

**9 November 2021**

# **Towards a childhood free from unhealthy food marketing: Exploring the next frontier for European action**

**Event Report**



## **About the European Public Health Alliance**

The European Public Health Alliance (EPHA) is a change agent – Europe's leading NGO alliance advocating for better health. We are a dynamic member-led organisation, made up of public health civil society, patient groups, health professionals, and disease groups working together to improve health and strengthen the voice of public health in Europe.



Co-funded by the Health Programme of the European Union

The European Public Health Alliance has received funding under an operating grant from the European Union's Health Programme (2014-2020). The content of this document represents the views of the authors only and is their sole responsibility; it cannot be considered to reflect the views of the European Commission and/or the European Health and Digital Executive Agency (HaDEA) or any other body of the European Union. The European Commission and the Agency do not accept any responsibility for use that may be made of the information it contains.

# INTRODUCTION

On Tuesday 9 November 2021, the European Public Health Alliance (EPHA) with a group of 20 European health, consumer, child and family organisations, hosted the [online event](#):

## **"Towards a childhood free from unhealthy food marketing. Exploring the next frontier for European action"**

The evidence is unequivocal: the marketing of nutritionally poor food affects children's eating preferences, purchase requests, consumption choices and, ultimately, their health and well-being, and many of their rights. The European Union (EU) has recognised the importance of reducing the negative impact of such marketing on children. However, it has so far failed to implement the legislative measures required to protect children from harm.

This event was organised to reinvigorate the debate on effective policy measures to tackle unhealthy food marketing. It was also the opportunity to launch two key documents:

1. A [call to action](#) to protect children from the marketing of nutritionally poor food, endorsed by 20 European organisations (and counting).
2. A [blueprint Food Marketing Directive](#), which calls on the EU to use its powers to effectively regulate the cross-border marketing of unhealthy food.

## SETTING THE SCENE

Nikolai Pushkarev, European Public Health Alliance (EPHA)



Climate change and predatory commercial practices, of which unhealthy food marketing is a core part, have been **identified as key threats** to children's health and rights. Despite promises and declarations, neither climate change nor unhealthy marketing have yet been effectively tackled. But there is increasing commitment to take the issue of marketing forward.

For instance, the recently adopted **Own Initiative Report** on the Farm to Fork Strategy by the European Parliament makes a strong statement to this effect:

Paragraph 90 - “calls for particular attention to be given to .... an **effective and EU-wide regulatory approach** to tackle the **exposure of children and adolescents to advertising and marketing of processed foods** high in fat, sugar and salt on **broadcast and digital media**”.

This is certainly an important declaration that will support and shape future work, and to which this initiative comes at a right time to respond.

## OPENING REFLECTION

Sarah Wiener, Member of European Parliament



***“The EU can and must play a leading role in the fight against poor nutrition and this initiative clearly shows it could do so.”***

Child nutrition has been a key issue in Ms Wiener's work as a chef. Cooking at home with fresh ingredients is the healthiest way of preparing food, but an increasing number of people no longer do this today, and some children may never acquire these skills.

However, it is in those early days of life that we develop a healthy relationship with food, which lays the foundation for a healthy development of children and adolescents.

It is obvious that we are failing to build such healthy foundations for many children today. It is therefore no coincidence that ill-health related to nutrition affects many children across Europe. One in three children aged 6-9 in the EU are overweight or obese. Children also

face increased risk for other non-communicable diseases, such as diabetes and cancer, the seeds of which are often sown in childhood. These trends must be reversed to ensure a healthy future for our children.

The marketing of unhealthy food to children is a very important part of this issue. It is a major problem that foods marketed to children are actually unhealthier than those marketed to adult. Industries do not hesitate to use manipulative techniques to make their products more attractive. These practices have a perverse effect, as they make eating highly processed products seem more natural than eating fruit, vegetables and water.

Regulating marketing has not been successful so far. It is over-reliant on voluntary measures, which have not helped reduce exposure to advertising. This is why today's discussion, as well as the launch of the Call to Action and Blueprint Directive could not be more timely. The EU can and must play a central role in the fight against poor nutrition, and this initiative clearly shows it can do so.

## **TAKING ACTION TO PROTECT CHILDREN FROM THE HARMFUL IMPACT OF FOOD MARKETING - A CHILD RIGHTS-BASED APPROACH**

**Jo Jewell, UNICEF**

***"In all actions concerning children, the United Nation Convention on the Rights of the Child calls for putting the best interests of the child as a primary consideration. It is worth reminding that when it comes to children's rights, children are rights holders and states duty bearers. States should use their regulatory power to implement evidence-based policies and interventions."***

The United Nations Convention on the Rights of the Child (UN CRC) obliges state parties to ensure children's rights are respected, protected and fulfilled. This includes restricting commercial activities that infringe on children's rights, as for example unhealthy food marketing. Evidence shows that food marketing negatively impacts many of the rights enshrined in the CRC, including health, adequate nutrition but also privacy and freedom from exploitation, topics that are increasingly relevant in the digital area.



Food marketing is a function of both exposure and power. For regulatory measures on food marketing to be effective, they should simultaneously address the types of advertisements and channels children are exposed to, but also the persuasive techniques used by industries.

States should use their regulatory power to implement evidence-based policies and interventions and make use of existing strategies to overcome opposition from political opponents, as well as from those who produce, manufacture and advertise unhealthy foods.

## Conclusion



Importance of **law and policy** to create healthy environments

Evidence shows that **self-regulation has little positive effect** and may simply serve as a way for industry to delay successful government approaches

**Restrictions on food marketing are a necessary step** to improve children's diets and help prevent child and adolescent overweight and obesity

There are **strategies to overcome opposition**

Without action, **we risk violating several child rights** outlined in several international frameworks, particularly the rights to adequate nutrition and health



## Countering opposition



### Common arguments

Parents and caregivers are responsible for what their children eat. This should not be decided either by the government or by businesses.

There is no proof that the marketing of unhealthy food and beverages is linked to children's health outcomes, such as overweight and obesity.

The food industry is better placed than the government to reduce the harmful impact of food marketing: the adoption of industry-led, self-regulatory pledges is more efficient and less costly than the imposition of mandatory restrictions of business practices.

Sweeping restrictions are excessive: they limit business activity too much and infringe on the ability to market food to adults. A stepwise approach, starting with more narrowly defined approaches, would be better.

Marketing restrictions are unlawful.

### Counter argument

The predominance of marketing of unhealthy foods undermines dietary recommendations. Marketing negatively influences food values and preferences, and undermines efforts of parents and other caregivers to encourage healthy eating.

A large body of consistent and independent evidence has determined that marketing influences children's food preferences, purchase requests and dietary intake, and ultimately impacts their health.

Research has established that voluntary actions by industry, such as pledges to promote food "responsibly" to children, contain significant gaps that prevent them from reducing the exposure of children to unhealthy food marketing.

Stepwise approaches may be perceived as representing small and cumulative gains over time, but research has shown that they can have counterproductive effects and can lead to an increase (rather than a decrease) in children's exposure to such marketing.

Governments that have ratified the CRC have an obligation to ensure the enjoyment of the highest attainable standard of health for all children. In upholding this right, they have a broad margin of discretion in determining how to do this most effectively, including through use of regulations.

*Adapted from a forthcoming WHO/UNICEF publication*

Please find full presentation [here](#).

## **TOWARDS AN EU-WIDE FOOD MARKETING DIRECTIVE TO PROTECT CHILD HEALTH AND CHILD RIGHTS**

**Amandine Garde, University of Liverpool**

***"The EU still relies on a wholly inadequate system based on the adoption of codes of conduct and the exchange of best practices to protect children from the exposure to unhealthy food marketing. It is dogmatic and not driven by existing evidence.***

***You should not put the industry that make enormous profits in promoting unhealthy food at great cost to child health and children's rights in charge of regulating such marketing. This is common sense."***



For over 15 years now, the EU has recognised unhealthy food marketing as a major public health concern. More recently, it has also recognised how such marketing encroaches on children's rights. However, this realisation has not been translated into the adoption of an effective regulatory framework to protect children from harm.

Despite years of advocacy focused on bringing evidence to adequately resolve the problem the EU has itself identified, we see a continued reliance on self-regulation, which has proven to be ineffective.

States as duty bearers must regulate third parties, and especially the food and marketing industries, to protect children from exposure to unhealthy food marketing and therefore end their violations of children's rights.

The blueprint Directive launched today shows that nothing prevents the EU from effectively regulating the cross-border marketing of unhealthy food, thereby protecting children from its harmful impacts. It relies on existing evidence and upholds the best interests of the child as a primary consideration. By focusing on cross-border marketing it complies with key constitutional principles enshrined in the EU Treaties, and in particular the principles of attributed powers and proportionality.

## THE DIRECTIVE IN A NUTSHELL

1. end the marketing of nutritionally poor food between 6am and 11pm on broadcast media;
2. end the marketing of nutritionally poor food on digital media;
3. ending the **sponsorship** by food brands of events with cross-border effects, unless brands can prove that such sponsorship is not associated with nutritionally poor food; and
4. end the use of **marketing techniques appealing to children** for the promotion of nutritionally poor food;
5. a child is **any person below the age of 18**;
6. the definition of nutritionally poor food should be based on the **WHO Europe nutrient profile model**.

Not only is regulation legally feasible, but there is also widespread societal support for the far-reaching measures proposed, as evidenced by the range of civil society organisations endorsing the Call to Action today, and the support received from several Members of the European Parliament (MEPs), from academia and from children themselves.

Please find the full presentation [here](#). Please read the full Blueprint Directive [here](#).

## LIMITATIONS OF SELF-REGULATION: THE CASE OF THE EU PLEDGE

Nelleke Polderman, The European Consumer Organisation (BEUC)

***"Children are continuously bombarded with advertisements for unhealthy food. An example of a promotion campaign for Prince cookies illustrates the extent of the issue. A campaign in Belgium invited consumers to buy 4 packages of the cookie so they could build their own Prince mascot. This is obviously very attractive to children."***

BEUC, supported by 10 of its national members and a group of academic experts, collected examples of unhealthy food and drink marketing campaigns across Europe on various media in the first quarter of 2021. These examples provide a real-life snapshot of how children are day-in-day-out, from morning to evening targeted through different media.



These examples were subsequently submitted to the “Accountability Mechanism” of The EU Pledge, a European voluntary initiative set up by large food brands to limit child marketing. In total, 81 complaints were submitted. Strikingly, however, more than 80% of those complaints were not upheld on a variety of grounds.

The EU Pledge, the Europe’s main self-regulatory initiative, was found to be lacking both in terms of its contents and processes. This case study clearly supports the evidence that self-regulation fails to prevent the marketing of unhealthy food to children and that binding EU rules are needed to adequately protect children from the exposure to such harmful practices.



BEUC **THE FLAWS OF THE EU PLEDGE**

- Nutritional criteria are too weak
- Commitments only affect children's TV programmes
- Commitments too weak to address the ecosystem of digital marketing
- No commitments for food packaging
- 13-18 years old not protected
- Loophole for 'brand marketing'



BEUC **INADEQUATE ACCOUNTABILITY MECHANISM**

- Complaint process is too slow
- Minimal consequences for the infringing companies
- Lack of transparency
- Panel decisions favour companies on very weak grounds
- Inconsistent panel decisions

Please find the full presentation [here](#). Please also read BEUC's [report](#) 'Food marketing to children needs rules with teeth!' for further details. Finally, watch the video: [A day in the life of a kid.](#)

## SOCIETAL PERSPECTIVES: WHY TACKLE MARKETING?

### Manuela Ripa, Member of European Parliament



Ms Ripa started with a personal example showing why it is paramount to protect children, but also parents from the marketing of unhealthy food. The example involved her child spotting an ice cream in the supermarket with an attractive lion on the pack. It also had a nice label with bold letters saying that this product was 'responsibly' made for kids. After inspecting the ingredients list, this 'responsible' product proved to be made out of six different sugars. For many parents, often in a hurry, their child's insistence and the reassurance on the label would have been enough to just go along and buy the product. This shows why adequate regulation is so important.

*"We had other EU policy processes where voluntary agreements led to nothing. Just take the example of mobile chargers: after many years leaving it to industries to come up with just one charger – which they did not – the Commission is now proposing a Directive.*

*Shouldn't the health of our children be more important than a charger? To me it is not understandable that it is still allowed to lure children and teenagers to unhealthy products. We need consumer and especially child protection throughout the EU.*

*Politicians should help consumers to make informed choices and protect especially children from harmful carcinogenic substances. This requires a change of legislation soon."*

### Patrick O'Sullivan, Standing Committee of European Doctors (CPME)

*"If we can promote a healthy lifestyle, we can reduce non-communicable diseases, and the resulting burdens of diseases and premature deaths that occur in the population.*

*Obesity is one of those health problems that can result from lifestyle choices. The problem may begin in childhood, as obese children frequently go on to become obese adults with the associated increased risks of non-communicable diseases, such as cardiovascular diseases, type 2 diabetes and some cancers.*



*Tackling obesity needs a multi-sectoral and multi-pronged strategy: promoting healthier diets, regulating the promotion of unhealthy food particularly to children, making sure that the healthier choices of food are available and affordable, and encouraging adequate exercise for all.”*

### **Sibylle Reichert, International Association of Mutual Benefit Societies (AIM)**



*“Unhealthy food systems and unhealthy food marketing trigger unhealthy food behaviours that further increase the risk of developing obesity and chronic diseases.”*

*“The rising costs associated with the treatment of chronic conditions put our solidarity-based [health] systems under great pressure. The extent to which our health care systems are threatened depends on the actions we take today. Evidence is there and political will is building. Let us not have this public health threat unattended; let’s all act together.”*

### **Shira Zelber-Sagi, European Association for the Study of the Liver (EASL) & United European Gastroenterology (UEG)**

*“Ultra-processed food consumption is increasing globally especially among children and adolescents. Ultra-processed foods are highly palatable, which means they are designed to encourage eating. It has been proven that there is an association between the consumption of ultra-processed food and increased risk of cancer, cardiovascular diseases, type 2 diabetes, obesity, weight gain, and non-alcoholic fatty liver disease, which is the most prevalent liver disease globally and in Europe.”*

*“EASL and UEG recommend public health policies to restrict advertising and marketing to children of sugar-sweetened beverages and highly processed foods high saturated fat, sugar and salt.”*



## Kathryn Reilly, Irish Heart Foundation & European Heart Network (EHN)



*"Despite all evidence-based advocacy efforts, the European Union has missed countless opportunities to effectively reduce the harmful impact of unhealthy food marketing to children."*

*Health services are firefighting the health impacts of chronic diseases without meaningfully addressing the root causes. This implies the need to step back and comprehensively address the issue of harmful marketing to children and its impact on health.*

*This has been supported by concrete and robust evidence for years, and in parallel health NGOs have asked for bans on marketing of unhealthy products to children. But it has gotten nowhere.*

*We currently observe a trend towards more national regulations on food marketing. But there is also a crucial need for legislative action at the European level to better underpin these national policies and regulations."*

## Tasha Mhakayakora, Bite Back 2030

*"Children are bombarded by junk food advertisement across all digital platforms. For example, nearly 500 online junk food adverts per second are seen by children and young people across the United Kingdom. We also know that five of the most popular youtubers among children have made videos featuring unhealthy food brands that have been viewed over one billion times."*



*"Young people and children are incredibly impressionable and vulnerable to this advertising. It is manipulating young people like myself to crave more, buy more and ultimately eat more unhealthy food."*

*"Many sport events are also sponsored by unhealthy food companies. By linking themselves to sports bodies and the notion of being active, moving more, exercising more, these companies are attempting to associate their products with healthy and active lifestyle. When we know it is false."*

*"Regulating unhealthy food marketing must go beyond banning advertising on traditional media. Such policies should be implemented at full effect to properly tackle the issue at hand and remove any loopholes that would allow companies to continue take advantage."*

## CLOSING REMARKS AND NEXT STEPS

The overall conclusion is clear: the EU can and must take legislative action to effectively tackle the exposure of children to unhealthy food marketing. The evidence is unequivocal, legal solutions are available, only political will is still missing. This event should be seen as a step in a longer journey of putting this topic at the heart of the EU policy agenda. There is no giving-up on ensuring the health and rights of European children.

## LIVE Q&A

Several topics addressed as part of the Q&A following the presentations are highlighted below:

### **Examples of pioneering Member States that introduced more comprehensive legislation restricting unhealthy food marketing:**

- **Spain** was recently in the news for its willingness to implement restrictions on food marketing.
- The **United Kingdom** is planning to ban unhealthy food advertising online and before 9pm on television from 2023.
- **Portugal** has also taken some strong **measures** to restrict the marketing of unhealthy food to children, but with a more limited scope.

### **On the involvement of third parties, and especially the food industry, in policy design:**

- The regulation of unhealthy food marketing should be led by governments as duty bearers responsible for the protection and fulfilment of children's rights. This is particularly so as the self-regulation of food marketing by industry actors does not work. Third parties, including the food industry, may be consulted, but they should not be involved in the development of a given food marketing policy considering existing conflicts of interest.

### **On the relation between the marketing of unhealthy food to children and the issue of breastmilk substitute:**

- For UNICEF the two are closely related. Ending the harmful impact of marketing on children also requires that legislation covers the marketing addressed to caregivers that has a negative impact on children, including breastmilk substitutes and complementary foods.
- However, the blueprint directive focuses on food marketing to which children themselves are exposed, rather than on food marketing to their carers, and particularly their mothers. Therefore, it does not purport to cover all forms of marketing affecting children's diets and health.

## **On the impact of the COVID pandemic on this issue:**

- On the UNICEF **[U-Report](#)** platform, children reported being more highly exposed to food marketing during the pandemic on their own digital devices. There are also examples of specific campaign targeting children over this period.
- The COVID-19 pandemic has, unfortunately, worsened exposure in part because children spend more time online, and there is evidence of increased child obesity rates. At the same time, the pandemic has also helped highlight the links between obesity and negative health outcomes, which should be used as an opportunity to argue for swift and forceful action.

## **Other topics brought up in the chat box:**

- Questions about defining the healthfulness of food. Should it focus on the level of processing or nutrition composition, or be a combination of both?
- Unhealthy food marketing could also be perceived as a violation of cultural rights.
- Emphasis on the similarities of policy solutions to tackle tobacco and unhealthy food.
- The importance of have this debate at national level too, from which it can be strengthened at EU level.

## **CONTACT**

### **Nikolai Pushkarev**

Senior Policy Manager for Healthy Environments

**[nikolai.pushkarev@epha.org](mailto:nikolai.pushkarev@epha.org)**

## **FIND OUT MORE**

### **Visit the initiative website and join our call to action**

Towards a childhood free from unhealthy food marketing: explore what the EU can do to protect children's rights and health

### **Watch the discussion**

Towards a childhood free from unhealthy food marketing

### **Visit the event website**

### **Find us on social media**



AISBL · Rue de Trèves 49-51 · 1040 Brussels · BELGIUM  
+32 (0) 2 230 30 56 | [www.epha.org](http://www.epha.org) | [epha@epha.org](mailto:epha@epha.org) | [twitter: @EPHA\\_EU](https://twitter.com/EPHA_EU)