Health Committee Inquiry into the Government's Public Health White Paper

Memorandum from the Children's Food Bill campaign, co-ordinated by Sustain: The alliance for better food and farming, 94 White Lion Street, London N1 9PF

1. Sustain's Children's Food Bill campaign

1.1 The Children's Food Bill campaign, co-ordinated by Sustain: The alliance for better food and farming,¹ is currently supported by 125 national organisations (Appendix I). These organisations have come together in recognition of the fact that the growing crisis in children's diet-related health requires a multi-faceted solution which recognises the ineffectiveness of voluntary attempts to end commercial practices which encourage unhealthy food environments both in and out of school.

2. Status of memorandum

- 2.1 This memorandum is in response to the Health Committee's invitation to submit comments about the effectiveness of the proposals contained in the Government's Public Health White Paper.² It focuses on those proposals which refer to the regulation of marketing of food to children and which make reference to school food environments.
- 2.2 A draft of this response has been circulated for comment to all 125 national organisations which currently support the Children's Food Bill.

3. Summary

- 3.1 The Health Committee acknowledges in its Obesity Inquiry that the 'epidemic' in childhood obesity is now well-documented, as are the numerous ill-effects it has on children's physical and psychological health. The Inquiry also acknowledges that food advertising and promotion to children is intense, relentless and exploitative and influences the types of foods children eat.³ This "onslaught"⁴ compromises children's health, by encouraging over consumption of energy dense foods, and also of other dietary components, such as saturated fat, sugar and salt which, independently of obesity, lead to the early onset of a range of diseases.
- 3.2 We welcome the Government's recognition of the strong case for action to restrict further all forms of unhealthy food advertising and promotion to children. However, we are concerned that the Government proposals place undue reliance on voluntary codes of practice instead of introducing robust protective legislation. This weak response is in stark contrast to the pre-White Paper press reports of bans on junk food advertising,^{5, 6, 7} which have misled many into believing that the Government is taking effective action.
- 3.3 The White Paper is also full of advice for schools rather than requirements, relying again on voluntary action. However, as the Obesity Inquiry noted, children's nutritional requirements do not vary according to where they go to school and it does not make sense for healthy food provision in schools to be a matter purely for local determination. Thus, the White Paper's advice that schools should balance the "benefits" of food promotional activity with the ethos of a healthy school (p36, para 57) will be interpreted differently by different schools.

¹ Sustain advocates ethical and sustainable food and farming policies and practices – see: www.sustainweb.org

² Department of Health, Choosing Health: making healthy choices easier, published on 16 November 2004

³ 'Obesity Report Published', House of Commons Health Committee Press Notice, dated 26 May 2004

⁴ House of Commons Health Committee, 'Obesity', 10 May 2004, para 196 states, "Children are subject to an onslaught of food promotion in their daily lives, and the school environment appears to be no exception...."

⁵ 'Junk food ads banned to fight fat epidemic', The Observer, 14 November 2004 (lead article)

⁶ 'Junk food TV adverts to be banned', Sunday Times, 14 November 2004 (lead article)

⁷ 'Move to ban junk food ads for children on television', The Independent on Sunday, 14 November2004 (lead article)

- 3.4 An alternative approach is Sustain's Children's Food Bill, which was presented to Parliament by Debra Shipley MP in May 2004 and which will be re-presented during February 2005. The purpose of the Bill is to improve children's current and future health and prevent the many diseases and conditions which are linked to their 'junk' food diets. This will be achieved through a number of statutory measures as opposed to ineffective and weak voluntary guidance which will improve the quality of children's food, both in and out of school, and protect them from commercial activities which promote unhealthy food and drink products.
- 3.5 By the end of the Parliamentary session in November, 248 MPs had signed Early Day Motion (EDM) 1256 in support of the Children's Food Bill (Appendix II), making it the twelfth most signed EDM out of nearly 2000 that were tabled during the session. In addition, more than 120 national organisations, including the British Medical Association and other leading medical and health charities, have confirmed their support. This wide professional and cross-party political support is matched by very strong public support for its provisions.

4. Whether the proposals will enable the Government to achieve its public health goals

- 4.1 In July 2004, the Government announced a new cross-departmental PSA target of "halting the year on year rise in obesity among children under 11 by 2010 in the context of a broader strategy to tackle obesity in the population as a whole".⁸ The White Paper states an aspiration to change the balance of children's food preferences, but for this and the PSA obesity target to be achievable and sustainable, it is essential that children's food environments promote healthy eating from an early age.
- 4.2 However, the Food Standards Agency's (FSA) 2003 systematic review describes the sharp contrast between a healthy diet and the one which is marketed to children.⁹ The FSA review also establishes that food promotion has a direct effect on children's food preferences, purchase behaviour and consumption. The Obesity Inquiry acknowledged that the culture of ubiquitous food marketing to children, which presents unhealthy foods as positive and desirable choices, increases children's consumption of these products and undermines attempts to encourage healthy alternatives.
- 4.3 Since the publication of the Obesity report, Ofcom has also published research which supports the FSA's conclusion of the direct effect of television food advertising on children's diets.¹⁰ Both the FSA and Ofcom agree that there are also significant indirect effects of advertising, which according to Ofcom have a "powerful influence" on young people's diets.
- 4.4 As obesity results from an imbalance between energy intake and energy expenditure, both diet and physical activity are important in determining children's weight. The central role played by diet in the aetiology of obesity is highlighted by a recent Department of Health report which states that burning off the calories supplied by a cheeseburger, fries and shake requires a ninemile walk.¹¹ However, it is important to emphasise that the alarming rise in childhood obesity is but one of a number of dietary issues which affect children's health. The vast majority of children consume more saturated fat, more free sugar and more salt than the Government maximum recommended levels for adults.¹² Quite independent of obesity, consumption of these dietary components results in premature hardening of the arteries,¹³ the formation of dental

⁸ HM Treasury, 2004 Spending Review – Public Service Agreements 2005-2008, July 2004

⁹ Food Standards Agency, (2003), Review of research on the effects of food promotion to children, FSA, London

¹⁰ Office of Communications, (2004), Childhood Obesity – Food Advertising in Context, Ofcom, London

¹¹ Dept. of Health, (2004), Summary of Intelligence on Obesity. www.dh.gov.uk/assetRoot/04/09/49/76/04094976.pdf

¹² Food Standards Agency, (2000), National Diet and Nutrition Survey of Young People 4-18 years, TSO, London.

¹³ Berenson G., (1998), Atherosclerosis: a nutritional disease of childhood, American Journal of Cardiology, 82, 22-29

caries,¹² and increased risk of asthma,¹⁴ and stroke in later life.¹⁵ Increased physical activity *per se* does not, therefore, make an unhealthy diet any less unhealthy.

4.5 We do not consider that the Government will be able to meet its stated obesity public health goal, nor protect children's health from a range of other diet-related diseases, without tougher proposals than those contained within the White Paper.

5. Whether the proposals are appropriate, will be effective and whether they represent value for money

- 5.1 We welcome the White Paper's formal acknowledgement of the causal link between food marketing and children's food choices. However, having identified the problem, restated the strength of the research and noted the huge public support for protective action, the Government opts for inappropriate policies.
- 5.2 The efficacy of these proposed policies rely on the unknown outcome of an unnecessary further consultation on unspecified proposals which is to be undertaken by Ofcom. It also relies on the development on a meaningful voluntary code on food promotion, which will require full industry compliance. As all previous efforts to persuade the food and advertising industries to exercise social responsibility in their marketing of food to children have met with failure, the Government's preferred option of consultation and voluntary control lacks credibility.
- 5.3 In July 2004, the FSA's Board formally agreed its Action Plan on Food Promotions to Children, which introduces a range of policies to improve children's diets.¹⁶ Echoing earlier calls for social responsibility by the Chief Medical Officer,¹⁷ the FSA acknowledges that the success of its Action Plan depends crucially upon industry adopting a responsible approach to food promotion.¹⁸ However, the FSA's earlier attempts in 2000 to develop a voluntary code on the promotions of food to children were met with fierce objections from the food advertising industry.¹⁹ There are no indications that the current FSA Action Plan is any more likely to be welcomed by industry and lead to a reduction in children's exposure to junk food marketing.
- 5.4 Moreover, in its Obesity Inquiry, the Health Committee accepted that the food and advertising industry was "genuine in its desire to be part of the solution" and called upon them to, among other things, voluntarily withdraw from all television advertising of unhealthy foods to children. This recommendation has been contested by industry and, to date, not implemented.
- 5.5 Paradoxically, whilst agreeing that advertising can play a role in healthy eating and behavioural change, food industry representatives continue to refute arguments that unhealthy food promotions contribute towards the poor state of children's diets.²⁰ In order to shift responsibility away from an industry that aggressively markets energy dense foods to children, the food advertising industry routinely and misleadingly characterises obesity as being a problem predominantly about insufficient physical activity.²¹ The perpetual resistance from most within the food industry to acknowledge its role in the problem suggests that industry will, again, object to and then ignore the Government's proposed voluntary controls.

¹⁴ Wiss S. & Schwartz J., (1990), Dietary factors and their relation to respiratory symptoms, American Journal of Epidemiology, 132, 1, 67-76.

¹⁵ MacGregor G. & He F., (2003), How far should salt intake be reduced?, Hypertension, 42, 6, 1093-9

¹⁶ 'Food Standards Agency agrees action on promotion of foods to children', FSA Press Release, dated 6 July 2004

¹⁷ Chief Medical Officer, (2003), Health Check: On the state of public health – Annual Report 2002, Dept. of Health

¹⁸ Food Standards Agency Board paper 04/03/02, 'Promotional Activity and Children's Diets' (para 14)

 ¹⁹ 'Code of Practice on the Promotion of Foods to Children', FSA notes of industry meeting on 13/12/00 (unpublished)
²⁰ 'FAU expresses concerns about advertising recommendations in Health Committee Report', Food Advertising Unit press release, 28 May 2004: www.fau.org.uk

²¹ For example, in Carlisle D., (2002), Do children need a commercial break?, Health Development Today, 7 (March)

- 5.6 The White Paper states that the Government "wants to see" schools provide food education and skills, promote healthy food, and restrict other options, but gives no indication of what if anything will happen if schools don't follow this advice (p57, para 54). Other proposals pertaining to the school food environment are similarly weak. Although a commitment is given to invest in improving nutrition in schools, no specific monetary figures are given and the option to "strongly consider introducing nutrient-based standards" for school meals (p58, para 57), is not a commitment to do so.
- 5.7 As it is clear that the Government's proposals will be ineffective, they will not help to reduce the ever-increasing burden of obesity and associated illness upon the NHS and economy. The Government states that it does not plan to consider the need for more interventions in relation to the marketing of food to children until 2007 and it does not commit itself to any specific action at that time. At current trends another 220,000 children each year may become overweight or obese,²² further undermining children's health and escalating the economic burden to the country.

6. Whether the necessary public health infrastructure and mechanisms exist to ensure that proposals will be implemented and goals achieved

- 6.1 The Ofcom and FSA research establishes firmly that, both directly and indirectly, food advertising affects children's food preferences, knowledge and behaviour. An appropriate and proportionate response from the Government would therefore be to act in the best interests of children's health by introducing legislation to remove this influence.
- 6.2 Instead, the White Paper offers non-specific consultation by an industry-sympathetic regulator and voluntary codes which will be developed with the food and advertising industries. The Children's Food Bill campaign therefore maintains that the proposals in the Public Health White Paper fail to provide the necessary health infrastructure and mechanisms to safeguard children's health. Furthermore, the White Paper does not detail any mechanism(s) for independent monitoring to assess whether the voluntary approach has 'worked' by 2007.
- 6.3 By definition, voluntary codes do not have meaningful sanctions and companies which flout them often place themselves at a competitive advantage. This dilemma has also been highlighted recently by the Office of Fair Trading, which has recognised the anti-competitive nature of voluntary approaches.²³ The Children's Food Bill, or equivalent legislation, will ensure a 'level playing field' for all food manufacturers, so that no company is placed at a competitive disadvantage for not marketing 'junk' foods to children.
- 6.4 There is also concern about Ofcom's impartiality to conduct the White Paper's proposed consultation to tighten the rules on broadcast advertising and sponsorship of food and drink to children.²⁴ In a media release in early 2004, the National Consumer Council stated that by placing commercial interests above consumer protection, Ofcom's proposals for the future of broadcast advertising regulation lacked independence.²⁵
- 6.5 Following publication of Ofcom's research into food advertising to children, Sustain wrote to the regulator to criticise some of its conclusions and its related media release, which led to inaccurate reports that it had already decided not to ban junk food advertising during children's television. It is not surprising that such poor communication from the Government's

²² International Obesity Task Force estimate based on Health Survey for England 2002 figures

²³ 'Food firms are warned obesity fight 'is illegal'', The Telegraph, 10 October 2004

²⁴ The Guardian Editorial on 17 November 2004 describes how following the publication of the White Paper, Ofcom claimed a ban was not necessary. The Editorial concludes that "Even the regulator seems to have been captured."

²⁵ National Consumer Council, 'New regulator, Ofcom, puts first foot wrong', NCC News Release, 21 January 2004

communication's regulator leads many to suspect that, behind its public façade, Ofcom opposes the controls required to protect children from unhealthy food advertising.²⁶

- 6.6 Enactment of the Children's Food Bill would result in the introduction of statutory regulations prohibiting the marketing to children of unhealthy foods, using criteria defined by the FSA. This includes foods which may not be exclusively children's foods, for instance crisps, sugary soft drinks and chocolate bars, but which are aggressively marketed to them. This will bring to an end the many commercial activities, including all forms of advertising, which promote unhealthy foods to children.
- 6.7 The Bill will make manufacturers producing foods for the children's market legally obliged to comply with the FSA specified thresholds (e.g. for maximum levels of fat, saturated fat, sugar, salt, additives and contaminants). The result will be substantial improvements in the quality of children's food. Improving the quality of the foods children eat will benefit the health of children living in poverty in particular, as they have the poorest quality diets and suffer disproportionately from diet-related diseases.²⁷
- 6.8 The Children's Food Bill also requires mandatory nutrient and compositional standards for all school meals, an end to the sale of unhealthy foods and drinks from school vending machines, and food education and practical food skills (such as those needed choose, grow and prepare healthy food) for all schoolchildren. Moreover, the Bill requires Government to promote healthy foods to children (such as fruit and vegetables), thereby providing a multi-faceted solution to the crisis in children's diet-related health.

6.9 We recommend that the Health Committee:

- acknowledges that the Government's Public Health White Paper is insufficiently robust to guarantee improvements in children's health; and
- calls upon the Government to adopt the Children's Food Bill, or equivalent protective legislation, at the earliest opportunity.
- 6.11 Sustain's Children's Food Bill Campaign would welcome the opportunity to give oral evidence to the Health Committee.

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²⁶ See for instance Media Release issued by Debra Shipley MP on 16 November 2004, which criticises the Government for inappropriately asking Ofcom to consult on food advertising to children.

²⁷ James W. et al., (1997), Socioeconomic determinants of health: The contribution of nutrition to inequalities in health, British Medical Journal, 314, 1997, 1545-9.

Appendix I: National organisations supporting the Children's Food Bill (at 27.01.05)

www.childrensfoodbill.org.uk

Action Against Allergy Allergy Alliance Allotments & Gardens Council UK Alliance for Childhood Arid Lands Initiative Association for the Study of Obesity Association of Teachers and Lecturers Autism Unravelled **Baby Milk Action** Biodynamic Agricultural Association **Blood Pressure Association British Allergy Foundation** British Association for Community Child Health British Association for the Study of Community Dentistry British Cardiac Society British Dental Association British Dental Health Foundation British Dental Hygienists' Association British Dietetic Association **British Heart Foundation** British Heart Foundation Health Promotion Research Group British Hypertension Society British Institute for Allergy & Environmental Therapy British Medical Association Cancer Research UK Centre for Food Policy Chartered Institute of Environmental Health Child Growth Foundation Child Poverty Action Group Children's Society Coeliac UK Co-operative Group (CWS) Ltd Community Health UK **Community Nutrition Group** Community Practitioners' and Health Visitors' Association Compassion in World Farming (CIWF) Consensus Action on Salt and Health (CASH) Coronary Artery Disease Research Association Coronary Prevention Group Day Care Trust Diabetes UK Digestive Disorders Foundation Eating Disorders Association **Ecological Foundation** Elm Farm Research Centre Faculty of Public Health Family Welfare Association Farmers' Link FARM Federation of City Farms and Community Gardens Food Additives Campaign Team Food and Chemical Allergy Association Food Commission Food and Health Research Food Justice Food Matters Foundation for Local Food Initiatives Foundations UK Friends of the Earth General Consumer Council for Northern Ireland Gingerbread Guild of Food Writers Hands Up For

Haemolytic Uraemic Syndrome Help (HUSH) Health Education Trust Heart UK Homeopathic Medical Association Human Scale Education Hyperactive Children's Support Group International Society for Food Ecology and Culture Institute of Health Promotion and Education Land Heritage Latex Allergy Support Group Magic Breakfast Maternity Alliance McCarrison Society for Nutrition and Health Migraine Action Association National Association of School Governors National Children's Bureau National Council of Women National Consumer Council National Consumer Federation National Family and Parenting Institute National Federation of Women's Institutes National Governors' Council National Heart Forum National Obesity Forum National Oral Health Promotion Group National Union of Teachers The National Youth Agency Netmums New Economics Foundation Northern Ireland Chest, Heart and Stroke Association **Organix Brands** Parent Organisation Ltd Permaculture Association **Positive Parenting** Realfood Royal College of General Practitioners Royal College of Physicians Royal College of Surgeons Royal Institute of Public Health Royal Society for the Promotion of Health Save the Children Fund Scottish Consumer Council Scottish Heart and Arterial Disease Risk Prevention Small and Family Farms Alliance Social Equity in Environmental Decisions (SEEDS) Society of Health Education and Promotion Specialists Soil Association Soroptimist International of Great Britain Stroke Association TOAST (The Obesity Awareness & Solutions Trust) UK Public Health Association UNISON Vega Research Vegetarian and Vegan Foundation Viva! (Vegetarians International Voice for Animals) Weight Concern Welsh Consumer Council Welsh Food Alliance Woodcraft Folk World Wide Opportunities on Organic Farms World Cancer Research Fund Young Minds (125)

The above organisations support the Children's Food Bill, presented to Parliament by Debra Shipley MP.

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Appendix II: MPs who signed the Children's Food Bill Early Day Motion (EDM 1256 03/04)

That this House notes that there is a crisis in children's diet-related health, demonstrated by alarming increases in childhood obesity and the appearance of adult-onset diseases, such as type II diabetes, in schoolchildren, which the Food Standards Agency has described as a timebomb which needs to be defused; further notes that the 2000 National Diet and Nutrition Survey shows that nine in 10 children consume more saturated fat and eight in 10 children consume more sugar and five in 10 children consume more salt than levels recommended for adults; recognises that this situation is caused by a number of factors, including marketing to children of foods containing high levels of fat, sugar and salt, the poor composition of foods on sale in schools, the lack of practical cooking skills in the national curriculum and insufficient promotion to children of healthy foods; and therefore supports in principle the Children's Food Bill which will result in the implementation of a range of measures which will improve children's diets and future health.

Diane Abbott Richard Allan Graham Allen David Amess Donald Anderson Candy Atherton David Atkinson John Austin Adrian Bailey Vera Baird Norman Baker Harry Barnes John Barrett Hugh Bayley Nigel Beard Anne Begg Roy Beggs Alan Beith Andrew Bennett Joe Benton John Bercow Roger Berry Harold Best Clive Betts Bob Blizzard Peter Bottomlev Keith Bradley Peter Bradley Tom Brake Colin Breed Kevin Brennan Annette Brooke Nicholas Brown Malcolm Bruce Chris Bryant Karen Buck Colin Burgon John Burnett Paul Burstow Vincent Cable Patsy Calton Anne Campbell Gregory Campbell Menzies Campbell Ronnie Campbell Alistair Carmichael Roger Casale Martin Caton Colin Challen Sydney Chapman David Chaytor David Chidgey Michael Clapham James Clappison Helen Clark Tony Clarke Ann Clwyd Harry Cohen Tony Colman Iain Coleman Michael Connarty Frank Cook Jeremy Corbyn

Brian Cotter David Crausby Ann Cryer John Cryer Jim Cunningham Tony Cunningham Claire Curtis-Thomas Tam Dalvell Edward Davey Valerie Davey Wayne David Geraint Davies Janet Dean Parmjit Dhanda Andrew Dismore Jim Dobbin Frank Dobson Nigel Dodds Jeffrey Donaldson Brian H Donohue Sue Doughty Jim Dowd David Drew Julia Drown Angela Eagle Huw Edwards Jeff Ennis **Bill Etherington** Annabelle Ewing Paul Farrelly Mark Fisher Paul Flynn Barbara Follett Derek Foster Don Foster Hywel Francis Mike Gapes Andrew George Neil Gerrard Ian Gibson Sandra Gidley Parmjit Singh Gill Roger Godsiff Matthew Green Win Griffiths John Grogan Patrick Hall Fabian Hamilton Mike Hancock Evan Harris Dai Havard Nick Harvey Doug Henderson Stephen Hepburn Sylvia Hermon David Heyes Kate Hoey Paul Holmes John Horam Alan Howarth George Howarth Lindsay Hoyle

Kevin Hughes Simon Hughes Joan Humble John Hume Andrew Hunter Brian Iddon Eric Illsley Glenda Jackson Robert Jackson Brian Jenkins Jon Owen Jones Lynne Jones Nigel Jones Sally Keeble Alan Keen Paul Keetch Robert Key Piara S Khabra David Kidney Andy King Archy Kirkwood Mark Lazarowicz David Lepper Tony Lloyd Elfyn Llwyd John Lyons Calum Macdonald John MacDougall Andrew Mackinlay Alice Mahon Rob Marris Paul Marsden Robert Marshall-Andrews David Marshall Eric Martlew Michael Mates Chris McCafferty John McDonnell Ann McKechin Rosemary McKenna Tony McWalter John McWilliam Alan Meale Austin Mitchell Laura Moffatt Michael Moore Julie Morgan Denis Murphy Doug Naysmith Bill Olner Martin O'Neill Diana Organ Albert Owen Kerry Pollard Adam Price John Pugh Joyce Quin Syd Rapson Andy Reed Alan Reid Geoffrey Robinson Iris Robinson

Peter Robinson Andrew Rosindell Ernie Ross Chris Ruane Joan Ruddock Bob Russell Christine Russell Alex Salmond Adrian Sanders Mohammad Sarwar Phil Sawford Brian Sedgemore Jonathan Shaw Barry Sheerman Jim Sheridan Debra Shipley Clare Short Sion Simon Alan Simpson Marsha Singh Dennis Skinner Martin Slater Geraldine Smith Llew Smith Martin Smyth Gerry Steinberg Paul Stinchcombe Gavin Strang Gisela Stuart Andrew Stunell Mark Tami David Taylor John Taylor Matthew Taylor Richard Taylor Teddy Taylor Simon Thomas John Thurso Jenny Tonge Dennis Turner Desmond Turner Paul Tyler Bill Tynan Rudi Vis Joan Walley Robert Walter Robert N Wareing Angela Watkinson Michael Weir Brian White John Wilkinson Betty Williams Hywel Williams Roger Williams Phil Willis Ann Winiterton Pete Wishart Mike Wood Tony Worthington Derek Wyatt Richard Younger-Ross (248)

The above MPs have signed the Children's Food Bill EDM (EDM no.1256), tabled by Debra Shipley MP on 24 May 2004.