

APPENDIX A

Report to HEALTH SCRUTINY COMMITTEE

Council Motion – Ban on Fast Food and Energy Drink Advertising

Chair:

Councillor Shoab Akhtar

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7th July 2020

Reason for Decision

A Council Motion 'Ban on Fast Food and Energy Drink Advertising' has been referred to the Health Scrutiny Committee for consideration before the Motion is considered in detail by the Council.

Recommendations

The Health Scrutiny Committee is invited to consider the information presented within the submitted report and determine a way forward with regard to further consideration of the Motion.

Council Motion – Ban on Fast Food and Energy Drink Advertising

1 Background

1.1 At the meeting of the Council held on 11th September 2019 the Council referred the following Motion to the Overview and Scrutiny Board –

“Council notes that:

- Fast food contains high level of fats, salt and sugar and energy drinks often contain high levels of caffeine and sugar.
- Excessive consumption of these products contributes to obesity, tooth decay, diabetes, gastro-intestinal problems, sleep deprivation and hyperactivity.
- The Royal College of Paediatrics and Child Health predicts half of all children in the UK will be overweight or obese by 2020.
- The Mayor of London banned all fast food advertising on publicly-controlled advertising spaces across London’s entire transport network.
- Sustain and Foodwatch recently published a report ‘Taking Down Junk Food Adverts’ which recommends that local authorities regulate adverts on public telephone boxes and that the Advertising Standards Authority should be able to regulate advertising outside nurseries, children’s centres, parks, family attractions and leisure centres.

As a local authority with a statutory responsibility for public health, Council believes that it should do all that is possible to discourage the consumption of fast food and energy drinks.

Council therefore resolves to:

- Ask the Chief Executive to write to the Chief Executive of Transport for Greater Manchester asking TFGM to impose a ban on the advertising of fast food and energy drinks on publicly owned poster sites etc across the Greater Manchester transport network.
- Ensure that fast food or energy are not advertised on any hoarding or within any building owned by this Council including large advertisements on bus stops.
- Ensure that such products are not sold to children or young people on any of our premises.
- Ask our NHS, social housing, voluntary and private sector partners, including the Mayor of Greater Manchester, to make a similar undertaking.
- Ask the Chief Executive to write to the relevant minister requesting the recommendations of the ‘Taking Down Junk Food Adverts’ report be adopted as government policy as soon as possible; copying in our local members of Parliament to seek their support.”

1.2 Following a further referral from the Overview and Scrutiny Board to this Committee, the Health Scrutiny Committee at the meeting held on 7th January 2020 resolved that a report on the Motion be submitted to the next meeting.

2 Considering the Motion

2.1 Obesity is a recognised and complex public health problem that requires action across society, including the food and drink industry, local and national government and the voluntary sector. While it may be that not all fast food is unhealthy, it can be high in

calories, saturated fat and salt, plus low in fibre, fruit and vegetables. If obesity – a leading cause of ill health and premature death – is to be reduced, the factors that influence food choices must be addressed. Restrictions on the advertising of unhealthy foods might be one route to encourage more informed choices as to diet and therefore be one route to reduce obesity. A summary of the evidence base on High Fat, Salt and Sugar (HFSS) Food Advertising, prepared by the Public Health Team, is attached as Appendix 1 to this report.

- 2.2 The Mayor of London introduced a ban on 'junk food advertising across London's public transport network with effect from February 2019, looking to remove posters for food and drink high in fat, salt and sugar, and any new advertising bookings would be subject to that policy. The Policy seeks to reduce children's exposure to junk food advertising, but also empower Londoners to make healthier food choices. The Policy was not without critics, the Advertising Association raising concerns that commuters could suffer due to reduced advertising revenues and considering that the ban would have "little impact on the wider societal issues that drive obesity" and that the UK already had "the strictest rules in the world when it comes to advertising high fat/salt/sugar foods" which meant under-16s could not be targeted. However, reports have quoted Transport for London (TfL) as indicating that large advertisers had confirmed they would continue to advertise products that are not too high in fat, salt and sugar on the TfL network under the new rules (BBC News, 25th February 2019). Issues have arisen with regard to implementation, insofar as 'unexpected' food items were caught in the ban definition, with further criticism on costs following in the media (City AM, 27th June 2019). The relevant part of the Transport for London (TfL) advertising policy, and related guidelines are attached at Appendix 2 to this report which also note that a review of the approach is to be undertaken in spring 2020.
- 2.3 Transport for Greater Manchester (TfGM) have indicated that they are keen to support efforts to reduce childhood obesity in GM, have engaged with the Mayor's Office, have undertaken their own assessment of the London ban and other policies imposed by transport and local authorities, and engaged with the advertising industry to gauge their views on the impact of the ban. Concerns highlighted or issues for consideration include the fact that TfGM's estate/advertising inventory is proportionately smaller than TfL's and so a similar ban would have less impact, that the ban does not necessarily impact on other commercial activities such as in TfL's leased estate, that the advertising of HFSS might be deflected to unrestricted sites nearby thereby negating the impact of a ban, the issues of unexpected foods being either caught in the ban or falling outside it arising from the use of Public Health England's nutrient profile scoring system, and that TfGM's current advertising contracts do not allow for imposition of additional restrictions on advertising categories.
- 2.4 TfGM are giving a careful consideration of their contribution to reducing childhood obesity while minimising the impact on revenues and the impact on the levy. For example, revenue from an advertising contract linked to bus shelters plays a crucial role in offsetting the cost of bus shelter replacement and minimising the impact on the levy. TfGM are however exploring increasing the HFSS advertising exclusion zone near schools and establishing a ring-fenced fund (contributed by advertising revenue) to support GM activities to tackle childhood obesity. Engagement with the advertising industry has raised awareness of a media fund of free advertising space available to the public sector to promote healthy living initiatives; TfGM are intending to apply to this fund for TfGM marketing campaigns that promote healthy living and to promote this to the Districts.
- 2.5 The Sustain and Foodwatch report is available here - http://www.foodactive.org.uk/wp-content/uploads/2019/04/Taking_Down_Junk_Food_Ads.pdf The Project leading to the published report had sought to investigate the breadth of the advertising of foods and

drinks with HFSS in public spaces, to share successes and barriers to challenging such advertising, and to produce guidance to assist local areas in challenging HFSS in public spaces. The published report considered the obesity epidemic, obesity and HFSS marketing, TV and online marketing and outdoor advertising, before considering the current regulatory landscape for outdoor advertising, including the Government's Childhood Obesity Plan, the Advertising Standards Agency (ASA) and local authority powers to regulate advertising practices. As guidance, the report included successes and failures in challenging HFSS advertising near to schools, in other settings with a high audience of children, within the Council's control (including Transport Authorities), and in other notable settings through the ASA regulatory regime.

- 2.6 The Report concluded with nine recommendations, two each to national and local government, and five to the ASA and the Committee of Advertising Practice (CAP).
- 2.7 Relevant to the Motion, the recommendations to Government were that –
1. Government needs to tighten restrictions on in-store advertising, which would include the area immediately surrounding stores, which the ASA does not adjudicate on. This could be as part of their proposed changes to in-store promotions (consultation ended April 2019), or if not, as part of future policy.
 2. Local government needs to be given more powers, and help to better understand existing powers, to impose restrictions to meet local priorities. The proposals to close the planning loophole on public telephone boxes will help but may serve to shift the advertising to different settings. Further, councils should be given powers to restrict the type of advertising on public telephone boxes
- 2.8 Although not referenced in the Motion, the recommendations to local government are also pertinent to this report –
8. Local government public health teams should lodge complaints on suspected breaches of CAP Codes on advertising of HFSS products to under-16s to the ASA Complaints process, where adverts are placed in settings with a high footfall of children and young people (not just primary and secondary schools), in order to provide a body of evidence in relation to how companies are currently exploiting existing loopholes in the rules.
 9. Councils could mirror the Greater London Authority's Healthier Food Advertising policy across settings over which they have control, as a few London boroughs are proposing, and introduce rules which ensure public advertising spaces are only used to healthier products and eating habits, and therefore pre-approves food advertising campaigns in line with this policy. And where they do not control them but have some financial stake, they could seek to influence these contracts.
- 2.9 For completeness, the full set of recommendations are included at Appendix 3.

3. **The Council's position**

- 3.1 With regard to ensuring that fast food or energy (drinks) are not advertised on any hoarding or within any building owned by this Council and that such products are not sold to children or young people on any of our premises, the Head of Strategic Estates and Facilities Management has advised that no such advertising or sales are conducted on the Council's estate.
- 3.2 It is noted that this is the Council's 'direct' estate and like the TfL position above does not reflect the Council's managed/leased estate etc. For example, the Council's advertising agreements prohibit political, religious and tobacco advertising, and any changes to the current position might impact on income.

3.3 With regard to the public health dimension, the reduction of obesity levels is a key area of work between public health and a range of colleagues across the local authority, health service and other sectors and services. The Public Health team had planned to put forward a new Healthy Weight and Physical Activity Strategy for agreement until this was placed on hold due to the need to concentrate on mandated services on response to Covid-19. The proposed Strategy would contain an action relating to restricting unhealthy food adverts. The Strategy delivery would be overseen by a multi-agency steering group and the Health and Wellbeing Board, providing an excellent opportunity to share the Council's approach with other partners and encourage them to sign up to do the same. These actions would support one of the intentions of the Council Motion and the recommendations of the Public Health Team at paragraph 3 to Appendix 1 which themselves are supportive of recommendations 8 and 9 in the Sustain and Foodwatch report.

4. Options available to the Committee

4.1 The Health Scrutiny Committee is invited to consider the information presented within the submitted report and determine a way forward with regard to further consideration of the Motion.

4.2 In considering their options, issues the Committee may wish to consider in light of the information presented in the report include -

- whether it is appropriate to make a recommendation to Transport for Greater Manchester to ban advertising of fast food and energy drinks (or HFSS as termed in the Sustain and Foodwatch report) in light of information submitted;
- whether, in support of the objective of tackling childhood obesity, the Sustain and Foodwatch report "Taking Down Junk Food Ads" should be shared with the Council's partners as part of an encouragement to adopt a similar ban on advertising and sale of fast food and energy drinks/HFSS;
- whether the recommendations to government to tighten restrictions on in-store advertising, which would include the area immediately surrounding stores, which the ASA does not adjudicate on and to give local government more powers, and help to better understand existing powers, to impose restrictions to meet local priorities can be supported and recommended to Council.

4.3 However, in light of current circumstances, the Committee may wish to defer consideration for say six months to allow a re-assessment of Public Health priorities and workloads, for example in relation to the Healthy Weight and Physical Activity Strategy, and the further implications of the proposals within the Motion.

5 Financial Implications

5.1 No financial implications for the Council have been identified in relation to this Motion. However, any recommendation of the Committee that has potential financial implications for the Council would require a consideration by the Cabinet.

6 Legal Services Comments

6.1 Any legal implications arising are considered within the body of the report.

6 Co-operative Agenda

6.1 The Motion as submitted presents options that could enable the Council to promote a common approach to the advertising and sale of fast food/HFSS with the intention of contributing to the reduction of childhood obesity.

8 **Human Resources Comments**

8.1 There are no Human Resources implications associated with this report.

9 **Risk Assessments**

9.1 There are no particular risk issues associated with this report.

10 **IT Implications**

10.1 There are no IT systems implications associated with this report.

11 **Property Implications**

11.1 There are no Property Implications associated with this report.

12 **Procurement Implications**

12.1 There are no Procurement Implications associated with this report

13 **Environmental and Health & Safety Implications**

13.1 There are no Environmental and Health & Safety Implications associated with this report.

14 **Equality, community cohesion and crime implications**

14.1 There is evidence (referenced in appendix 1) that young people from deprived areas are more likely to consume HFSS products, have increased exposure to HFSS advertising and have a poorer awareness of health conditions associated with overweight and obesity.

15 **Equality Impact Assessment Completed?**

15.1 No

16 **Key Decision**

16.1 No

17 **Background Papers**

17.1 There are no background papers as defined by Section 100(1) of the Local Government Act 1972 to this report.

18 **Appendices**

18.1 Appendix 1 - High Fat, Salt and Sugar Food Advertising: a summary of the evidence – paper prepared by the Public Health Team.

Appendix 2 – Transport for London advertising policy and guidance (extract related to High Fat, Salt and Sugar food advertising).

Appendix 3 – Recommendations of the Sustain and Foodwatch report 'Taking Down Junk Food Adverts'.

High Fat, Salt & Sugar Food Advertising: a summary of the evidence

1 Introduction

Consumption of unhealthy food high in fat, salt or sugar (HFSS) is linked to a wide range of health problems including obesity. Consuming too much sugar-containing food and drinks can lead to weight gain, which in turn increases the risk of heart disease, type 2 diabetes, stroke and some cancers. It is also linked to tooth decay - both excess weight and tooth decay are associated with deprivation in England.¹

Food and beverage marketing is one of the factors driving the upward trend in global obesity rates among children and there is an extensive body of research indicating children's exposure to this type of marketing, much of which promotes food and beverages of low nutritional quality, influences their dietary preferences, purchasing behaviours, and consumption patterns.² Existing evidence also shows that children are more susceptible to such adverts as they encourage increased consumption of such food items among them.³

Some local authorities in England, notably London, have banned advertising of junk food in public spaces to reduce children's exposure to such adverts. This review aims to provide evidence to inform plans to restrict or ban outdoor adverts of unhealthy food products within Oldham.

2 The evidence base

2.1 Exposure to HFSS adverts and their consumption

In 2015 it was estimated that the advertising industry spent £178 million on non-broadcast HFSS advertising while only 1.2% of the entire broadcast advertising expenditure was dedicated to promoting fresh vegetables.⁴

A 2019 UK study⁵ found that young people from the deprived areas of the UK were more likely to consume a range of HFSS products, report increased exposure to HFSS advertising and have a poorer awareness of health conditions associated with overweight and obesity.

A 2016 World Health Organisation (WHO) review found the following:⁶

- Marketing communications of transnational food and drink industries influence the dietary behaviours of young people and contribute to energy-dense and nutrient-poor diets, increased risks of unhealthy weight gain and negative health outcomes
- Children have a biological preference for sweet and salty tastes and infants and young children younger under 5 years are considered especially vulnerable to marketing practices that promote sugary and salty food and beverage products
- Children's recognition of branded food logos increases with age and overweight children are more likely to recognize the brands of fast food restaurants than those of other food and beverage products
- Children who recall branded unhealthy food and beverage products have stronger preferences for such products compared with those who do not
- Children's knowledge of unhealthy food and beverage products increases their obesity risk

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- Adolescents aged 12–18 years have more discretionary income than younger children and are uniquely susceptible to a digital marketing landscape that normalizes unhealthy food and beverage products.
 - Such marketing is also associated with materialistic values and aspirational lifestyles that often have harmful impacts among young people

A review by Cancer Research UK found that:⁷

- Seeing one extra broadcast HFSS advert/ week predicts consumption of 350 extra HFSS calories/week
- Young people report eating 30 HFSS items per week, but only 16 portions of fruit or vegetables. The estimated calorie intake from the HFSS products amounts to approximately 6,300 calories/week, equivalent to 30-40% of a young person's weekly guideline amount.
- Young people from deprived backgrounds have significantly worse diets than young people from more affluent backgrounds

2.2 Progress made in restricting advertising to children in the UK

From 1 April 2007 Ofcom TV scheduling rules to restrict HFSS adverts to children were phased in with the final phase coming into force on 1 January 2009 banning all such adverts from children's channels. An Ofcom review in 2010⁸ found that the intervention was effective in reducing children's exposure to unhealthy food adverts. Compared with 2005, in 2009:

- children saw around 37% less HFSS advertising (i.e. a reduction of 4.4bn impacts);
- younger children (4-9-year olds) saw 52% less (3.1bn impacts); older children (10–15-year olds) saw 22% less (1.4bn impacts);

In July 2017, new rules for advertising of HFSS products in non-broadcast environments were introduced by the Committee of Advertising Practice (CAP) with compliance monitored by the Advertising Standards Authority (ASA),⁹ the self-regulatory body of the advertising industry in the UK, based on the industry's code of practice.¹⁰

A Government consultation on further HSFF advertising restrictions based on actions contained in the Childhood Obesity Action Plan (Chapter 2) ended in June 2019 and awaiting analysis.¹¹ This included proposals for stricter controls to non-broadcast media (social media, website advertising etc.) and restrictions on price promotions and placement of unhealthy food and drink. It has however been observed that the plan did not include outdoor advertising of less healthy food and drink, through billboards, trojan telephone boxes and bus stops.⁹

2.3 Effective interventions

- The WHO recommends that settings where children and adolescents gather, and the screen-based programmes they watch, should be free of unhealthy foods and sugar sweetened beverages.⁶
- A Canadian study showed industry self-regulation has limited impact on improving healthfulness of advert contents and recommended mandatory regulation.¹²
- Evidence highlights the impact of healthy food advertising:¹³
 - Healthy, anti-obesity, and mixed food advertising reduces intakes of total calories, fat, sodium, and carbohydrate
 - Anti-obesity, healthy, and mixed food advertising increases the probability of selecting more healthy items and fewer unhealthy items from a menu

- Healthy food advertising has a stronger impact than anti-obesity or mixed food advertising
- A systematic review shows that: ¹⁴
 - Cartoon media character branding can positively increase children's fruit or vegetable intake compared with no character branding use.
 - Familiar media character branding can be more powerful influence on children's preferences, choices and intake of less healthy foods compared with fruits or vegetables.

3 Recommendations

- The proposal to restrict or ban outdoor advertising of unhealthy food adverts in public spaces locally should be accompanied by measures to promote healthier options.
- To support the implementation of the policy it is recommended that where breaches of CAP Codes on advertising of HFSS products to under-16s are identified these are reported to the ASA.

4 References

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TfL advertising policy**Revised guidelines effective February 25, 2019** (extract)**2. Required standards for approval of advertisements**

(p) it promotes (directly or indirectly) food or non-alcoholic drink which is high in fat, salt and/or sugar ('HFSS' products), according to the Nutrient Profiling Model managed by Public Health England. It is for the advertiser to demonstrate (in case of any doubt) that any product is not HFSS, and/or that an advertisement is not promoting HFSS products, and/or that there are exceptional grounds. A set of guidelines is available which provides more details of how this aspect of the policy is implemented.

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TfL Ad Policy: Approval Guidance Food and Non-Alcoholic Drink Advertising**1. General Principles**

- 1.1 The UK Nutrient Profiling Model (NPM) is widely used and has been subject to rigorous scientific scrutiny, extensive consultation, and review. Furthermore, the scoring system it uses balances the contribution made by beneficial nutrients that are particularly important in children's1 diets with components in the food that children should eat less of. It has therefore been concluded that the NPM model is the best way of identifying food that contributes to child obesity. Such food and non-alcoholic drink is not only purchased directly by children but is bought for them by others.
- 1.2 Guidance on how to identify whether a product is considered HFSS under the NPM is available here.
- 1.3 The outcome of any reviews or revisions of the NPM will be taken into consideration.

2. Practical exceptions

- 2.1 The NPM allocates points on the basis of the nutrient content of 100g of a food or non-alcoholic drink and does not differentiate between products on the basis of typical portion size or manner of consumption. TfL recognises that adoption of the NPM could lead to unintended consequences, in that some products that are not believed to make a contribution to child obesity could become restricted. Advertisements for food and non-alcoholic drink that is considered HFSS under the NPM may be considered for an exception by TfL if the advertiser or their agent can demonstrate, with appropriate evidence, to TfL's satisfaction, that the product does not contribute to HFSS diets in children.
- 2.2 Where an exception is granted by TfL:
 - Copy should not suggest that the product/s are 'healthy', given their overall HFSS rating;
 - Copy should be presented in a way that is targeted at adults and adult settings; and
 - Copy must comply with TfL's overall advertising policy and copy guidance.
- 2.3 This process is detailed further at Appendix A, which demonstrates the areas that TfL may take into consideration when assessing requests for exceptions.
- 2.4 A review of this approach will commence in spring 2020.

3. **Advertisements featuring only non-HFSS products**

3.1 These would normally be approved but would still need to comply with other sections of TfL's Advertising Policy.

4. **Advertisements featuring only HFSS products**

4.1 Where a proposed advertisement features only food and/or nonalcoholic drink which is rated HFSS, such copy would be rejected, unless a practical exception has been agreed by TfL as per paragraph 2.1 of this document.

4.2 It is therefore recommended that, before committing to advertising production, advertisers should discuss their eligibility with TfL's agents.

5. **Advertisements where there is a range of food/nonalcoholic drink featured, some of which is HFSS**

5.1 The advertising of HFSS products is unacceptable under the policy, so a range or meal could not feature them e.g. fish, chips and peas could only be advertised if all products were non-HFSS, unless a practical exception has been agreed by TfL as per paragraph 2.1 of this document. This would also apply to any meal settings being shown, including those for restaurants, aggregator platforms and delivery services.

5.2 It is the responsibility of advertisers and their agents to verify the status of the products featured using the NPM.

5.3 Where an HFSS product is featured incidentally (e.g. it is only partially visible or is indistinguishable, from other non-HFSS products) TfL or its agents may agree to its inclusion in copy if it is satisfied that the image does not promote the HFSS product.

6. Advertisements where no food or non-alcoholic drink is featured directly but the advertisement is from or features a food and/or non-alcoholic drink brand

6.1 This may include:

- advertisements where the brand's logo is included but no products, e.g. a brand values campaign.
- directional signage to a store, app or website;
- promotional advertising which is price led but features no products e.g. '50% off everything' or similar;
- advertising about a business or its performance; and
- Sponsorship of an event or attraction by a food or non-alcoholic drink brand.

6.2 Food and non-alcoholic drink brands (including food and drink service companies or ordering services) will only be able to place such advertisements if the advertisement promotes healthier options (i.e. non-HFSS products) as the basis of the copy.

6.3 Where a logo from a food or non-alcoholic drink brand is featured incidentally TfL or its agents may agree to its inclusion in copy if it is satisfied that the image does not promote HFSS food and/or nonalcoholic drink.

6.4 Where advertisers are uncertain about the classification of proposed copy under these guidelines, they should discuss this with TfL's sales agents.

7. Advertisements where food and non-alcoholic drink is shown ‘incidentally’ i.e. it is not the subject of the advertisement but is included (or implied) by visual or copy:

7.1 HFSS products should not be promoted by being featured in advertisements for other products. It is the responsibility of advertisers and their agents to verify the HFSS status of the products featured using the NPM.

7.2 Where a food or non-alcoholic drink item is featured incidentally and does not relate to a specific identifiable product which can be assessed for its HFSS status, advertising copy may be rejected by TfL or its agents on the basis that the advertisement promotes the consumption of HFSS foods.

8. Advertisements where food and non-alcoholic drink is referenced in text, through graphical representations or other visual representation.

8.1 HFSS products should not be promoted through references in text, graphical images or other visual representations of food and nonalcoholic drink. Where a food or non-alcoholic drink item is featured in this way and does not relate to a specific identifiable product which can be assessed for its HFSS status, advertising copy may be rejected by TfL or its agents on the basis that the advertisement promotes the consumption of HFSS foods.

9. Indirect promotion of HFSS food and/or drink

9.1 Where a product is non-HFSS but falls within a category covered by PHE’s recommendations for sugar or calorie reduction, the product should always carry a prominent product descriptor to help differentiate it from non-compliant products (e.g. where an advertisement features a non-HFSS pizza or burger, the image should be accompanied by prominent text that names the specific product and retailer).

9.2 Children should not usually be shown in advertisements for products which are compliant in a category which is covered by PHE’s recommendations for sugar or calorie reduction.

10. Portion sizes

10.1 The NPM model is based on nutrients per 100g of a product, rather than recommended portion size. Advertisers should always ensure that they promote products in portion sizes which encourage healthy eating. For products that are non-HFSS but fall within a category covered by PHE’s recommendations for sugar or calorie reduction, the product should be displayed as a single portion, unless agreed otherwise by TfL or their agents.

10.2 If advertisers and agencies are unsure about how to interpret this, or any other aspect of these guidelines, we would encourage them to get in touch with TfL so that we can work together on a solution and avoid submitted copy requiring changes or being rejected.

END

Sustain and Foodwatch report – ‘Taking Down Junk Food Ads’**Recommendations****National Government**

1. Government needs to tighten restrictions on in-store advertising, which would include the area immediately surrounding stores, which the ASA does not adjudicate on. This could be as part of their proposed changes to in-store promotions (consultation ended April 2019), or if not, as part of future policy.
2. Local government needs to be given more powers, and help to better understand existing powers, to impose restrictions to meet local priorities. The proposals to close the planning loophole on public telephone boxes will help but may serve to shift the advertising to different settings. Further, councils should be given powers to restrict the type of advertising on public telephone boxes

For the Advertising Standards Agency (the ASA) and Committees of Advertising Practice (CAP)

3. The ASA should consider any area where children congregate to be unsuitable for HFSS advertisements, which we believe should include nurseries, children’s centres, parks, family attractions and leisure centres. These additional locations should be incorporated into Outsmart’s database which is used by the outdoor advertising industry to search for permitted sites to advertise HFSS products, and which currently only restricts by proximity to schools.
4. We recommend that the 100m measure is reviewed, partly to clarify if this is measured as the crow flies and where it is measured from e.g. the school entrance. More importantly we think this distance should be increased to reflect the distance that children travel to reach schools, and at the very least this distance should be reviewed on the basis of evidence, rather than relying on an arbitrary distance decided by the advertising industry.
5. The ASA should remove the application of a 25% audience threshold for outdoor advertising, recognising it is impossible to enforce with evidence in this context. It should instead focus on implementing meaningful restrictions (such as other recommendations listed here) that aim to eliminate or significantly reduce children’s exposure to HFSS product advertising in all outdoor settings frequented by children.
6. The ASA must have, and use, powers to levy fines on any company (the brand owner, the immediate marketing agency or the company that physically places the advert) whose advertisement breaks the rules more than once in 3 years. Any advertisement that has the same circumstances of a previously adjudicated complaint, should go straight to compliance.
7. The ASA should be more transparent in publishing and publicising the names of all companies that have been in breach of the rules, not just those that have been subject to investigation and a formal ruling. Where the case has been informally resolved or dealt with through compliance, more information should be published and publicised on the nature of the breach/complaint.

Local Government

8. Local government public health teams should lodge complaints on suspected breaches of CAP Codes on advertising of HFSS products to under-16s to the ASA Complaints process, where adverts are placed in settings with a high footfall of children and young people (not just primary and secondary schools), in order to provide a body of evidence in relation to how companies are currently exploiting existing loopholes in the rules.
9. Councils could mirror the Greater London Authority’s Healthier Food Advertising policy across settings over which they have control, as a few London boroughs are proposing, and introduce rules which ensure public advertising spaces are only used to healthier products and eating habits, and therefore pre-approves food advertising campaigns in line with this policy. And where they do not control them but have some financial stake, they could seek to influence these contracts.