

## **“Industry has unduly influenced TV advertising regs on restricting unhealthy kids’ foods**

*With commercial interests to protect, UK broadcast regulator Ofcom shouldn’t lead on public health issues, argue doctors*

Industry has unduly influenced the regulations for TV advertising of unhealthy foods to children, likely weakening legislation in this area, argue doctors in an analysis, published in the online journal **BMJ Open**.

The UK broadcast regulator, Ofcom, which has a duty to protect commercial broadcast interests, shouldn’t therefore lead on what is essentially a public health issue, they conclude.

They base their conclusions on a thematic analysis of the responses from interested parties (stakeholders) to the public consultation on proposals to strengthen the rules on TV advertising of foods aimed at children, which eventually took effect in January 2009.

This consultation, which was led by the UK broadcast regulator in 2006-07, received 1136 responses, 139 of which came from advertisers; broadcasters; campaigners; food manufacturers, retailers, and industry representatives; politicians; and public health doctors/advocates.

The analysis focused on these responses as those from the general public mostly broadly supported restrictions without addressing specific issues of implementation.

The authors wanted to explore how the development of public health policy is influenced by different stakeholders, and would have liked to have analysed the responses to the 2016 public consultation on the industry sugar tax levied against soft drinks. But the UK government has not made these publicly available.

The original proposals applied to all foods by volume, to children’s channels only, and to 4 to 9 year olds. Any restrictions were to have started in April 2007.

Most of the 139 responses argued that restrictions should apply to foods high in fat, sugar, and salt, rather than a blanket ban, and that volume curbs would make no difference. Ofcom agreed.

Public health doctors/advocates and campaigners also argued that the legal and medical definition of a child in the UK is anyone under the age of 16, and that teens are equally susceptible to marketing tactics, however media savvy they are. Ofcom agreed.

But respondents disagreed as to whether restrictions should apply only to children’s channels.

Public health clinicians/advocates and campaigners said that children would also watch adult TV, and recommended an outright ban on all unhealthy food advertising before the 9 pm ‘watershed.’

Broadcasters and advertisers feared this would disproportionately affect advertising revenues, impinge on adult viewing, and would have only marginal public health benefits if introduced.

Ofcom accepted this argument, despite not specifically consulting on this, and its own research showing that such a move would reduce children's exposure to adverts for foods high in fat, sugar and salt by 82%.

Public health doctors and campaigners said that restrictions should be imposed as soon as possible. But children's channels argued that they should be allowed a transitional period as they expected to take a financial hit. Ofcom agreed.

The authors conclude that although concessions were made to the public health camp, "ultimately, industry arguments appeared to hold more sway...Ofcom appeared to believe that the commercial impact of the regulation of advertising should carry greatest weight, even when the aim of the regulation was to protect children's health."

They point out that Ofcom retains direct responsibility for advertising scheduling policy under current legislation. "This then begs the question of whether a governmental body with a duty to protect broadcasting interests should be leading on public health legislation," they write.

"This conflict between Ofcom's duties to the public and to broadcasters may have resulted in eventual restrictions that did not appear to alter the level of exposure of children to [foods high in fat, sugar and salt] advertising," they explain.

While the regulator considered the balance between commercial and public interests...it didn't "appear to consider the cost to the economy of poor health that could stem from a lack of appropriate restrictions."

This analysis concerns only one consultation, and there may be other ways in which public health interests can exert influence over policy, acknowledge the authors.

Nevertheless, the issue of TV advertising of unhealthy foods is highly politically sensitive and at the top of the public health strategy agenda for tackling obesity, they point out. Yet it seems vulnerable to commercial interests, they suggest."