

# **EuroHealthNet response to the WHO online public consultation on draft guideline on policies to protect children from the harmful impact of food marketing**

EuroHealthNet welcomes the opportunity to contribute to this online public consultation by the WHO on the “draft guideline on policies to protect children from the harmful impact of food marketing”. Our hope is that our health equity-focused input will strengthen the advocacy towards more mandatory regulation at EU and Member State level focused on protecting children from unhealthy food marketing. For what concerns the specific questions of the consultation, we believe that:

## **1.1 Overall clarity of the guideline**

We are satisfied with the overall clarity of the document. Research is well presented, gaps and areas for improvement are well specified, and language, while technical, not too complicated to be appropriately disseminated at policy level. However, we found the executive summary to be slightly too long (pages 7-17), considering that all concepts then get repeated over the next pages. Hence, we think the document would benefit from having a more concise executive summary.

Furthermore, in the current version of the document there seems to be only two recommendations, while the guidelines pose 4 main objectives. Matching the number of the recommendations with the guidelines would then improve the overall clarity. Here, we are yet not sure if recommendations indicated are just the updated ones compared to before, so it may be that you have already resolved this aspect.

## **1.2 Considerations and implications for adaptation and implementation of the guidelines**

We have a few considerations concerning the adaptation and implementation of the guidelines:

- I. **Add a definition of ‘Healthy diet’ in the glossary:** a big challenge, especially with policy regulation in mind, is to define clearly what we mean by *healthy diets*. In a certain way, we all know what is healthy, but those opposing regulation always find a way to slow down regulation by contextualizing the "unhealthiness" of a food. For example, it is not an infrequent tactic not to discard a sugary drink as ‘unhealthy’ if considered a part of an active lifestyle or ‘consumed in moderation’ or within recommended portion sizes. For this reason, we think that document would benefit from inserting a definition of ‘healthy diet’ in the glossary, so that in the following parts of the document it is more clearly defined what we refer to when using this term.
- II. **The importance of ‘sustainability’:** throughout the text, there are few references to *sustainability*, and its connection with healthy diets. We understand that this could be a deliberate choice to maintain the document specifically focused on the impact of food advertisement on children’s health, but it would be important to at least mention that restricting marketing of HFSS foods to children would not only lead to positive health outcomes, but it would also benefit the environment.
- III. **Lower socio-economic (SES) groups and backgrounds more affected:** EuroHealthNet is always working with the social gradient narrative, and we are thus pleased that throughout the text there are several references to the fact that children from lower SES are more affected. While making the point, we would suggest embedding the children more in their family and community environments, which may be also characterised by a significant level of deprivation. This is to say while targeting policies at the child-population, due attention to their closest living environments is given so as to support, not undermine any benefit of such policies by unfavourable socio-economic determinants at family and community level. At the same time, this point emerges more in the middle and final part of the text, so it would be important to reference right from the beginning of the document that this problem affects the whole society, but there is a clear social gradient to it, with children from lower SES that are most affected by the double burden of malnutrition and overweight.
- IV. **Mandatory/voluntary policies:** we are pleased that document mentions one fundamental problem in policy regulation, namely that (industry-led) voluntary regulation (guidelines, codes of conduct) are largely ineffective and at times detrimental. However, a conundrum here is that the definition of policies includes also voluntary measures. Hence, we think that throughout the text it should always be specified “mandatory” when the term policies is used. In this way, it would be more clear that policy regulation is not sufficient, since we need to implement *mandatory* legally-binding policy regulation.
- V. **Broadening the scope:** We appreciated the recommendation of broadening the scope of policies to protect all children exposed to unhealthy food marketing through different channels, potentially also the emerging ones as well. A significant challenge at policy level is finding regulations that apply to different media, so it is necessary to stress that policies ought to target as wide a range of media as possible.

- VI. **We applaud the guidelines reference to long-term political commitment** needed for address of the issue, including through sustained resources allocation for enforcement, continued monitoring for compliance and achievement of objectives. It is important to strengthen these points across all relevant ministries at all relevant governance levels.

### 1.3 Context and setting-specific issues that have not yet been captured

- The reference to the children rights as **human rights approach** is excellent, but as it is presented it misses one very essential consequence of this point. That is, if we demonstrate – as done by several scholars such as Professor Amandine Garde – that food advertisement infringes children’s basic human rights, then we have space to claim that we **must** act to regulate advertisement, and not that we just **should** act. This is not only a semantic difference, since ‘must’ implies an obligation that we cannot delay or forget, while the ‘should’ implies suggestions and advices that the food industry can delay, manufacture doubt about the strength of the evidence or do business as usual without facing legal consequences. Hence, text should exploit more the regulatory opportunity offered by the human rights approach, and it should also replace the ‘should’ with ‘must’ throughout the text.
- It is welcome to specify that little is known about the impact of food marketing via marketing channels other than television, but the text still misses a bit of an analysis on the new channels by which children are consuming advertisement, such as **vlogs, influencer social media accounts, ad-games, etc.** Document mentions this, but it does not seem to give it the needed priority compared to traditional media. The European Commission - DG Connect in particular - has been putting more and more attention to this issue recently, so also this document could delve a bit more into the issues caused by vloggers, influencers and similar media as they emerge. In addition, the issue of exploitation of the Artificial Intelligence in collecting children’s dietary choices, personalised advertising based on children’s unique emotional experience- should be reflected in the guidelines. These new techniques have been increasingly entering the advertising and marketing food and drink industry practice.
- We are pleased that document references to the opposition from certain actors – such as food industries – that mandatory measures via regulations are likely to face. Regulations that are needed to protect the public health and the public good will be opposed by the industries who have been profiting from deregulated markets precisely. Policy-making environment must embrace a very likely opposition to mandatory measures. If we are to implement more mandatory regulations, it is necessary to acknowledge that opposition

will be an inevitable part of the process. Ultimately, it is a matter of a precautionary principle and the strength of evidence at hand to prove the value of legislation.

- In regards to research gaps identified, we would be interested to see the effect in children on mental health of exposure to food marketing, compared to no marketing; addition of reference to sustainable diets and transition to sustainable food systems; as well as insufficient data on the effects of food marketing in children younger than 5.

## 1.4 Errors of fact or missing data

We are concerned that recommendation 2 is framed as a “*Conditional recommendation, very low certainty evidence*”. As mentioned by the document itself in other parts, there is sufficient support demonstrating the positive results of mandatory regulation and of other forms of protection from marketing. It would thus be a shame if we framed all these excellent recommendations with “very low evidence support”, since opponents would easily find a way to discard changes by mentioning that document acknowledges that we do not have support to implement mandatory regulation over unhealthy food advertisement. We do not recommend playing it in hands of those who have specialised in manufacturing and nurturing doubt about lack of or weak evidence for the benefits of regulating food marketing to children.

## 1.5 General comments

As a European not-for-profit partnership that includes organisations, institutes, and authorities working on public health, disease prevention, promoting health and wellbeing, and reducing inequalities, EuroHealthNet welcomes these guidelines and the systemic approach to food marketing on which this document is framed. We are part of an [informal alliance](#) of EU organisations advocating for an EU directive on unhealthy food marketing to children, and we believe that this document well fits our advocacy work, since it considers all major points connected to advertisement of unhealthy foods. Moreover, guidelines are set at the right level of specificity, since they are sufficiently general that can apply to different contexts, but at the same time they are not too theoretical that policy makers do not see how they could use them. For this reason, we will include these guidelines in our advocacy work on bringing health and equity at the centre of EU food policies.



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