



ONTARIO MINISTRY OF HEALTH

# THE KIDS ARE NOT ALRIGHT.

HOW THE FOOD AND BEVERAGE INDUSTRY  
IS MARKETING OUR CHILDREN TO DEATH

BRIEFING NOTE FOR RECOMMENDATION

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**MINISTRY OF HEALTH  
BRIEFING NOTE FOR RECOMMENDATION  
POLICY RECOMMENDATION - YOUTH ADVERTISEMENT BAN**

**Date: Nov. 25. 2019**

**PREPARED FOR: Philip Savage, Deputy Minister - Department of Communications  
BRIEFING NOTE FOR RECOMMENDATION, POLICY OPTIONS**

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**Re:** Proposal to ban unhealthy food advertisements targeted to Canadian youth under 13 years of age.

**ISSUE**

Obesity rates among children and youth in Canada have tripled in the last 30 years. Overweight and obese children are likely to stay obese into adulthood and more likely to develop non-communicable diseases like diabetes and cardiovascular diseases at a younger age. Poor diet is proven to be a large contributor to the rising rates of obesity. In a single year, kids between ages two and eleven view more than twenty-five million food and drink advertisements and over 90% of these are for unhealthy products. Fast food, such as McDonalds or Wendy's, is one of the most heavily advertised product categories targeting children. According to recent studies, such advertising is effective in behavior change. The prevalence of unhealthy food advertisements are leading children into obesity.

**BACKGROUND**

The Quebec Consumer Protection Act was implemented in 1980, restricting fast food marketing aimed at children under 13 in print and electronic media. The Consumer Protection Act prohibits advertising directed at children under section 248 and 249. The formats and media that are targeted in this act include: radio, television, the web, mobile phones, printed materials, signage, and promotional items. The act stipulates that it is necessary to take into account the context of the advertisement presentation and the impression it gives. In accordance with these regulations, the proportion of children that make up the audience or are reached by an advertisement need to be assessed. In programs where children constitute more than 15% of the audience, advertisements targeting either children or a mix of children and adults are not permitted. Similarly, advertising exclusively targeting children can still be broadcast, but only

during adult-focused programs. The consequences of non-compliance with the Act will result in a fine, or a criminal lawsuit may be filed against the offender.

A 2011 study concluded that the implementation of the Consumer Protection Act is associated with a 13 percent reduction in fast food expenditures. While the rest of Canada has seen a drastic increase in obesity among children, Quebec children have the highest vegetable and fruit intake and the lowest obesity rates in the country. Researchers found that the 32-year ban on fast food advertising has had an estimated 2 billion to 4 billion fewer calories consumed by children in the province. The implementation of this ban has positively affected the youth of Quebec, creating healthy habits to be adopted into adulthood.

Currently all Canadian broadcasters, excluding those in Quebec, must adhere to the *Canadian Code of Advertising Standards* published by the Canadian Association of Broadcasters. The phrase “advertising that is directed to children” includes a commercial message on behalf of a product or service for which children are the only users and the message is presented in a manner that is directed primarily to children under the age of 12. In clause 12 of the Code, the following guidelines were described: food product advertising, healthy active living, excessive food consumption, factual presentation and undue pressure. The guidelines overall suggest that child advertisements must represent mealtime clearly and depict the role of the advertised product within the framework of a balanced diet, and that snack foods are clearly not presented as substitutes for meals. Within this clause, each advertisement shall be judged on its individual merit. In the advertising standards the only mention of unhealthy food is under section 3 Excessive Consumption, food should not exceed the labelled serving size on the Nutrition Facts Panel. While food portions are necessary to underline, the quality of food is not mentioned. This code is absent in addressing the types of food displayed in children advertisements.

## **CONSIDERATIONS**

It is important to incorporate the children advertising ban in Canada, as we have seen a decline in obesity rates in the Quebec model. As we know, advertising influences obesity by promoting the consumption of unhealthy food. The average child watches about 2 hours of television a day and sees 4-5 food and beverage ads per hour. At this rate, children are influenced daily with advertisements, detrimental to their well-being. According to the Canadian consumer polls, 77% believe it is difficult to monitor and control the advertising that is directed at children, and 78% believe the food and beverages advertised to children are unhealthy. Childhood obesity increases the risk of obesity during later life. There is a clear understanding from parents that the advertisements their children view are not proactive for long term health.

When considering the implementation of this ban, we must understand the economic impact of obesity. The economic burden of obesity is defined as both the direct costs to the

healthcare system, and indirect costs to productivity. According to an analysis by the National Population Health Survey (NPHS), between 2000 and 2008 the annual economic burden of obesity increased by \$735 million, from \$3.9 to \$4.6 billion. A study of physician costs in Ontario found that male and female patients over the age of 18 incurred physician costs that were 14.7% and 18.2% greater than those of normal weight peers. With the obesity rates tripling in the last 30 years, we can foreshadow that these costs will continue to rise. As childhood obesity increases the risk of obesity in later life, we can speculate that implementing this ban will positively affect the economic burden associated with obesity in our population.

## **RECOMMENDATIONS**

In response to the need for additional youth advertisement restrictions, the Ministry of Health has multiple options:

- Implement and enforce restrictions on the commercial marketing of foods and beverages to children and youth (see Quebec example which uses its Consumer Protection Act).
- Restrict exposure to food and beverage marketing in public places, including settings where children gather, such as nurseries, schools and school grounds, preschool and daycare centres, recreation centres, playgrounds, pediatric services, sporting or cultural activities, as well as hospitals.
- Conduct a systematic review of food and beverage marketing in child- focused settings.

While all of the above suggestions are viable, the first recommendation is most constructive and thus seeks long term benefit for a range of parties including youth, and parents. Furthermore, while this proposal is addressed to the Department of Communications, the implementation of this ban could be further assisted by the Department of Media Productions. While it may be costly in time, and resources, the long term benefits to the Canadian youth population and beyond, are impactful. With the implementation of this advertisement ban there will be an economic decrease and overall rise of the country's mortality rate.

Moving forward, a proposal of this nature would need to undergo approval by Canada's Cabinet, and then passed forward to the House of Commons and Senate. It is necessary to address the increase of obesity in our youth, and this starts by enforcing a ban on the advertisements that are marketed.

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## Annotated Bibliography

1. Ad Standards. (2019). Retrieved November 27, 2019, from <https://adstandards.ca/interpretation-guidelines/>.

Ad Standards, is a national, not for profit, created by the Canadian Advertising Industry to support advertisers and consumers. The information offered allows for a comprehensive understanding of the various implications on the advertisements in Canada. The content on this user friendly website, describes the advertising standards in Canada. The page offered six sections, each expanding on a guideline listed in the Canadian advertising regulations. It expands on the application of the clauses of the Canadian Code of Advertising Standards. This source allows the reader to deeply engage with the advertising legislation in Canada, and the way it affects our population.

2. *Advertising Directed at Children Under 13 Years of Age*. (2012). *Advertising Directed at Children Under 13 Years of Age*. Retrieved from [https://www.opc.gouv.qc.ca/fileadmin/media/documents/consommateur/sujet/publicite-pratique-illegale/EN\\_Guide\\_publicite\\_moins\\_de\\_13\\_ans\\_vf](https://www.opc.gouv.qc.ca/fileadmin/media/documents/consommateur/sujet/publicite-pratique-illegale/EN_Guide_publicite_moins_de_13_ans_vf).

This report published on the Quebec government website, is a guide to the application of sections 248 and 249 Consumer Protection Act in Quebec. This guide clarifies the ground rules contained in the Consumer Protection Act that must be taken into account when determining whether advertising targets children and whether it is prohibited. This report has various sections such as: description of the ban, how to determine whether commercial advertising is directed at children, ways an advertisement can qualify for an exemption, and consequences of non-compliance with the act.

3. Department of Justice. (2017, October 16). Where our legal system comes from. Retrieved November 27, 2019, from <https://www.justice.gc.ca/eng/csj-sjc/just/03.html>.

This document was created by the Department of Justice Canada, defining the history of the Canadian legal system. This document outlines the differences between Canadian common and civil law tradition. Within the text it effectively contrasts the Quebec and Ontario legislative system, offering an unbiased viewpoint on the regulation process. It offers insight to readers of the way regulations are created, and the purpose of general laws.

4. Dhar, T., & Baylis, K. (2011). *Fast Food Consumption and the Ban on Advertising Targeting Children: The Quebec Experience*. *Fast Food Consumption and the Ban on*

*Advertising Targeting Children: The Quebec Experience*. Retrieved from <https://foodsecurecanada.org/sites/foodsecurecanada>

In this article, the authors study the effect of an advertisement ban in the Canadian province of Quebec. Using household expenditure data, the authors examine whether expenditure on fast food is lower in those groups affected by the ban, and those that are not. The study suggests that advertising bans can be effective for a lower purchase propensity by 13% per week. A focus within this article are the cultural differences in Quebec versus Ontario. Their findings reveal that french speaking households with children are significantly less likely to purchase fast food if they live in Quebec than in Ontario. The article found tentative evidence that the effect of the ban persists as the affects children become young adults. Allowing for the possibility of a lower risk of obesity into their adult years.

5. How the food and beverage industry is marketing our children and youth to death. A 2017 Report on the Health of Canadians. (2017). Retrieved November 27, 2019, from <https://www.heartandstroke.ca/-/media/pdf-files/canada/2017-heart-month/heartandstroke-reportonhealth2017.ashx>.

The Heart & Stroke 2017 Report on the Health of Canadians examines how the media markets unhealthy food and beverages directly to our children and youth, and how this is affecting their preferences and choices, their family relationships and their health. This report looked at national and international studies and reports. The Heart and Stroke Foundation commissioned one of Canada's leading researchers to examine the volume of food and beverage advertising, and the quality of the products - the first research of its kind. This report included research findings, the impact of marketing to children, and international regulation. The recommendations within this report are deemed helpful to schools, communities, health organizations, and institutions. The most helpful section of this report in reference to the proposal is the recommendations about how Canada can implement a child advertisement restriction.

6. Lyons, R., Raine, K., Reading, J., & Tremblay, M. (2011). *Obesity In Canada: A Joint Report From the Public Health Agency of Canada*. Canadian Institute for Health Information. Retrieved from <https://www.canada.ca/content/dam/phac-aspc/migration/phac-aspc/hp-ps/hl-mvs/oic-oac/assets/pdf/oic-oac-eng.pdf>

This report is by the Public Health Agency of Canada and the Canadian Institute for Health Information. It highlights new analysis of the prevalence, determinants and impact of obesity in Canada on a social level. The first three chapters describe the prevalence of obesity among adults, children and youth and Aboriginal Peoples, combining new and existing estimates. This is

followed by new analysis of the determinants of obesity, using an innovative measure of risk, and the impact of modifying determinants, as well as an updated estimate of the health and economic costs of obesity. The final chapter summarizes key lessons learned from the international literature on obesity prevention.

7. Public Health Agency of Canada. (2011, June 23). Government of Canada. Retrieved November 30, 2019, from <https://www.canada.ca/en/public-health/services/health-promotion/healthy-living/obesity-canada/health-economic-implications.html>.

This document published on the Public Health Agency of Canada website provides an overview of population-level impacts of obesity, with a focus on morbidity, mortality and economic implications. The author discusses the economic burden of obesity in Canada addressing the increase of \$735 million between 2000 and 2008. Understanding the way obesity not only affects human life, but the economic health of Canada. This source offers a basic foundation of knowledge on the economic factors associated with the health of the Canadian population.

8. Public Health Agency of Canada. (2019, January 22). Government of Canada. Retrieved November 27, 2019, from <https://www.canada.ca/en/public-health/services/childhood-obesity/childhood-obesity.html>.

This article found on the Canadian government website, written by the Public Health Agency of Canada contained factual evidence, regarding childhood obesity, and claimed obesity rates in Canadian youth have tripled in the last 30 years. The article contained information on health problems for obese children, physical and emotional health problems, tips for eating healthy, and tips for being physically active. The information included in this article offer a broad understanding of the implications to a child's health. Offering a wholesome approach to the implications of Canada's obesity crisis.

9. Stop targeting our kids with ads for unhealthy food and drinks, report urges | CBC News. (2017, February 1). Retrieved November 28, 2019, from <https://www.cbc.ca/news/health/marketing-food-beverage-1.3960215>.

This news article found on the CBC News website focuses on the obesity epidemic Canada is facing today. It describes the way Canadians between the ages of 8-19 are bombarded by advertising for food and beverages, and marketing influences preferences and choices. The main focus of this article is advertisements disruptive effect on families, using Quebec as a role model. This article offers another perspective on the reasons Canada needs to ban marketing to kids

using the Heart and Stroke data as reference. It provides adequate insight specifically on ways parents and those in the community can help address our obesity issue.