

**ODPH Backgrounder:
Marketing of Food and Beverages to Children and Youth**

ODPH POSITION

Ontario Dietitians in Public Health (ODPH) supports a ban on commercial marketing of **all food and beverages** to children and youth under 17 years of age.

This is in line with the recommendations of the [Stop Marketing to Kids Coalition](#), which is spearheaded by the Heart and Stroke Foundation in collaboration with the Childhood Obesity Foundation and endorsed by over 90 national organizations.

HIGHLIGHTS

- Canadian children are regularly exposed to marketing of foods and beverages high in fat, sugar and salt. Children are unable to critically assess advertising messages, and the constant exposure can lead to negative impacts on children's food preferences, purchase requests and consumption patterns, which can impact their health (e.g., increase chronic disease risk) and wellbeing.
- Billions of dollars are spent annually to market food and beverages to children, as this demographic is able to influence family spending (e.g., pester power) and represents future consumers. The marketing of foods and beverages allows food industry to normalize unhealthy food and build brand loyalty at a young age, which extends into adult years.
- In the last 10 years, the Canadian food and beverage industry set standards to self-regulate marketing through the Canadian Children's Food and Beverage Advertising Initiative. Self-regulation has proven itself to be unsuccessful. Research has demonstrated that exposure to food and beverage advertising has actually increased during this time, and that the healthfulness of foods advertised to children has not changed.
- In Fall 2016, Health Canada released their Healthy Eating Strategy, calling for a strategy to protect vulnerable populations, which includes restricting commercial marketing of unhealthy food and beverages to children.
- Bill S-228, an act to amend the Food and Drugs Act, prohibiting food and beverage marketing directed at children was introduced to the Senate in September 2016. While the Bill was previously passed by both the Senate and the House of Commons, it was not called to final vote before the end of the Spring 2019 Senate session, leaving Canadians without federal legislation to prohibit food and beverage marketing to children.

INTRODUCTION

Children and youth are bombarded by food and beverage marketing on a regular basis¹. About 90% of advertising on television are for foods high in fat, sugar and salt². Although television remains the main source of advertising targeting children, food and beverage manufacturers use multiple channels and locations to strategically target children and influence their purchasing requests. This consistent exposure can negatively impact children's health and wellbeing, which has negative implications for public health as well^{3,4,5}.

Young children are unable to critically assess advertising messages or understand their persuasive intent^{6,7,8}. Thus, it is imperative that a comprehensive approach to address marketing to children is developed. Many countries including Mexico, Spain, Sweden, Norway, Brazil and more, have established policies to protect children. Canada needs to take action and develop a multi-pronged strategy that includes legislation to restrict all food and beverage marketing that targets children in order to protect their health¹.

MARKETING vs. ADVERTISING

Marketing refers to "any form of commercial communication or message that is designed to, or has the effect of, increasing the recognition, appeal and/or consumption of particular products and services. It comprises of anything that acts to advertise or otherwise promote a product or service." The World Health Organization (WHO) further defines marketing as an economic activity in which an organization promotes their goods and services in return for profit or other forms of business gain such as visibility, exposure and brand loyalty⁹. This does not typically include governmental organizations and non-

¹ Heart and Stroke Foundation. (2017). The kids are not alright. How the food and beverage industry is marketing our children and youth to death. 2017 Report on the Health of Canadians. Retrieved from: <http://www.heartandstroke.ca/what-we-do/media-centre/report-on-health>

² Coon K.A., Tucker K.L. (2002). Television and children's consumption patterns. A review of the literature. *Minerva Pediatrics*, 54:423-436.

³ McGinnis, J.M. Gottman, J.A., Kraak, V.I. (Eds.) (2006). Food Marketing to children and youth: threat or opportunity? Committee on Food Marketing and the Diets of Children and Youth, Institute of Medicine of the National Academies. Washington, D.C.: The National Academies Press.

⁴ Hastings G, McDermott L, Angus K, Stead M, Thomson S. (2006). The Extent, Nature and Effects of Food Promotion to Children: A Review of the Evidence. Geneva, Switzerland: World Health Organization;

⁵ Cairns G, Angus K, Hastings G. (2009). The extent, nature and effects of food promotion to children: a review of the evidence to December 2008. Geneva: World Health Organization; Retrieved from http://www.who.int/dietphysicalactivity/Evidence_Update_2009.pdf

⁶ Wilcox B.L., Kunkel D, Cantor J, Dowrick P, Linn S, Palmer E. (2004). Report of the APA Task Force on Advertising and Children. pp. 64. <http://www.apa.org/pi/families/resources/advertising-children.pdf>

⁷ Carter O.B., Patterson L.J., Donovan R.J., Ewing M.T., Roberts C.M. (2011). Children's understanding of the selling versus persuasive intent of junk food advertising: implications for regulation. *Social Science Medicine*. 72, 962-968.

⁸ Dietitians of Canada. (2010). Advertising of Food and Beverages to Children. Position of Dietitians of Canada. Retrieved from: <http://www.dietitians.ca/Downloads/Public/2010-DC-Advertising-to-Children-Position.aspx>

⁹ World Health Organization. (2012). A framework for implementing the set of recommendations on the marketing of foods and non-alcoholic beverages to children. Retrieved from: <http://www.who.int/dietphysicalactivity/MarketingFramework2012.pdf>

commercial marketing for public health education or public awareness campaigns.

There are many forms of marketing, and *advertising* is one form, which is found on television, radio, and online¹³. It tends to be the largest expense in most marketing plans. According to Barron's Dictionary of Marketing Terms, advertising is the “paid form of a non-personal message communicated through various media. [It] is persuasive and informational and is designed to influence the purchasing behavior and/or thought patterns of the audience.” Other marketing techniques include, but are not limited to:

- direct marketing (e.g., contests, text messaging)
- product placement and branding (e.g., branded toys, branded computer games)
- product design and packaging (e.g., packaging design, on-pack promotions)
- sponsorship (e.g., events, sports teams)
- point-of-sale (e.g., on-shelf displays, loyalty schemes)

An extensive list of techniques used to market food and non-alcoholic beverages to children can be found in the WHO report [A Framework for Implementing the Set of Recommendations on the Marketing of Foods and Non-Alcoholic Beverages to Children](#), page 10.

WHY INDUSTRY MARKETS TO CHILDREN

The food industry spends billions per year globally on marketing food and beverages to children and youth, to not only influence family spending but also to build brand loyalty of future consumers. The Federal Trade Commission reported that in 2009, \$1.79 billion was spent on marketing food and beverages to children and youth in the United-States¹⁰. Unfortunately, similar data is not available for the Canadian market. Children and youth influence family spending decisions⁸. The process by which marketers target family spending through children and youth-oriented marketing is known as “pester power”. Pester power (also known as the nag factor, or kid influence) refers to techniques that appeal specifically to children and youth that encourage them to request certain products by “nagging” their parents or guardians¹¹.

CHILDREN ARE VULNERABLE TO MARKETING

Children are vulnerable to marketing. Evidence demonstrates that advertisements aimed at children have the ability to influence their eating attitudes and behaviours including food preferences, food choices and purchasing behaviours⁸. Marketing is also used to normalize unhealthy food and build brand loyalty from a young age. Children will show preferences for both healthy and unhealthy foods branded

¹⁰ Federal Trade Commission. (2012). A Review of Food Marketing to Children and Adolescents: Follow-Up Report. Retrieved from: <https://www.ftc.gov/sites/default/files/documents/reports/review-food-marketing-children-and-adolescents-follow-report/121221foodmarketingreport.pdf>

¹¹ The Public Health Advocacy Institute. (2011). Issue Brief: Reigning in Pester Power Food and Beverage Marketing. Retrieved from: http://www.phaionline.org/wp-content/uploads/2011/09/Pester_power.pdf

by a company with which they are familiar¹².

Marketing has an impact on children, not only during their younger developmental stages, but also as they mature. See Table 1 for how television advertising influences children at different ages. It is worth noting that children may be even more susceptible to digital advertising, with research suggesting that children age 10-12 years old are unable to identify digital advertisements¹³. The Rudd Center reports that there is no consensus on the definition of “children.” However, most regulatory and other government entities and public health advocates include youth, older than age 11, in their definitions of children requiring special protections. According to WHO,

“It is important to keep in mind that the policy aims to reduce the impact of marketing on children’s diet, not to address whether or not children understand the persuasive intent of marketing. Marketing targeted at older children and/or adults often reaches younger children. Thus a narrowly-defined age range may not adequately protect younger children.”¹⁴

Ultimately, marketing targeting children and youth is an ethical concern as it takes advantage of vulnerable populations that are unable to understand the intent of marketing and make an informed decision. As a result, ODPH supports protecting children and youth under the age of 17 from the marketing of food and beverages.

Table 1 - How Marketing Influences Children at Different Ages*

Age	Effect
<5 years	Unable to distinguish ads from unbiased programming ^{6,7,15}
<8 years	Do not understand the intent of marketing messages and believe what they see ^{6,7,16}
10-12 years	Understand that ads are designed to sell products, but are not always able to be critical of these ads ^{6,7,15,17}

¹² Robinson, et al. (2007). Effects of Fast Food Branding on Young Children's Taste Preferences. Arch Pediatr Adolesc Med. 161(8):792-797. Retrieved from: <https://jamanetwork.com/journals/jamapediatrics/fullarticle/570933>

¹³ Moondore A., et al. (2010). Young children's ability to recognize advertisements in web page designs. British Journal of Developmental Psychology. 27 (1), 71-83. Retrieved from: <http://onlinelibrary.wiley.com/doi/10.1348/026151008X388378/full>.

¹⁴ Hawkes. (2004). Marketing Food to Children: the Global Regulatory Environment. World Health Organization. Retrieved from: <http://nepc.colorado.edu/files/CERU-0405-215-OWI.pdf>

¹⁵ John D.R. (1999). Consumer socialization of children: a retrospective look at twenty five years of research. Journal of Consumer Research.26, 183-213.

¹⁶ Harris JL, Heard A, Schwartz M.B. Older but still vulnerable: All children need protection from unhealthy food marketing. (2014). Yale Rudd Center for Food Policy & Obesity. Retrieved from: http://www.uconnruddcenter.org/files/Pdfs/Protecting_Older_Children_3_14.pdf

12-14 years	Face increased risk from the influence of unhealthy food marketing due to their greater independence and higher levels of media consumption ¹⁷
Adolescents	<p>Recognize when actions are not in their best long-term interest, but this may be impeded by the fact that executive control and the ability to moderate impulsive behavior are not fully developed until adulthood. This is especially challenging when emotional or peer-influence is involved in their decision making¹⁶</p> <p>Reward sensitivity is heightened during adolescence, leaving them less equipped to forgo small immediate rewards (e.g., enjoyment of unhealthy food) for larger future awards (e.g., good health)¹⁷</p> <p>Can be particularly susceptible to digital marketing as it blurs the lines between marketing and entertainment, arouses their emotions and can derail their ability to make good decisions^{17,18,19}</p>

**This research is based on TV marketing. Evidence suggests that with digital advertising it is more difficult for children to identify advertisements¹³.*

HEALTH IMPACT OF MARKETING TO CHILDREN

One of the most important factors that impacts health is the quality of our diets¹. Marketing impacts children's food choices and, in turn, their overall health. Consistent exposure to unhealthy food and beverage marketing can have a significant negative impact on child food preferences, purchase requests and consumption patterns^{4,20}. Over 90% of the food products advertised to children and youth are for unhealthy processed foods and beverages, high in sugar, fat and salt¹.

Data on the eating patterns of Canadian children and youth indicate that their eating patterns reflect the food and beverages marketed to them: 13.4% of children 5-11 years old and 21.3% of youth 12-17 years old report drinking one or more sugar-sweetened beverages every day²¹, while only 10% meet the recommended daily intake of vegetables and fruit²². The majority of young children have sodium intakes

¹⁷ Moore, Elizabeth S. (2004). Children and the changing world of advertising. Journal of Business Ethics. 52(2) 161-167.

¹⁸ 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.

¹⁹ 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.

²⁰ Cairns G, Angus K, Hastings G. et al. (2013). Systematic reviews of the evidence on the nature, extent and effects of food marketing to children. A retrospective summary. Appetite, 62, 209-215.

²¹ Public Health Agency of Canada. (2016). Healthy Weights in Canadian Children. Retrieved from: <https://infobase.phac-aspc.gc.ca/datalab/healthy-weights-blog-en.html>

²² Minaker, L., Hammond D. (2016). Low Frequency of Fruit and Vegetable Consumption Among Canadian Youth: Findings From

associated with an increased risk of adverse health effects and an inadequate intake of fibre and potassium²³.

Children who consume an unhealthy diet are more likely to enter adulthood with a predisposition to chronic diseases¹. In Canada, almost 1 in 7 children and youth and 1 in 4 adults are obese^{24,25}. Annually, 67% of all deaths in Canada are caused by four major chronic diseases: cancer, diabetes, cardiovascular and chronic respiratory diseases²⁶. Changes are needed to improve the health of young Canadians. In fact, the Public Health Agency of Canada has stated that “for the first time in more than a century, the children of today may have less healthy and possibly even shorter lives than their parents.”²⁷

THE POLICY CONTEXT

WHO released a set of recommendations on food and beverage marketing to children in 2010. They called on governments worldwide to reduce the use of powerful marketing techniques exposing children to advertising messages that promote unhealthy foods and beverages. It recommends that the overall policy objective should be to reduce both the exposure of children to, and power of, marketing of unhealthy foods²⁸.

Over the last few decades, various countries have taken steps to restrict television advertising to children, including: Australia, Brazil, Chile, France, Germany, India, Ireland, Italy, Mexico, Malaysia, New Zealand, Norway, Poland, Sweden and the United Kingdom. Additional examples of marketing restrictions include, movie theatres in Mexico (children’s movies), as well as advertising within schools in Spain. Further details on international marketing to children restrictions can be found within the Nourishing Framework (Appendix 3).

In the last 10 years the Canadian food and beverage industry set standards to self-regulate marketing through the Canadian Children’s Food and Beverage Advertising Initiative. Self-regulation has proven itself to be unsuccessful. Research has demonstrated that exposure to food and beverage advertising

the 2012/2013 Youth Smoking Survey. 2; Journal of School Health. 86(2), 135-42.

²³ Health Canada. (2012). Do Canadian Children Meet their Nutrient Requirements through Food Intake Alone? Retrieved from: <https://pdfs.semanticscholar.org/6650/70ec74d3b25ea22961c31495737e68cc1ac3.pdf>

²⁴ Rao, D.P., et al. (2016). Childhood overweight and obesity trends in Canada. Health Promotion and Chronic Disease Prevention in Canada. 36(9), 194-198. Retrieved from: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5129778/pdf/36_9_3.pdf

²⁵ Public Health Agency of Canada. (2011). Obesity in Canada: A Joint Report from the Public Health Agency of Canada and the Canadian Institute for Health Information. Retrieved from: https://secure.cihi.ca/free_products/Obesity_in_canada_2011_en.pdf

²⁶ Public Health Agency of Canada. (2013). Preventing Chronic Disease Strategic Plan 2013–2016. Retrieved from: http://publications.gc.ca/collections/collection_2014/aspc-phac/HP35-39-2013-eng.pdf

²⁷ Government of Canada. (2012). Curbing Childhood Obesity: A Federal, Provincial and Territorial Framework for Action to Promote Healthy Weights. Retrieved from: <https://www.canada.ca/en/public-health/services/health-promotion/healthy-living/curbing-childhood-obesity-federal-provincial-territorial-framework.html>

²⁸ World Health Organization. (2010). Set of recommendations on the marketing of foods and non-alcoholic beverages to children. Geneva. 1010. Retrieved from: <http://www.who.int/dietphysicalactivity/publications/recsmarketing/en/>

has increased and that the healthfulness of foods advertised to children has not changed ²⁹. Children and youth are spending an increasing amount of time in front of screens and are increasingly the target of online marketing. The most frequently advertised products on children and youth's favorite websites are sugary snacks, sugary cereal and energy drinks¹.

At the federal level, Health Canada released their [Healthy Eating Strategy](#) on October 24, 2016, which committed to protecting vulnerable populations; this includes restricting the commercial marketing of unhealthy foods and beverages to children (see Appendix 1 for additional information). Furthermore, Bill S-228, an Act to amend the Food and Drugs Act, prohibiting food and beverage marketing directed at persons under 13 years of age, was introduced in the Senate in September 2016. The Bill was previously passed by both the Senate and the House of Commons, but in June 2019, the Bill was not called to final vote before the end of the Spring 2019 Senate session and therefore will not reach royal assent. If the Bill had passed, Health Canada would have been responsible for developing the regulations to accompany the new law. ODPH supported Bill S-228 but continued to advocate that the targeted age of legislation be changed to under 17 years old, as originally stated in the first version of the Bill. See Appendix 2 for additional information on Bill S-228.

Meanwhile in Quebec, [the Consumer Protection Act \(S.248,249\)](#) has prohibited commercial advertising targeted to children less than 13 years of age since 1980. This applies to all media forms with few restrictions. Research examining the Quebec ban has shown that children in Quebec see fewer food and beverage ads, that some child targeted food categories such as candy and sugary cereals are not advertised to children and that fewer advertising techniques such as spokes-characters and licensed characters are used in Quebec compared to in the rest of Canada³⁰. Teens are however, targeted excessively as they are not protected under this Act. Other issues identified are that there is no systematic monitoring of the legislation, and penalties for violations are small ³¹. Suggested improvements to the Quebec ad ban include broadening the definition of "child targeted" by revisiting the nature of ads, the way they are shown and places they are shown. Another provincial example is found in Nova Scotia where regulated child care settings are prohibited from using branded or promotional products to serve meals and snacks, and play foods must fit within the four food groups in Canada's Food Guide (version 2007).

The Heart and Stroke Foundation and the Childhood Obesity Foundation, leaders of the Stop Marketing to Kids Coalition, are advocating for restrictions on commercial marketing of all food and beverages to children and youth age 16 years and younger. Restrictions would include all forms of marketing, with the

²⁹ Potvin-Kent M, Martin C.L., Kent E.A. (2014). Changes in the volume, power, and nutritional quality of foods marketed to children on television in Canada. *Obesity*. 22 (9):2053-2060.

³⁰ Potvin Kent, M., Dubois, L., Wanless, A. (2011). Food marketing on children's television in two different policy environments. *International Journal of Pediatric Obesity*. 6, 2, e433-e441.

³¹ Coalition Poids. Quebec Law and Its Weaknesses. Retrieved from: <http://www.cqpp.qc.ca/en/our-priorities/food-marketing/advertising-directed-at-children/quebec-law-and-its-weaknesses/>

exception of non-commercial marketing for public education. The Stop Marketing to Kids Coalition also developed the “[Ottawa Principles](#)”, a document meant to guide food and beverage marketing to children and youth policy in Canada. To date, these principles have been endorsed by over 90 national organizations, including ODPH.

RATIONALE FOR RESTRICTING MARKETING OF ALL FOOD AND BEVERAGES

Restricting marketing of all food and beverages: Points to consider

- Research demonstrates that younger children lack the cognitive maturity to understand when they are being marketed to. As they mature, they may understand what an ad is, but they still are not always able to be critical of ads¹. Thus, it is just as unethical to market healthy food as it is to market unhealthy food to this population (e.g., SpongeBob Spinach vs Pop Tarts).³¹
- Advertising works to raise awareness of brands and instilling brand loyalty is a commercial interest^{32,33}. Even when “healthy” food is advertised to children, it can still contribute to building brand loyalty.
- If marketing all food and beverages to children is banned, a level playing field is created: industry and individuals cannot use the argument that freedom of choice is denied.³³
- Placing marketing restrictions on all food and beverages is less ambiguous than limiting restrictions to “unhealthy” items. It is difficult to define “unhealthy” and if the definition is not stringent enough, restrictions may have little impact.
- Corporations are legally obligated to make profits for their shareholders no matter the potential negative health impact. Legislation that prevents corporations from marketing to children would make it clear that industry cannot profit from marketing to children.³⁴
- The Alberta Policy Coalition for Obesity Prevention convened a consensus conference in April 2012 to evaluate the political environment, evidence, issues and challenges of placing restrictions on marketing of unhealthy foods and beverages within Canada. They recommended “...a national regulatory system prohibiting commercial marketing of foods and beverages to children and suggest that effective regulations must set minimum standards, monitor compliance, and enact penalties for non-compliance.”³⁵

³² Charlene Elliott. (2012). Marketing Foods to Children: Are We Asking the Right Questions? Childhood <https://www.liebertpub.com/doi/abs/10.1089/chi.2012.0013>

³³ Campbell N., Duhaney T. (2012). A Canadian Health Care and Scientific Organization Policy Consensus Statement: Restricting marketing of unhealthy foods and beverages to children and youth in Canada. The Heart and Stroke Foundation of Canada and the Institute of Circulatory and Respiratory Health. Retrieved from: https://www.cma.ca/Assets/assets-library/document/en/advocacy/policy-research/CMA_Policy_Restricting_Marketing_of_Unhealthy_Foods_and_Beverages_to_Children_and_Youth_in_Canada_PD13-04-e.pdf

³⁴ Nova Scotia Department of Health and Wellness. Marketing to Children and Youth: A Public Health Primer. Retrieved from: <https://novascotia.ca/dhw/healthy-communities/documents/marketing-to-children-and-youth-a-public-health-primer.pdf>

³⁵ Raine, K., et al. (2013). Restricting marketing to children: Consensus on policy interventions to address obesity. J. of Public Health Policy, May 2013 <https://link.springer.com/article/10.1057/jphp.2013.9>

Limitations on restricting only marketing of unhealthy food and beverages

Some groups support restricting only marketing of unhealthy food and beverages; however, several limitations to this approach have been identified.

- There is no provincial or national standard/criteria to determine if a food or beverage can be classified as healthy or unhealthy.
- By focusing on restricting the marketing of unhealthy items, using the criteria of limiting saturated fat, sugar, and sodium, manufacturers may reformulate products to be more “healthy” despite that they may be low in other beneficial nutrients such as fibre.
- Focusing on nutrient profile of foods (nutritionism) allows manufacturers to sidestep questions pertaining to the ethics of food marketing. Nutritionism takes away from benefits of diets based on whole foods (vs processed foods)³¹.
- Food industry may exploit healthier products or products that are not restricted under the marketing ban to build brand loyalty with children and youth. For example, large sugar sweetened beverage brands have openly stated that they are now focusing on advertising their brand as opposed to specific products, which may also be a loophole in the proposed restrictions on unhealthy food and beverages.

CONCLUSION

Children and Youth are targeted by food marketing at home, in school, and during their extracurricular activities. The majority of these advertised foods are high in fat, sugar and salt. Industry can, and does, utilize food and beverages as a marketing opportunity to increase brand awareness and loyalty among children and youth. This population is vulnerable, and research has indicated that marketing of food and beverages has a strong influence on them. Therefore, **ODPH supports a ban on commercial marketing of all food and beverages to children and youth under 17 years of age.**

Appendix 1

Healthy Eating Strategy

In October 2016, Health Canada released its Healthy Eating Strategy. The strategy aims to improve the food environment and make it easier for Canadians to make the healthier choice. This strategy includes several initiatives related to nutrition, such as:

- Canada's Food Guide
- Front-of-package labelling
- Restricting unhealthy food and beverage marketing to children
- Regulations on industrially produced trans-fats
- Nutrition North

Health Canada has provided opportunities to stakeholders to provide feedback on these initiatives through consultations. In the Summer of 2017, the marketing to children consultation was held. A report of the findings was provided.

Some key findings reported include:

- "Most respondents expressed agreement regarding the impact of marketing on children and a desire to lessen their exposure to advertisements of unhealthy products."
- "The economic impact on industry, in particular the marketing and food manufacturing industries, was also mentioned as a potential issue."
- "Most contributors agreed with the focus of the restrictions on nutrients of concern (i.e., sodium (salt), sugars, and saturated fats). Some indicated that the focus could be expanded to include other factors"

Healthy Eating Strategy Sources

The Federal Minister of Health, Jane Philpott, was mandated to 'introduce new restrictions on the commercial marketing of unhealthy food and beverages'. http://pm.gc.ca/eng/minister-health-mandate-letter_2015

The Healthy Eating Strategy was launched on October 24th, 2016. This included several nutrition related initiatives including protecting vulnerable populations. <https://www.canada.ca/en/services/health/campaigns/vision-healthy-canada/healthy-eating.html#a1>

Health Canada had an open consultation that closed on August 14th, 2017. <https://www.healthyeatingconsultations.ca/marketing-to-kids>

Health Canada's findings from the 2017 consultation were summarized in the report <https://www.canada.ca/en/health-canada/services/publications/food-nutrition/restricting-marketing-to-kids-what-we-heard.html>

Appendix 2

Bill S-228

Child Health Protection Act

Bill S-228 was presented on September 27th, 2016 by the Honorable Senator Greene Raine. This is an Act to amend the Food and Drugs Act, prohibiting “unhealthy” food and beverage marketing directed at children. Children means persons who are under 13 years of age. This enactment would amend the Act by adding directive text to prohibit labelling, packaging and advertising directed at children. Note that Bill would have protected children under 17 years of age until it was amended on February 14, 2018.

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.

On September 28, 2017, the Senate unanimously passed Bill S-228. It was introduced to the House of Commons on October 6, 2017 and after review by the Standing Committee on Health, the Bill was passed on September 19, 2018. Unfortunately, in June 2019, the Bill did not pass final vote before the end of the Spring 2019 Senate session and therefore did not reach royal assent.

This Act planned to prohibit:

- Labelling, packaging or advertising of “unhealthy” 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 any way in facilities such as schools and daycares.
- The use of gifts, prizes or rebates to spur the sale of food intended primarily for children.

Quick Facts

- Bringing in a ban on the advertising of food and beverages to children, modeled on an existing Quebec law that bans all marketing aimed at children, was one of the recommendations in the Senate Committee on Social Affairs, Science and Technology report, released in March 2016, [Obesity in Canada: A Whole-of-Society Approach to a Healthier Canada](#).
- The *Child Health Protection Act* proposes changes to Section 7 of the *Food and Drugs Act*, the section that covers food labelling, packaging and advertising.
- Currently, the maximum penalty for violating the Food and Drugs Act’s food-related provisions is a fine of \$50,000 or six months for summary conviction or a fine of \$250,000 or a three-year jail sentence for conviction by indictment. The *Child Health Protection Act* does not propose changes to penalties.

Additional information

- [Backgrounder](#)
- [Bill S-228 as passed by the senate](#)
- [Chronology of Bill S-228](#)

Appendix 3

NOURISHING Framework

The World Cancer Research Fund International [Nourishing framework](https://www.wcrf.org/sites/default/files/Nourishing_framework.pdf) was developed to highlight areas that the government needs to take action on to promote healthy diets and reduce overweight and obesity. The framework includes a component on restricting food advertising and other forms of commercial promotion. For further details on this component please refer to:

<https://www.wcrf.org/sites/default/files/Restrict-advertising.pdf>



N	Nutrition label standards and regulations on the use of claims and Implied claims on food	✓
O	Offer healthy food and set standards in public institutions and other specific settings	✓
U	Use economic tools to address food affordability and purchase incentives	✓
R	Restrict food advertising and other forms of commercial promotion	✓
I	Improve nutritional quality of the whole food supply	✓
S	Set incentives and rules to create a healthy retail and food service environment	✓
H	Harness supply chain & actions across sectors to ensure coherence with health	✓
I	Inform people about food & nutrition through public awareness	✓
N	Nutrition advice and counselling in healthcare settings	✓
G	Give nutrition education and skills	✓