

**Report to  
Rapport au:**

**Ottawa Board of Health  
Conseil de santé d'Ottawa  
5 February 2018 / 5 février 2018**

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**Submitted by  
Soumis par:**  
**Dr. / D<sup>re</sup> Vera Etches, Acting Medical Officer of Health / Médecin chef en santé  
publique par intérim**

**Contact Person  
Personne ressource:**  
**Gillian Connelly, Manager/Gestionnaire  
Healthy Communities/ Santé Communautaire  
613-580-2424, ext./poste 28971 *Gillian.Connelly@ottawa.ca***

**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2018-OPH-HPP-0002**

**SUBJECT: HEALTHY EATING, ACTIVE LIVING – MARKETING OF UNHEALTHY  
FOOD AND BEVERAGES: NEXT STEPS**

**OBJET: SAINES ALIMENTATION ET VIE ACTIVE – MARKETING DES ALIMENTS  
ET DES BOISSONS MALSAINS : PROCHAINES ÉTAPES**

## **REPORT RECOMMENDATIONS**

**That the Board of Health for the City of Ottawa Health Unit**

- 1. Receive, for information, the results of the consultation for marketing of unhealthy food and beverages to children and youth in Ottawa 2017, as detailed in Document 3; and**
- 2. Approve Ottawa Public Health's 2018 Approach to Marketing Unhealthy Food and Beverages to Children and Youth, as described in this report.**

## RECOMMANDATIONS DU RAPPORT

**Que le Conseil de santé de la circonscription sanitaire de la ville d'Ottawa :**

- 1. prenne connaissance des résultats de la consultation d'Ottawa sur le marketing de boissons et d'aliments malsains destiné aux enfants et aux jeunes qui a eu lieu en 2017, présentés dans le document 3;**
- 2. approuve l'approche de Santé publique Ottawa pour 2018 concernant le marketing de boissons et d'aliments malsains destiné aux enfants et aux jeunes, présentée dans ce rapport.**

## EXECUTIVE SUMMARY

Evidence demonstrates that there is a link between unhealthy food choices, unhealthy eating, childhood obesity, and the marketing of unhealthy foods and drinks, and that children are particularly vulnerable to food advertisements. Marketing can have an impact on their health and behavior. Furthermore, it can normalize unhealthy behavior while encouraging greater consumption of unhealthy products.

At its meeting of April 3, 2017, the Board approved a consultation plan to solicit input from Ottawa residents, City of Ottawa departments and other interested parties about the potential for reducing marketing to children through municipal actions.

Since April 2017, Bill S-228, *An Act to amend the Food and Drugs Act* to prohibit food and beverage marketing directed at children was introduced to the House of Commons and moved to second reading. Health Canada has also released a [report](#) summarizing the feedback received in response to their consultation on their proposal in restricting marketing of unhealthy food and beverages to children and youth.

Since the spring, Ottawa Public Health (OPH) completed a consultation in which over 1500 people participated through various methods: a bilingual on-line convenience survey; a randomized telephone survey of Ottawa residents; focus groups with school boards, childcare representatives and youth; webinars and focus groups with sports organizations, business and industry as well as meetings with representatives from City of Ottawa departments. The consultation showed that the community supports restricting marketing of unhealthy food and beverages that target children and youth.

Following the community consultation, OPH is proposing an approach to address the issue of marketing of unhealthy food and beverages to children and youth. This approach includes two focus areas: community action and supporting federal action.

The Community Action will include: disseminating the results of the 2017 consultation, continuing conversations with stakeholders, and engaging parents. The actions to support the federal government will include supporting Bill S-228, participating in consultations and exploring opportunities to pilot initiatives at the local level.

## RÉSUMÉ

Des données probantes montrent la corrélation entre les choix alimentaires malsains, les mauvaises habitudes alimentaires et l'obésité infantile, et la publicité des boissons et aliments malsains et le fait que les enfants soient particulièrement vulnérables aux publicités d'aliments. La publicité peut influencer leur santé et leur comportement. De plus, elle peut leur donner l'impression que certains comportements malsains sont normaux et encourager une consommation accrue de produits mauvais pour la santé.

À sa réunion du 3 avril 2017, le Conseil a approuvé un plan de consultation des résidents d'Ottawa, des directions générales de la Ville et d'autres parties intéressées afin d'obtenir leur avis sur les façons de réduire la publicité destinée aux enfants par des initiatives municipales.

Depuis avril 2017, le projet de loi S-228, *Loi modifiant la Loi sur les aliments et drogues*, visant à interdire la publicité d'aliments et de boissons s'adressant aux enfants, a été présenté à la Chambre des communes et est passé à la deuxième lecture. Santé Canada a également publié un [rapport](#) où il résume les commentaires recueillis à sa consultation sur sa proposition de restreindre la publicité des boissons et des aliments mauvais pour la santé des enfants et des jeunes.

Depuis le printemps, Santé publique Ottawa (SPO) a réalisé une consultation à laquelle plus de 1 500 personnes ont participé de diverses manières : sondage pratique et bilingue en ligne, sondage téléphonique aléatoire auprès de résidents d'Ottawa, groupes de discussion avec les conseils scolaires, des représentants des services de garde d'enfants et des jeunes, webinaires et groupes de discussion auprès d'organisations sportives, d'entreprises et d'industries, et rencontres avec des représentants des directions générales de la Ville d'Ottawa. La population s'est prononcée en accord avec la restriction de la publicité des boissons et des aliments mauvais pour la santé destinée aux enfants et aux jeunes.

À la lumière de cette consultation communautaire, SPO propose une stratégie de lutte contre ce type de publicité qui se diviserait en deux volets : les mesures municipales (publication des résultats de la consultation de 2017, poursuite des discussions avec les parties intéressées et participation des parents) et le soutien des mesures fédérales

(soutien du projet de loi S-228, participation aux consultations et exploration des possibilités de mettre en place des projets pilotes à l'échelle locale).

## **BACKGROUND**

OPH's Strategic Plan for 2015 – 2018 identifies a series of strategic directions to advance health for people who live, learn, work and play in our communities. Strategic Direction #1 – Inspire and Support Healthy Eating and Active Living (HEAL), aims to inspire and support Ottawa residents to make it easy to eat healthier foods (i.e. food low in salt, saturated fat, and sugar) by increasing their knowledge, confidence and skills while also improving healthy eating environments.

In line with this strategy, at its meeting of February 13, 2017, the Board of Health (BOH) approved the following Motion:

### **Motion 14/02**

Moved by Member Taylor

**WHEREAS** on February 1, 2017, the Heart and Stroke Foundation released its report titled “[Report on Health of Canadians – The Kids Are Not Alright](#)”, which examines how industry is marketing unhealthy food and beverages directly to children and youth and how this affects their preferences and choices, their family relationships and their health; and

**WHEREAS** the Heart and Stroke Foundation's report includes a list of recommended actions for municipal governments, including:

- **Conducting a review of food and beverage marketing in child-focused settings;**
- **Reviewing zoning restrictions close to child-focused settings including schools and playgrounds;**
- **Restricting food and beverage marketing to children on municipal property, such as childcare settings, schools, libraries, public transit, recreation centres and parks;**
- **Educating people about the risks associated with unhealthy food and beverage consumption through public awareness campaigns; and**

- Reviewing and limiting sole-sourced contracts with food and beverage companies to ensure the healthfulness of food and beverage options. This would include the numbers, content and placement of vending machines; and

WHEREAS at its meeting of April 20, 2015, the Ottawa Board of Health approved its [Strategic Plan for 2015 – 2018](#), which includes a priority related to Healthy Eating and Active Living; and

WHEREAS the Board of Health's Healthy Eating and Active Living strategic priority seeks to increase healthy eating and safe physical activity among people of all ages, among other things; and

WHEREAS in February 2016, Prime Minister Justin Trudeau's [mandate letter](#) to the Minister of Health called for her to promote public health by, among other things, "introducing new restrictions on the commercial marketing of unhealthy food and beverages to children, similar to those now in place in Quebec"; and

WHEREAS on October 24, 2016, Health Canada released their '[Vision for a Healthy Canada](#)', which identified actions for helping people achieve and maintain good physical and mental health, including Health Canada's new [Healthy Eating Strategy](#); and

WHEREAS Health Canada's Healthy Eating Strategy aims to help make the healthier choice the easier choice for Canadians by protecting vulnerable populations, including restricting the commercial marketing of unhealthy foods and beverages to children; and

WHEREAS in his October 2016 Verbal Update, the Medical Officer of Health talked about the introduction of Bills S-228 and C-313, which address the issue of marketing to children and aligned with the Federal Mandate letter referenced above; and

WHEREAS the Board of Health is in receipt of a number of Communications on the topics of nutrition and marketing to children; and

WHEREAS all of the above developments provide evidence of a growing momentum for introducing real changes aimed at making it easier for Canadians to make healthier choices with respect to their diet and nutrition;

THEREFORE, BE IT RESOLVED THAT the Board of Health direct staff to bring forward a report at the next meeting of the Ottawa Board of Health outlining

**policy options at the municipal level as well as a plan for engaging the community and stakeholders with respect to same.**

At its meeting of April 3, 2017, the Board approved a report titled: "[Healthy Eating, Active Living: Protecting Vulnerable Populations through Restrictions in Marketing of Foods and Beverages](#)" which included a list of policy options at the municipal level, as proposed by the Heart and Stroke Foundation's 2017 [Report on the Health of Canadians – The Kids Are Not Alright](#). The April 3 report also outlined a consultation plan to solicit input from Ottawa residents, City of Ottawa departments and other interested parties about the potential for reducing marketing to children and youth through municipal actions. Several delegations attended the Board meeting to speak in support of this report, including the Heart & Stroke Foundation, Dietitians of Canada, Dr. Monique Potvin Kent and several other delegates. In addition, as approved by the Board, the Board Chair wrote a letter to Minister Philpott and Senator Greene Raine in support of Bill S-228 and Bill C-313, *An Act concerning the development of a national strategy respecting advertising to children and amending the Broadcasting Act (regulations)*.

**The Issue: The impact of food and beverage marketing on health**

Healthy habits and behavior in adulthood begin in childhood. Unhealthy eating over a lifetime is associated with a range of co-morbidities<sup>1</sup>. An unhealthy diet over the course of time can lead to health issues such as high blood pressure, cancer, heart disease and diabetes<sup>1</sup>.

In Ottawa, overweight and obesity continues to be an issue, specifically in children and youth. A 2013 survey asking Ottawa students in Grades 7-12 about their height and weight found that 15% (10,300) of students would be classified as having an overweight body mass index (BMI) and 8% (5,800) as obese<sup>2</sup>. 19.8% of Ontario children aged 6-11 are overweight and obese based on information from Statistics Canada<sup>3</sup>.

Evidence has demonstrated that there is a link between unhealthy food choices, unhealthy eating, childhood obesity, and the marketing of unhealthy foods and beverages, and that children are particularly vulnerable to food advertisements<sup>4,5</sup>.

Children are susceptible to the tactics of persuasive messaging because they are unable to critically assess advertising messages or understand their persuasive intent. They believe what they see<sup>6,7,8</sup>. While in their teenage years, they become particularly susceptible to digital marketing, which reaches them at all times throughout the day on

their personal computers, tablets and smart phones. Digital marketing blurs the lines between marketing and entertainment<sup>9,10,11,12</sup>. Children's food preferences, purchase requests and consumption patterns are all influenced by marketing<sup>4</sup>. The foods children eat and ask their parents to buy can be influenced by advertising. Furthermore, advertising can normalize unhealthy behavior while encouraging greater consumption of unhealthy products.

The extent of marketing in today's world is also of concern. Although television remains an important medium, food and beverage marketing uses multiple messages via multiple channels and focuses on branding and building relationships with consumers.

For more on the evidence related to the marketing of food and beverages to children and youth see Document 1.

### **Current Developments**

#### *Health Canada*

Since April 2017, there have been some key developments at the federal level. In the summer of 2017, Health Canada released a consultation on their proposal for restricting marketing of unhealthy food and beverages to children under 17 years. OPH submitted a response to Health Canada's consultation; OPH's comments were submitted to the Board through the "[Federal Government Healthy Eating Strategy Consultations](#)" report, which the Board received on September 18, 2017. OPH generally supported Health Canada's proposal, and recommended that consideration be given to restricting the marketing of all food and beverages to children and youth aged 17 and under.

On December 8, 2017, Health Canada released a [report](#) summarizing the feedback received in response to their consultation. Health Canada will use the results of this consultation, along with other inputs, to inform the development of regulations to restrict marketing of unhealthy food and beverages to children.

#### *Bill S-228*

Bill S-228 was presented on September 27, 2016 by the Honorable Senator Greene Raine. This legislation would amend the Food and Drugs Act to prohibit food and beverage marketing directed at children. The Bill was passed by the Senate on September 28, 2017 and then introduced to the House of Commons on October 6, 2017. It was moved to second reading on December 12, 2017.

Additional information about these federal actions, as well as actions in other jurisdictions', are included in Document 2.

## **DISCUSSION**

OPH's vision is for Ottawa children and youth to live in an environment free from unhealthy food and beverage marketing in order to help all achieve their optimal health. No single intervention on its own can ensure ideal nutrition to solve the obesity epidemic and the prevalence of chronic disease. Obesity and chronic disease prevention requires action by many sectors, organizations, residents, and a whole-of-government approach in which policies across all sectors systematically take health into account, avoid harmful health impacts, and aim to improve population health and health equity. Healthy public policy is a foundation to health promotion. Policies focused on improving our food environments, such as restricting the marketing of food and beverages targeting children and youth, can help improve Canadians' eating habits and health.

In striving to accomplish this vision, OPH's consultation aimed to: understand various perspectives regarding policies and guidelines that would reduce the promotion of unhealthy foods to children in Ottawa; and ensure that Ottawa residents, community groups, businesses and key partners had an opportunity to provide meaningful input on potential strategies. In line with developing healthy public policy, OPH will continue to ensure engagement with all key stakeholders.

**Recommendation #1: Receive for information the results of the consultation for marketing of unhealthy food and beverages to children and youth in Ottawa 2017, as detailed in Document 3.**

A fulsome report is included as document 3, and a summary of the consultation results is provided below.

During the consultation period of April 2017 to October 2017, over 1500 people participated through various methods: a bilingual on-line convenience survey; a randomized telephone survey of Ottawa residents; focus groups with school boards, childcare representatives and youth; webinars and focus groups with sports organizations, business and industry, as well as meetings with representatives from City of Ottawa departments.

Responses from the randomized phone survey and the online survey were similar. The majority of respondents (over 70%) agreed that marketing of unhealthy food and beverages targets children and youth, affects their food choices, and has an impact on



their health. Furthermore, respondents indicated that they have seen marketing on certain municipal properties and support marketing restrictions in these settings as well as where children and youth gather (e.g. in schools and childcare settings).

Specific stakeholders, such as the childcare community and school boards, whom participated in key informant interviews and the focus groups, also demonstrated an awareness of this issue. School board representatives noted that they are highly engaged in providing safe, supportive environments for students. School boards and schools are gatekeepers when it comes to direct advertising and incentives getting into schools. Although youth did not attend the focus groups in large numbers, the majority of participants agreed that marketing of unhealthy food and beverages to children and youth is an issue that concerns them.

Focus groups with business/food industry and sports groups were sparsely attended. The main challenge voiced by this sector related to a potential loss of revenue if there were changes to existing policies (i.e. loss of revenue from vending machines/sales, reduced sponsorship of events).

The results from the focus groups, and key informant interviews cannot be taken as representative of the respective sectors. Further engagement of local representatives of these sectors will be required, should further policy actions be identified.

A series of meetings were held with the Ottawa Public Library and City of Ottawa departments to discuss the issue of marketing to children and youth on municipal property, including: Planning, Infrastructure, and Economic Development; Recreation, Cultural and Facility Services; Transportation Services; and the Community and Social Services Department.

These meetings revealed potential opportunities to decrease the marketing of unhealthy food and drinks in municipal settings that can be generally categorized into three themes: policy changes; education/awareness raising; and increasing access to healthy food.

**Recommendation #2: Approve Ottawa Public Health's 2018 Approach to Marketing Unhealthy Food and Beverages to Children and Youth, as described in this report.**

OPH's work with municipal partners to date has shown that changes can be made in municipal settings. Accordingly, OPH has developed an approach to address the issue

of marketing of unhealthy food and beverages to children and youth, as described below.

**OPH's 2018 Approach includes two focus areas:**

**1. Community Action**

OPH will continue to engage the community as a whole, with the aim of building consensus about policies to reduce children and youth's exposure to marketing of unhealthy food and beverages at the municipal level. This component of the approach will involve:

- *Sharing the results of the 2017 Consultation:* OPH will disseminate the consultation results to the general public, partners and stakeholders who participated in the process. In sharing these results, OPH will seek to initiate further community discussions about marketing to children and youth in our community, as well as to help identify opportunities for action.
- *Continuing conversations with stakeholders:* OPH will continue to meet with stakeholders to discuss policy options within our local context, including feasibility, challenges, best practices, potential impact of changes and establishing support for change. OPH will specifically initiate discussions with other City departments, the Ottawa Public Library, local school boards, childcare facilities, major sports organizations, as well as local decision-makers and experts. Through these interactions, OPH will aim to: further discuss the possible implementation of opportunities for actions identified during the 2017 consultation; explore opportunities for collective actions in the broad area of healthy eating and active living; and seek input and expertise on next steps on marketing of unhealthy food and beverages at the municipal level.
- *Engaging Parents:* OPH will engage parents online, to further the discussion on de-normalizing marketing of unhealthy food and beverages to children and youth. Through these interactions, OPH will seek to increase awareness of the issue and provide support so parents can take action. OPH will also seek to gain a greater understanding of where parents see marketing and how it impacts their family. Through these discussions, OPH will seek to further community readiness for change.

**2. Supporting Federal Action**

OPH will support the federal government's efforts to move forward with healthy public policy related to the marketing of unhealthy food and beverages to children and youth. This work will include:

- Seeking opportunities to support Bill S-228, locally, should the legislation be passed;
- Participating in federal healthy eating strategy consultations; and
- Exploring opportunities to pilot initiatives at the local level that align with the proposed federal policy approach.

## **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

## **CONSULTATION**

Consultation was undertaken, and will continue to be undertaken, as described in the body of the report and the supporting documents.

## **LEGAL IMPLICATIONS**

There are no legal impediments to receiving the consultation results for information, as set out in recommendation 1, and approving recommendation 2.

It is important to note that any policy decision, by-law, or other action that has the effect of restricting the advertising of food or beverages will necessarily be subject to the application of section 2(b) of the *Charter of Rights and Freedoms (Charter)* that guarantees freedom of expression, including commercial expression such as advertising. As a result, a complete prohibition on commercial advertising would constitute a contravention of the right to freedom of expression that would likely not be justifiable under section 1 of the *Charter*, that provides that the rights and freedoms under the *Charter* are subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. It is possible however for governments (including municipalities) to justify restrictions on advertising that are directed to children under Section 1 of the *Charter*. Justification under Section 1 of the *Charter* is possible when there is cogent evidence to demonstrate that the effects of the restrictions are to protect children and that the restrictions minimally impair the right of freedom of expression. Each case must be determined in its facts. In *Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927, the Supreme Court of Canada found that while prohibitions on advertising targeted at children under thirteen years of age

under the Quebec *Consumer Protection Act* infringed the right of freedom of expression, the prohibitions were nevertheless found to be a reasonable limit based in part on reports and studies that found children were prone to being manipulated by advertising.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications associated with this report.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report.

## **TERM OF COUNCIL PRIORITIES**

This report seeks to advance the Board of Health's Strategic Direction #1 – Inspire and Support Healthy Eating and Active Living (HEAL).

## **SUPPORTING DOCUMENTATION**

Document 1 – Evidence Brief on Marketing of Food and Beverages to Children and Youth

Document 2 – Marketing to Children and Youth Updates from Canada and Other Jurisdictions Document 3 – Results of Consultations for Marketing of Unhealthy Food and Beverages to Children and Youth in Ottawa 2017

## **DISPOSITION**

Upon Board approval, staff will implement Ottawa Public Health's 2018 Approach to Marketing Unhealthy Food and Beverage to Children and Youth, as described in this report.

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## **REFERENCES**

<sup>1</sup> World Health Organization. Set of recommendations on the marketing of foods and non-alcoholic beverages to children. Geneva. 2010.

<http://www.who.int/dietphysicalactivity/publications/recsmarketing/en/>

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- <sup>11</sup> Petty, R.D. & Andrews, J.C. (2008). Covert marketing unmasked: A legal and regulatory guide for practices that mask marketing messages. *Journal of Public Policy & Marketing*, 27(1), 7-18.
- <sup>12</sup> Boush, D.M, Friestad, M., & Wright, P. (2009). Deception in the marketplace: The psychology of deceptive persuasion and consumer self protection. New York, NY: Taylor and Francis Group, LLC.