

# Regulating Advertising of Foods and Beverages to Children Based on Quebec's Experience

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Une initiative parrainée par l'Association pour la santé publique du Québec  
[An initiative sponsored by the Association pour la santé publique du Québec]

## **Adopting healthy lifestyle habits starting in childhood helps prevent many health problems**

In Canada, **children and adolescents obtain more than half their calories from ultra-processed foods.**<sup>1</sup> Yet these foods are often high in sugar, sodium or saturated fat and low in protein, fibre, vitamins and minerals. Eating these foods is associated with an **increased risk of chronic diseases, including type 2 diabetes and high blood pressure, and even death.**<sup>2</sup>

**More than four in 10 Canadian adults have at least one chronic condition** such as cancer, type 2 diabetes or cardiovascular disease.<sup>3</sup> Children are also affected and are being diagnosed at an increasingly young age with hypertension or type 2 diabetes, to name just two examples.<sup>4, 5</sup>

While eating habits developed in childhood tend to continue into adulthood,<sup>6</sup> **many diseases could be avoided by implementing preventive measures that encourage healthy lifestyle habits starting in childhood.**

## **Advertising foods and beverages to children must be subject to legislation**

The agri-food industry's marketing activities influence children's **food knowledge, attitudes toward foods, food preferences and eating habits.**<sup>7, 8, 9, 10, 11</sup> Children are vulnerable to advertising that targets them directly. Given their state of cognitive development, they cannot discern the commercial intentions behind the marketing and exercise critical judgment.<sup>12</sup> Children start to understand the true nature of advertising only around age 12.<sup>13, 14, 15</sup>

**The vast majority of products promoted to youth are of poor nutritional quality and are high in sugar, sodium or saturated fat.**<sup>16</sup> Thanks to evolving communications technology and marketing strategies, advertisers and advertising companies have more ways to reach children. As early as 2010, the World Health Organization (WHO) had made recommendations to improve oversight of the marketing of foods and beverages to children.<sup>17</sup>

## **Voluntary self-regulation by industry is inadequate**

In other parts of Canada, major companies have committed to changing their corporate conduct by adopting voluntary measures. Self-regulation has resulted in the Canadian Children's Food and Beverage Advertising Initiative (CAI), which has yielded unsatisfactory results. The CAI does not cover all forms of advertising: packaging, displays and sponsorship of events and family-friendly locations are exempt. The industry's self-regulating initiative also allows for continued use of characters that it has created.

**Several research studies have shown that self-regulation does little to reduce children's exposure<sup>18</sup> and that government intervention in food marketing is more likely to yield the desired results.**<sup>19, 20, 21, 22, 23</sup>

## Bill C-252 could cover some exceptions allowed under Quebec’s legislation

In Quebec, **sections 248 and 249 of the Consumer Protection Act (CPA) have prohibited commercial advertisements targeting children under the age of 13** since 1980.<sup>24</sup> Legislators recognized not only that children in this age group are cognitively vulnerable to advertising messages, but also that this marketing practice is unethical.

In 2012, the Office de la protection du consommateur (OPC) updated the **Guide to the Application of Sections 248 and 249 of the CPA**.<sup>25</sup> This detailed guide sets out the legal criteria for determining whether an advertisement is directed at a child under the age of 13. The most recent version accounts for changes in communications that have occurred since the Act was initially adopted, such as the emergence of the Internet and cellular phones.

**Three criteria are used to determine whether an advertisement is directed at children under the age of 13**, namely, (1) the nature of the goods advertised, (2) the way the message is presented and (3) the exposure to the message.

- **Nature of the goods advertised**

Under the CPA, no products or services (except shows) that would potentially appeal to children may be advertised. In Bill C-252, only advertising of “foods and beverages that contribute to excess sugar, saturated fats or sodium in children’s diets” is prohibited.<sup>26</sup>

Accordingly, the government needs to clarify **how such products are to be identified, based on their nutritional value and appeal to children**. If the government chooses a classification based on products high in sugar, sodium or saturated fats, the threshold levels must be adjusted to reflect the energy needs of children.

- **Way the message is presented**

The food industry uses **a number of strategies in order to attract children**, including fun images, bright colours, well-known characters or brand mascots, references to fun, free toys with purchases, foods with original shapes and references to taste.<sup>27, 28</sup> Sometimes, the industry also deploys celebrities or athletes who are popular with children.<sup>29</sup>

- **Exposure to the message**

**Quebec’s legislation covers most advertising**, including advertising on radio, television, the Internet, cell phones, print media, signage and promotional items. It also applies to physical locations such as schools, parks and any other space frequented by children.

There are some exceptions to sections 248 and 249 of the CPA, including **store windows and displays as well as food product labels, containers and packaging**. If the federal government seizes the opportunity to **enact legislation that addresses these exceptions**, the federal legislation would supplement Quebec’s legislation and thereby boost its effectiveness, particularly in grocery stores.

## Oversight is required.

Every year, the Coalition québécoise sur la problématique du poids (Coalition Poids) reports food and beverage marketing practices that appear to violate the CPA. Complaints have resulted in guilty pleas by companies that participate in the CAI. The federal government will therefore have to reflect on both the implementation of the Act and its enforcement.

## Recommendations

**The Coalition Poids recommends that the federal government publish regulations respecting the advertising of foods and beverages high in sugar, sodium or saturated fat to children under 13 years of age in the *Canada Gazette*, Part I, by the fall of 2023.**

### **About the Coalition québécoise sur la problématique du poids (Coalition Poids)**

Created in 2006, the Coalition Poids is sponsored by the Association pour la santé publique du Québec and supported by over 700 partners from the municipal, health, research, environment, nutrition and physical activity sectors. Its mandate is to advocate for legislative and regulatory amendments and public policy changes that foster a climate that encourages healthy lifestyle habits, which help prevent weight-related problems and chronic diseases.

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