

Dialogue with Nongovernmental Organizations regarding the Drafting of Recommendations on the Marketing of Foods and Non-Alcoholic Beverages to Children

20 November 2008, Geneva, Switzerland

Objectives of the Dialogue:

1. To identify policy initiatives in the area of marketing of foods and non-alcoholic beverages to children, that nongovernmental organizations have participated in.
2. To identify monitoring and evaluation processes and tools in the area of marketing of foods and non-alcoholic beverages to children.

This summary report is based on contributions from the following nongovernmental organizations (NGOs):

- Consumers International (CI);
- Corporate Accountability International (CIA)
- International Association for the Study of Obesity/International Obesity Task Force (IASO-IOTF);
- International Association of Consumer Food Organizations (IACFO);
- International Baby-Food Action Network (IBFAN - GIFA);
- International Diabetes Federation (IDF);
- International Pediatric Association (IPA);
- International Union Against Cancer (UICC);
- World Heart Federation (WHF).

General comments

- The NGOs in the dialogue stated that they are quite concerned that there is a large amount of marketing of energy-dense nutrient-poor foods and beverages to children through various techniques in various markets.
- Recognition was made of the food and nonalcoholic beverage industry's acknowledgement of the need for action in the area of marketing to children, and the efforts made by many companies in several countries. However, it was also pointed out that, while industry initiatives may often sound impressive, they are limited in scope and impact.
- The NGOs believe that the aim of the recommendations should be to restrict promotion of energy-dense nutrient-poor foods and beverages, while allowing promotions of healthier foods, bearing in mind that health and nutrition claims can be used as a marketing strategy and thus need careful control and scientific scrutiny (the International Code of Marketing of Breastmilk Substitutes includes a Resolution on health claims WHA58.32)
- The NGOs urged WHO to take a comprehensive approach in the work to develop a set of recommendations, and to start out with a high standard. The NGOs stated that this is what consumers, parents and public health

- organizations want. Further, the NGOs stated that this approach will have significant cost-benefit advantages for tax payers.
- The NGOs pointed out that much of the marketing effort by the food and nonalcoholic beverage industry is shifting to low- and middle-income countries.
 - The NGOs explained that WHO is a strong authority especially in developing countries, and thus, the NGOs need WHO to develop a strong set of recommendations that NGOs can advocate for and proactively support.
 - It was pointed out that marketing, constitutes one of the sub-sets of action areas needed in childhood obesity prevention programs.
 - The concern was raised that the cost many NGOs face when coming to consultations of this sort may limit broader participation.

During the dialogue on 20 November 2008, the NGOs discussed policy initiatives, monitoring and evaluation, and evidence of what works. Their discussions are summarized in the sections below.

Policy initiatives

- Schools
 - The NGOs believe that schools should be separate and protected from commercial influences of any type, including activities that aim at “trust building” for specific brands.
 - If any marketing practices occur in schools, the NGOs pointed out that this marketing should be in accordance with nutrition standards established to promote healthy diets for children
 - The NGOs agreed that sponsorship of any material for children is complex (such as school or sports supplies), but also agreed that, in this specific endeavor, the work to develop recommendations must stay focused on products and brand names associated with food and nonalcoholic beverages only, otherwise the task becomes too big and goes beyond the mandate from the World Health Assembly.
- Reference was made to many initiatives that were led by the NGOs, or in which the NGOs were involved (associated materials are being made available to the Ad Hoc Expert Group on Marketing of Foods and Non-Alcoholic Beverages to Children):
 - The Global Prevention Alliance - a coalition of five international health/medical NGOs - has developed a Call to Action, although currently the Alliance does not have funding to advance this work.
 - Evidence, testimonials and expert views were collated through the work to develop the Sydney Principles, based on a global consultation (5000 experts were invited to give input and share their views between September 2006 and April 2007).
 - European Heart Network project on policies for child obesity (2004-06).

- European Charter on Counteracting Obesity (2006)
- The Recommendations for an International Code on Marketing of Food and Non-Alcoholic Beverages to Children, developed by CI and IOTF, was supported by all the NGOs present. Key points of the code proposed by the NGOs include:
 - The CI-IOTF code would aim to restrict the promotion of high fat, sugar and salt (HFSS) products, but allow promotion of healthier foods
 - The CI-IOTF code would apply to both companies and countries - intending to ensure that all children are protected.
 - The CI-IOTF code proposes standards or restrictions for a broad range of marketing techniques.
 - The CI-IOTF code proposes statutory controls with the intention of ensuring compliance.
 - The CI-IOTF code proposes that standards or rules made to restrict TV or broadcast marketing aimed at children:
 - must take into account both absolute numbers of children watching as well as the proportion of children in the audience;
 - should ban broadcast marketing of HFSS foods aimed at children between the hours of 6:00am - 9:00pm (or even later);
 - should define "child" using an age limit as determined by national laws but this age limit should not be lower than 16 years of age.
 - The CI-IOTF code states that no HFSS foods should be promoted to adults as suitable or beneficial to children.
 - The CI-IOTF code states that no promotions of HFSS foods should be allowed in schools, child care facilities, or "where children are gathered".
 - The CI-IOTF code sets out a range of criteria as examples of how to determine whether non broadcast promotions for energy dense, HFSS foods are targeted at children and therefore should be restricted.
- The ongoing PolMark project (Policies on Marketing Food and Beverages to Children) includes an update of the review of marketing regulations; interviews with stakeholders to assess opportunities, obstacles, strengths and weaknesses of different approaches; and for the development of health impact assessments. A PolMark report is expected to be ready in mid-2009.
- There are NGOs doing work to promote both self-regulation and statutory regulation, because "self-regulation is slow, but government is slower".
- The NGOs recommend that the Ad-Hoc Expert Group consider that there are different industries with diverse scopes, including the food and non-alcoholic beverage producers, distributors, retailers and caterers of different types. Further, media companies, which act as gatekeepers for

food marketing across platforms and across country borders, should be engaged in dialogue.

Monitoring and evaluation

- The NGOs have monitored and evaluated the marketing practices of food and nonalcoholic beverage companies, and the NGOs have concluded that:
 - a wide range of marketing techniques are being used to promote foods high in fat, sugar and salt to children;
 - few company policies apply globally so inconsistent approaches are adopted in different regions (e.g. there is a region-by-region (sometimes country-by-country) difference in the percentage of calories from sugar in breakfast cereals marketed to children);
 - only a few marketing strategies are covered by company pledges to reduce marketing aimed at children (e.g.: most company pledges do not include marketing through on-pack promotions; in middle and high schools; using most forms of digital and emerging media; and event sponsorships);
 - not all companies participate in the voluntary and/or self-regulatory schemes;
 - not all children are protected (often only up to age 12);
 - nutrition standards vary ("less healthy" foods are defined in differing ways by various companies);
 - food and media companies cite adherence to their own policies as proof of effectiveness (but NGOs see inconsistencies in company policies as cited above).
- The NGOs have found that industry pledges to reduce marketing to children demonstrate many shared weaknesses in that many company pledges require a minimum of a 50% child audience before they apply, and the pledges often do not cover all types of marketing (e.g.: sales promotions, product placements, and others) but mainly TV and print advertisements. The NGOs have also seen that the industry pledges apply only to some of the big multinational companies, and do not include the small and medium-sized enterprises.
- The NGOs agree that, whereas WHO cannot be responsible for monitoring all marketing practices for food and nonalcoholic beverages, WHO clearly does have a role in supporting monitoring activities. The NGOs encouraged WHO to look at truly independent monitoring and evaluation (M&E) systems and to take the issue of conflict of interest very seriously. A truly independent system is defined by the NGOs as being a system in which the monitoring activities are not carried out or funded directly or indirectly by the party marketing the products, and in which an international benchmark is used as a reference. The NGOs proposed that WHO could:
 - support M&E activities by providing very clear definitions which can be used by all parties;

- provide standards for M&E;
- fund or support training of staff to carry out M&E activities;
- encourage governments to incorporate independent monitoring into their existing M&E systems and to share results;
- obtain and publish the results regularly to allow for comparison and to follow progress;
- develop model forms of legislation, if needed, and also provide interpretation of the legislation.
- The NGOs acknowledged that enforcement of international standards is challenging, but international standards can, at least, be used as benchmarks to which companies can be called upon to adhere, and against which companies can be evaluated (e.g. the International Code on the Breast-Milk substitutes also referred to as "the Code").
 - The NGOs pointed out some strengths of the ICBMS, which could also apply to the forthcoming marketing recommendations:
 - the ICBMS includes clear scope and definitions on various issues, minimizing the opportunity for interpretation by the industry on what is actually requested;
 - new World Health Assembly resolutions are passed every few years, which strengthen the Code's mandate, clarify it and also allow for adjustments in the content of the Code (WHA Resolutions have equal status as the Code);
 - the Code was adopted by a WHA Resolution 34.22 which stressed that the adoption of and adherence to the International Code of Marketing of Breast-Milk Substitutes is a minimum requirement. The Resolution urges all Member States to give full and unanimous support to the implementation of the provisions of the International Code in its entirety
 - the Code is used as one of the international benchmarks for monitoring national implementation of the Convention of the Rights of the Child (article 24), and of the Global strategy on infant and young child feeding (WHA 2002) .
- Some questions relating to monitoring and evaluation were posed by the NGOs:
 - What information needs to be collected from different members of umbrella organizations?
 - And, if relevant information is collected, to whom should this information be forwarded?
 - Who should publish and validate the information gathered? A coalition? A network of NGOs?
 - What could be the role for the Global Prevention Alliance in this, if any?

Evidence of what works

- The NGOs stated that, in order to ensure at least some degree of company compliance with marketing rules, the following have seemed to work (based on the example of the ICBMS and work of other NGOs):
 - national legislation (based on the ICBMS Code)
 - threat of litigation,
 - threat of government action,
 - consumer pressure/bad press.
- The NGOs also pointed out that, in order to push government to be interested, the following have seemed to work :
 - increased concern over childhood obesity,
 - examples of policies in other countries,
 - a strong international policy/code.

Key messages from the NGOs for the set of recommendations:

- The NGOs urged WHO to start with tough standards and to formulate recommendations as minimum requirements -- this could ensure that, where there is no existing legislation, the recommendations will provide minimum standards.
- The NGOs believe that the impetus for strong recommendations should include the recognition that foods high in sugar, salt and fats lead to a raised risk for a range of noncommunicable diseases, and not only obesity.
- The NGOs urged WHO to include recommendations for all stakeholders regarding their roles, responsibilities and action they could take on marketing of foods and non-alcoholic beverages to children.
- The NGOs believe that the recommendations must be global, and allow Member States to apply them at country level.
- The NGOs believe that an international benchmark should be developed against which action by the private sector can be monitored and evaluated. The NGOs stated that this should go beyond voluntary initiatives so that minimum standards for industry could ensure that companies understood that they should comply with the recommendations irrespective of regulations at national level.
- The NGOs acknowledge that there is a danger that by working at the international level to outline actions for the private sector, there may be a perception that countries can leave industry to self-regulate. The NGOs see that this could lead to weak voluntary codes of practice, and propose, therefore, that actions recommended for the private sector should be very clear in order to reduce flexibility and that Member States need to be urged to apply all recommendations at country level.
- The NGOs have found that definitions of all key terms are essential (i.e. "marketing" or "enforcement").
- The NGOs believe that there is need for a robust system of nutrient profiling of foods and beverages, and related standards that would set out which foods and beverages should or should not be allowed to be

marketed to children. The NGOs prefer that such systems and standards be developed by WHO, and urge that any such system take into consideration the differences among regions and populations, and give special consideration to low- and middle income countries.

- The NGOs pointed out that the recommendations should address all forms of current and potential marketing techniques.
- The NGOs agreed that schools are a key setting that should be addressed in the recommendations.
- The NGOs urged that an inclusive definition of what constitutes childhood should be used (up to age 16 years as a minimum age, or 18 years if the Convention on the Rights of the Child is taken as the guiding principle).
- The NGOs agree that monitoring and evaluation will be a key element of these recommendations and would like guidance from the recommendations on what a monitoring and evaluation mechanism or framework would look like because they believe that NGOs have an important role in monitoring and evaluation. The NGOs stated that it is important to ensure independent monitoring and to identify appropriate and effective indicators
- The NGOs pointed out that there are also key roles for NGOs to play in terms of advocacy, policy formulation and assisting governments.
- The NGOs highlighted the need for the recommendations to be used to promote health in low- and middle-income countries.

Next steps/discussion points:

- The NGOs will work to develop collaborations, especially at a local level, to increase awareness, experience-sharing (south-south) and on monitoring and evaluation.
- The WHO Secretariat will proactively inform the NGOs and other stakeholders when the website is operational for the public consultation on the draft set of recommendations (expected in early 2009).
- The NGOs will support the process and voice their views by ensuring good participation in the public consultation at the regional consultations in 2009.