives sponsorship from Kellogg’s and Nestlé.

Tactic #5: Attack the scientific evidence

Another technique used by the food industry to divert attention away from the contribution of their products to rising obesity levels is to question the science behind any controversial policy move such as the banning of food

dismissed on the basis that there is no proven direct link to the prevention of childhood obesity.

In 2003, the World Health Organization (WHO)/Food and Agriculture Organization (FAO) expert committee suggested that consumers should obtain a maximum of 10 per cent of their energy requirements from added sugars. Following this announcement it was widely reported that the US sugar and soft drink industries were questioning the strength of the scientific evidence supporting this recommendation. It was also reported that the sugar lobby intended to challenge the US funding of the WHO. Despite attempts to have the report withdrawn, the WHO defended its sugar recommendation. However, in 2004 when the WHO global strategy on diet, physical activity and health was released, there was no specific recommendation made in relation to sugar intake other than that intake of free sugars should be limited.

Tactic #6: Get out there before the regulator

While not strictly related to obesity, this is another practice worthy of mention. A number of developments in food regulation have resulted from the need to

restrain food industry practices in areas that have been unregulated or where regulation has been inadequate. In such cases there is the risk that regulation is shaped around the *existing* market rather than the policy or standard being developed to protect public health and consumers. Manufacturers are keen to get new products into the market and establish them before regulations are drawn.

For example, there is currently very little regulation on the addition of herbal supplements to food products. Unless a substance is explicitly prohibited, manufacturers can add virtually any herbal supplement to a food. And because there is no guidance as to the amounts that are safe or efficacious, they can be added in virtually any quantity. The Food Regulatory Standing Committee is now developing policy guidelines on the addition of these sorts of substances but regulation is years away. In the meantime manufacturers are adding herbal supplements to a range of beverages and even chocolate. In the absence of clear regulation the market will continue to grow and there is the risk that any future standards will be based around the products already on the market so as to minimise the impact on manufacturers.

Health claims provide a further

illustration. With the exception of a claim made about the consumption of dietary folate and the prevention of neural tube defects in unborn babies, health claims on food labels are prohibited. But you wouldn't know it. Many food products claim health benefits. Regulation of health claims has been in the pipeline for a number of years now — some would say nearly 20. Yet manufacturers continue to come up with new and inventive ways of advertising the health benefits of their products despite the prohibition. While this has given regulators a useful indication of the types of claims likely to be used by manufacturers, discussions about health claims revolve around the types of claims already on the market.

This is by no means a comprehensive discussion of the practices used by the food and advertising industries to deflect attention from the contribution that unhealthy food products make to the current level of obesity and overweight — it's just a taste of what's going on. And though some manufacturers are making genuine attempts to provide consumers with healthy food choices, the majority are hardly pulling their weight on this vital issue. That's the bottom line and it must change soon.



Probing, stimulating and at times controversial.

Stay up-to-date with ACA's lobbying and campaign projects with a *Consuming Interest* subscription.

My details

CI/2005

Mr/Ms/Miss/Mrs:

Address:

..... Postcode:

Daytime phone:

Payment details

Please find enclosed my cheque/money order for \$ payable to Australian Consumers' Association

Or charge my: Visa Mastercard Bankcard Amex Diners Club

Cardholder's name:

Card no :

Cardholder's signature: Card expiry: /

This form may be used as a tax invoice.

ABN 35 799 246 568 ACN 000 281 925

SUBSCRIBE TODAY! (please tick box)

PERSONAL SUBSCRIPTION

- \$29.70 (1 year — 4 issues)
 \$55.00 (2 years — 8 issues)

LIBRARY/CORPORATE

- \$38.50 (1 year — 4 issues)
 \$73.70 (2 years — 8 issues)

Please contact us for overseas pricing.

HOW TO SUBSCRIBE

TELEPHONE: 1800 069 552

POST IT FREE:
Australian Consumers' Association,
Reply Paid 63261, Marrickville NSW 2204

FAX TO: (02) 9577 3355

ONLINE: choice.com.au/magazines