



Response to a Commission Proposal for a Directive of the European Parliament and the Council amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (COM(2005) 646 final - 2005/01260(COD))

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Introduction

The European Heart Network (EHN) is a Brussels-based alliance of heart foundations and other concerned non-governmental organisations throughout Europe. EHN has members in 26 countries.

EHN plays a leading role in the prevention and reduction of cardiovascular disease through advocacy, networking and education so that it is no longer a major cause of premature death and disability throughout Europe. Cardiovascular disease is the number one killer in the European Union (EU) causing more than 1.9 million deaths every year. It is estimated that cardiovascular disease costs the EU 169 billion euros every year.

Article 152 in the Treaty states that a high level of human healthy protection shall be ensured in the definition and implementation of all Community policies and activities. More specifically, in the Council Conclusions on promoting Heart Health of June 2004, the Council invites the Commission to address the impact on public health of the promotion, marketing and presentation of foodstuffs.

EHN believes that the revision of the Television without Frontiers (TVWF) Directive presents an ideal opportunity to make a contribution to halting and reversing the epidemic of obesity and to prevent avoidable diet-related chronic diseases, such as cardiovascular diseases.

In a Europe-wide project on children and obesity and associated avoidable chronic diseases, part-funded by the Europe Commission, EHN undertook research on the extent and nature of marketing of unhealthy food to children in Europe. EHN's below comments mainly refer to aspects of audiovisual commercial communications.

1. Scope of the proposal

EHN supports the proposal to establish a basic tier of qualitative rules applicable to all commercial communications regardless of audiovisual media, i.e. linear (scheduled) and non-linear (on demand) delivery of audiovisual content.

2. Audiovisual Commercial Communications

It has been established that advertising has an impact on children's food and drink preferences, purchase behaviour and consumption at both brand level and category levels and is independent of other factors.¹ Among those concerned with public health, advertising of unhealthy food and drinks, i.e. foods and drinks that are high in fat, particularly saturated fat, salt or sugar and low in essential minerals, is considered as a significant contribution to poor dietary health, including childhood obesity.

In 2006, almost 22 million children in the EU are estimated to be overweight or obese (out of a total of 71.5 million children), rising by 1.2 million per year. Of these children, 5.1 million are obese, rising by 0.3 million per year. At present rates, by 2010, over 26 million children in the EU will be overweight or obese, rising by some 1.3 million children per year. Of the overweight children, 6.4 million will be obese, and that figure is rising by over 350 000 per year.²

It is estimated that in the European Union, obesity accounts for up to 7% of health care costs, and this amount will further increase given the rising obesity trends.³

Unhealthy diets as well as obesity are significant risk factors for cardiovascular diseases.

In the framework of a pan-European project on children, obesity and associated avoidable chronic diseases, coordinated by the EHN and co-funded by the European Commission, the extent and nature of food marketing of unhealthy food to children were assessed.⁴ The research showed that of TV advertisements for food aimed at children, 49% to nearly 100% were for unhealthy foods. The study also found that the majority of food advertising is spent on television advertising.

¹ Hastings, G., Stead, M., McDermott, L., Forsyth, A., MacKintosh, A.M., Rayner, M., Godfrey, C., Caraher, M. & Angus, K. (2003). *Review of the research on the effects of food promotion to children*. London: Food Standards Agency.

² Estimated burden of paediatric obesity and co-morbidities in Europe. Part 1. the Increase in the prevalence of child obesity in Europe is itself increasing; Rachel Jackson-Leach & Tim Lobstein, *International Journal of Paediatric Obesity*, 2006;1:26-32.

³ European commission Green Paper "Promoting healthy diets and physical activity: a European dimension for the prevention of overweight, obesity and chronic diseases" COM(2005) 637 final, Brussels, 2005

⁴ European Heart Network "The marketing of unhealthy food children in Europe" 2005 available on <http://www.ehnheart.org/content/listpublication.asp?level0=1456&level1=1552&level2=1556>

Considering the obesity epidemic that the EU is facing, especially among children, and acknowledging the contribution of advertising of unhealthy foods and drinks to this epidemic, EHN believes that children should be protected from audiovisual commercial communications of unhealthy foods and drinks.

EHN recommends that unhealthy foods and drinks are defined according to nutrient profiles agreed upon at EU level. To ensure a comprehensive protection of children, EHN also recommends that, as a proportionate measure, audiovisual commercial communications for foods and drinks that do not respect specific nutrient profiles may not be broadcast between 06:00 am and 09:00 pm.

3. Product placement

EHN recognises that product placement is allowed to a limited extent in the interpretation of the current TVWF – namely for the purpose of identifying the sponsor - but otherwise it is not authorised due to the principles of identification and separation.

EHN expresses concern about the Commission proposal abandoning the principle of separation and allowing, in general, the use of product placements as a legitimate commercial communication.

Exempted from the general rule are news and current affairs programmes as well as audiovisual media services for children and documentaries. These may not contain product placement. EHN supports the measure that prohibits product placement in audiovisual media services for children but notes that neither ‘audiovisual media services for children’ nor ‘children’s programmes’ are defined in the Commission proposal.

EHN recommends to define audiovisual media services for children and children’s programmes as services and programmes that are likely to be viewed by children, i.e. not just services and programmes that proclaim to be aimed directly at children. EHN recommends that the use of product placement in audiovisual media services that are broadcast between 06:00 am and 09:00 pm should not be allowed.