

Document 2 - Marketing to Kids updates from Canada and other jurisdictions

Health Canada's Consultation

Since April 2017, there have been some key developments at the federal level related to marketing of food and beverages. Firstly, this past summer, 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 Health Canada consider restrictions on marketing of all food and beverages to children and youth aged 17 and under. The approach of restricting all marketing of food and beverages would address the challenges of setting a threshold definition for 'unhealthy' foods.

Ipsos analysed and reported on feedback submitted by participants via an online document between June 10, 2017 and August 14, 2017. A report summarizing what they heard from the consultation on restricting marketing of unhealthy food and beverages to children was released on December 8, 2017.

The following are the key findings reported by Health Canada in their report "[Consultation Report: Restricting Marketing of Unhealthy Food and Beverages to Children in Canada](#)".

The overall approach and supporting evidence was well received by the 1146 respondents. The opposing views questioned the role of government, discussed the economic impact on industry of these restrictions, and indicated that government should focus on educating/promoting healthy eating rather than discouraging unhealthy eating habits.

Defining "Unhealthy Food and Beverages"

- Some respondents agreed to focus on restricting nutrients of concern and others were opposed to a nutrient of concern approach, citing foods like full fat dairy products contain positive nutrients as well.
- The report captures the suggestion to change language from "unhealthy/healthy" to "food allowed to be marketed/food not allowed to be marketed", to support the notion that these foods are still available for sale and can be consumed.

- The proposed restrictions to define unhealthy food and beverages, based on a percentage of daily values (% DV) - of either 5% DV or 15% DV - for sodium, sugars and saturated fats received mixed support.
- Restricting marketing of non-sugar sweeteners was very positively received.

Determining "Child-Directed" Advertising

- Health professionals' replied that the definition proposed for child-directed advertising was not broad enough, while food industry respondents noted it was too broad due to a risk they identified that advertising to adults would be inadvertently restricted.

Identification of Marketing Techniques and Communication Channels to be included or exempt from restrictions

- Many respondents suggested the definition be flexible to allow for shifting marketing environment and new techniques.
- Some health organizations suggested the techniques align with the World Health Organization's approach.
- Sponsorship of sports, charity events, and school activities were mentioned as potential areas for exemption given the benefits they provide to children and the positive impacts they can have, especially for families with limited financial resources. Fundraisers involving unhealthy food were also identified by some as a potential exemption to the marketing restrictions.
- Nonetheless, most respondents, particularly health professionals, felt strongly that no exemptions should be made regarding marketing techniques or to the communication channels for marketing of unhealthy food to children and youth to best protect children and to prevent industry from finding loopholes.

Although Health Canada did not ask in the consultation process about the definition of the age range for limiting marketing of food and beverages to children and youth, there were some comments concerning the inclusion of children between 13 and 17 years of age in the plans put forward by Health Canada. Most contributors supported the rationale to include this age group. Industry representatives and a few members of the public felt that children over 12 years of age should not be included.

Health Canada will use the results of this consultation along with other inputs such as updated evidence and information from experts and stakeholders, to inform the development of regulations to restrict marketing of unhealthy food and beverages to

children. Regular updates will be provided to provinces and territories, health, and industry stakeholders, as well as the public.

Bill S-228

Bill S-228 was presented on September 27th, 2016 by the Honorable Senator Greene Raine. This bill is for an Act to amend the *Food and Drugs Act*, prohibiting food and beverage marketing directed at children. The bill would amend the Act by adding directive text to prohibit labelling, packaging and advertising directed at children.

This Act will prohibit:

- Labelling, packaging or advertising of any food in a manner that is directed primarily at children.
- The promotion of food to children through testimonial or an endorsement by a person, character or animal, whether real or fictional.
- The promotion of food and beverage in facilities such as schools and daycares.
- The use of gifts, prizes or rebates to spur the sale of food intended primarily for children.

The bill does not prohibit promotional messaging by public health officials or a person acting in collaboration with public health authorities for education purposes. There is also an exception for sports equipment or other durable goods or materials supplied by the sponsor of an event or activity.

Bill S-228 initially defined children as persons who are under 13, however this was amended to under 17 years of age before the bill was passed by the Senate on September 28th, 2017. The Bill was then introduced to the House of Commons on October 6th, 2017 and was moved to second reading on December 12th, 2017.

Bill C-313

Bill C-313 was introduced to the House of Commons and went through its first reading on October 5, 2016 as a private member's bill. This bill provides for the development and implementation of a national strategy on advertising to children and amends the *Broadcasting Act* in order to clarify the Canadian Radio, Television and Telecommunications Commission's regulatory power under paragraph 10(1)(d) of that Act. There have been no further developments on Bill C-313 since it was introduced.

Other Developments

In October 2017, the state of California passed Bill 841, which prohibits schools from marketing foods that cannot be sold or served in those schools. The addition to the

state education code is based on the idea that unhealthy foods that may not be served to students should not be advertised to them, either. This Bill also prohibits schools from participating in corporate incentive programs that reward students with free or discounted foods or beverages that do not comply with applicable nutritional standards.

In December 2017, the City of Montreal announced a gradual elimination of sugar-sweetened beverages in municipal buildings. The removal of sugar-sweetened beverages in municipal buildings will occur over time as existing contracts end.