



FAO HFSS Watershed Consultation
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By email

To the Consultation Team

This response is provided by the Advertising Standards Authority (ASA), the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP). Unless we state otherwise, in what follows, points made are on behalf of all three bodies, but in one or two places, for example on consultation options, the independent ASA has not thought it appropriate to offer a view.

As the UK's Advertising Regulator, we set and independently enforce rules that ensure ads are legal, decent, honest and truthful with particular regard to the protection of children and other groups in society whose circumstances put them in need of special protection.

In this covering letter, we set out the key points that frame our response to the 'Consultation on introducing further advertising restrictions on TV and online for products high in fat, sugar and salt (HFSS)':

- The protection of consumers and of children in particular has always been a priority for us. Under our regulation we have made, and continue to make, significant progress in reducing children's exposure to HFSS ads and ensuring the content of HFSS ads is responsible.
- The UK Advertising Codes ban HFSS ads in children's media and media that appeal to children disproportionately. The rules successfully deliver against a public policy objective to change the nature and balance of food advertising seen by children, including by incentivising reformulation of food products.

Legal, decent, honest and truthful

Chairman Rt Hon Lord Currie of Marylebone **Chief Executive** Guy Parker
ASA Council Tess Alps, Reg Bailey, Kate Bee, Wesley Henderson, Nita Patel, Aaqil Ahmed, Zaid Al-Qassab, Suzanne McCarthy, Shireen Peermohamed, Sam Younger, Tracey Follows, Neil Stevenson and Kirsten Miller

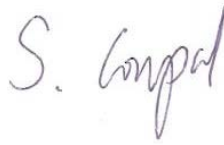
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- Children's exposure to HFSS ads on TV has fallen by around 70% since 2005 and, as of 2017, children see on average 9.6 TV HFSS ads per week or 1.4 per day, of which many are for HFSS products unlikely to appeal to children.
- The evidence suggests children's reduced exposure to TV HFSS ads is not being replaced by online exposure at the same rate, with online exposure around 20% of that on TV.
- Where children do see HFSS ads in general audience media, the content of those ads cannot condone practices detrimental to children's health or exploit their vulnerabilities by, for example, encouraging pester power or presenting misleading health claims.
- As Code setters, CAP and BCAP must respond to evidence that suggests the rules need to change to address new harms, or a reassessment of known harms, arising from advertising. Although we are not persuaded that the available evidence indicates that advertising has a greater impact on children's food preferences than previously thought, that is not say we take a 'do nothing' approach to our regulation.
- Findings from the ASA's recent monitoring of online HFSS ads require CAP to review and potentially revise provisions on the responsible targeting of online ads, where targeting takes place on the basis of known or inferred information about an audience group. These provisions ensure children's exposure to online ads for HFSS products, alcohol, gambling products etc. is appropriately limited.
- Subject to the outcome of Government's consultation, CAP and BCAP may also explore the merits of updating the HFSS content rules in response to evidence submitted to BCAP's Call for Evidence in 2018. This work would likely focus on protecting children aged under 12, in particular, for whom the Codes provide enhanced protection.
- This work and other potential initiatives to further mitigate the potential harms arising from the content of HFSS ads would not be merited if Government adopts a timing-based restriction, in other words a pre 9pm ban, which would seek to eliminate younger children's exposure to HFSS ads on TV and online.
- In relation to the pre-9pm option, CAP and BCAP raise concerns on the basis of practicality and proportionality and invite a further assessment of the relative merits of timing-based restrictions (proposed in the consultation) and audience-based restrictions, which are currently in place. CAP, BCAP and legacy ad regulators have historically favoured audience-based restrictions (combined with content rules) as the most effective and efficient means to achieve the necessary protection afforded to children while avoiding disproportionate intrusion into adults' TV viewing and adults' online engagement.

- CAP, BCAP and the ASA remain committed to evidence-based, proportionate regulation that prioritises the protection of the audience, particularly children and other groups in society whose circumstances put them in need of special protection.
- If, following its consideration of consultation responses, Government is inclined to consider alternative adjustments to the current framework of restrictions, we think there is an opportunity for it to work with all parties to identify a wider range of options that may better address any harms that are not adequately addressed by the current restrictions, which continue to be effective. We are committed to being a constructive partner in any such endeavour.



Guy Parker
Chief Executive, ASA



Shahriar Coupal
Director of the Committees, CAP & BCAP