Marketing to Children Ban: lessons learned from Quebec’s experience

Suzie Pellerin, director
Quebec Coalition on Weight-Related Problems
Quebec Coalition on Weight-Related Problems

- Created in 2006

- Sponsored since 2008 by

- A solid partnership (organisations and individuals)
  - Close to 250 partners from:
    - Municipalities
    - Health professionals
    - Researchers
    - School districts
    - Environment professionals
    - Physical activity professionnals
    - Etc.
Quebec Coalition on Weight-Related Problems

**Mandate:**

- Obtain the **required support**
- To **make demands** for changing legislation and regulations and public policy in three strategic areas:
  - Agri-food industry
  - Sociocultural
  - Built environment
- In order to **encourage the development of** environments that help in making healthy choices and will contribute to **preventing weight related issues.**
Obesity in Canada: a major issue for health, wellness and economic

- **Obesity**
  - has reached *epidemic proportion* and continue to increase
    - 60% of adults are overweight (23% are obese)
    - In Quebec, more than 1 out of 5 children, 2-17 years old, are overweight
    - By 2040 approximately 70% of Canadians 40 y.o. or older will be overweight
  - is related to many *chronic health problems*
    - Hypertension, heart disease, certain cancers, mental illness, type 2 diabetes
  - costs between **4.3 billion $ and 30 billion $ a year** to Canadian taxpayers

Marketing to Children

Feb 2013
Why the Obesity Epidemic?

According to World Health Organization: Important contributing factor is “heavy marketing practices of energy-dense, micronutrient-poor foods”

- Focus of its global strategy for the prevention of chronic illnesses in 2008-2009
- Recommendations guiding efforts of Member States in regulating commercial communication about foods aimed at children
Marketing is More than Advertising

- Sponsorship
- Product placement
- Sales promotion
- Cross-promotions using celebrities, brand mascots or characters popular with children
- Websites
- Packaging
- Labelling and point-of-purchase displays
- E-mails and text messages
- Philanthropic activities tied to branding opportunities
- Viral marketing
Toys and characters
In-store marketing
Packaging

Marketing to Children
Special events

Guinness World Record Breaking Event
SEE IT LIVE
Tuesday, May 10th
12:00 noon
Yonge-Dundas Square

Celebrate the DQ Cake’s 30th Birthday with FREE Cake!

In partnership with Oreo

Donations will be accepted for SickKids

Guinness World Records

Marketing to Children
Web sites
Banning Advertising Directed at Children

QUEBEC

SWEDEN

NORWAY

OMBUDSMAN
Quebec’s Consumer Protection Act

**Article 248**
- Subject to what is provided in the regulations, no person may make use of commercial advertising directed at persons under thirteen years of age.

**Article 249**
- To determine whether or not an advertisement is directed at persons under thirteen years of age, account must be taken of the context of its presentation, and in particular of:
  a) the nature and intended purpose of the goods advertised;
  b) the manner of presenting such advertisement;
  c) the time and place it is shown.

L.R.Q., chapitre P-40.1, 1978, c. 9, a. 248-249
Marketing to Children Ban is Effective

- Children affected by the marketing ban consume less sugary sweet cereals (Goldberg, 1990)
- French speaking families in Quebec eat 13% less often in a fastfood restaurants (Dhar & Baylis, 2011)
- Positive impact of the ban persist in adulthood (Dhar & Baylis, 2011)
Guilty pleas from Saputo and P2P

Saputo (01/2009)
• Promotion campaign of muffins in 231 daycare centers in 2007
• Guilty plea on 22 of 30 counts
  • Fine of 44 000$

P2P Publicity Promotion (04/2009)
• Campaign
• Guilty plea on 8 counts
  • Fine of 16 000$
Guilty plea from General Mills

General Mills (02/2009)
- Website which contained advertising, games and animated cartoons
- Invitation on boxes to visit the Lucky Charm’s website
- Guilty on 1 count
  - Fine of 2000$
Guilty plea from Burger King

Burger King (05/2009)
• Advertising messages accompanying toy figurines given with children meals
• Guilty on 6 counts
• Fine of 12000$
Guilty plea from McDonald

McDonald (07/2009)
- TV advertising of Chicken McNuggets during Ciné-Cadeau program
- Guilty on 6 counts
  - Fine of 12000$
Guilty plea from Maple Leaf Foods

Maple Leaf (06/2012)
• TV advertising on Teletoon
• Guilty on 5 counts
  • Fine of 10000$
More complaints

• McDonald’s (TV advertising)
• Pizza Hut (TV advertising)
• Coca-Cola (product placements in children movie & video games)
• Monster (Shrine Circus’ sponsorship)
More complaints

• **Red Bull** (Web advertising, advergames & product placements in children movie)
Application guide

Exclusions: Application of the CPA

- Showcase
- Containers
- Labels
- Magazines for children
- Displays
- Packaging
- Show advertising

Public Policy Option Recommendations for Quebec

- Regulations taking into consideration ALL new technologies and marketing tactics
  - The new guide of application clearly recognizes more marketing tactics: web sites, e-mails and text messages, sponsorship
  - But not ALL of them: product placement, sales promotion, cross-promotions using celebrities, brand mascots or characters popular with children, packaging, labelling and point-of-purchase displays, philanthropic activities tied to branding opportunities, “viral marketing”, etc.¹

- Regulatory framework accounting for viewing habits

- Surveillance resources
Quebec vs Canada

Froot Loops’ website access in Québec

Children from 6 to 12 y.o.

« Désolé, nous ne pouvons pas te laisser entrer en raison de ton âge. »

www.frootloops.ca

Froot Loops’ website access in other provinces and territories

Children from 6 to 12 y.o.

Full access to games

www.frootloops.ca
Marketing to Children Ban: a Necessary Step for Canada

Federal Legislative Changes

Scenario 1: Overall Ban
- Amendments to two laws
  - Food and Drugs Act
  - Competition Act
- Simple in its application
- Encompassing
- Quebec experience
- Equitable across industries

Scenario 2: Partial Ban
- Amendments to one law
  - Food and Drugs Act
- Laborious process of defining
- More specific
Scenario 2: Partial Ban

Defining healthy and unhealthy foods

- Scenario 2 implies the adoption of clear, working definitions of food categories
- Complex endeavour arousing boisterous debates
- Many countries have such definitions
- Why?
  - Limiting exposure of certain ads
  - Enrichment and fortification
  - Labeling and health allegations
  - Food reformulation
  - Overseeing distribution in public places
Provincial Legislative Changes

Example for a marketing ban in BC

- **Business Practices and Consumer Protection Act**
  - Need to add following paragraph to *Section 6 (1)*, part 2

Subject to what is provided in the regulations, no person may make use of commercial advertising directed at persons under thirteen years of age.

To determine whether or not an advertisement is directed at persons under thirteen years of age, account must be taken of the context of its presentation, and in particular of:

(a) the nature and intended purpose of the goods advertised;

(b) the manner of presenting such advertisement;

(c) the time and place it is shown.

The fact that such advertisement may be contained in printed matter intended for persons thirteen years of age and over or intended both for persons under thirteen years of age and for persons thirteen years of age and over, or that it may be broadcast during air time intended for persons thirteen years of age and over or intended both for persons under thirteen years of age and for persons thirteen years of age and over does not create a presumption that it is not directed at persons under thirteen years of age.
Thank you! Questions?

Contact:

- Web site: cqpp.qc.ca | Email: info@cqpp.qc.ca
- Facebook.com/CoalitionPoids
- @CoalitionPoids
- Youtube.com/CoalitionPoids
References

Statistics Canada, Canadian Community Health Survey, cycle 2.2, 2004


# Scope of the Law: Audience Composition

<table>
<thead>
<tr>
<th>Nature of the product:</th>
<th>without any appeal for children</th>
<th>with a distinctive appeal for children</th>
<th>exclusively directed at children</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DEFINITIONS:</strong></td>
<td>Products directed at adults and teenagers</td>
<td>Products directed at families/all age groups</td>
<td>Products directed at children and offering a distinctive appeal for them</td>
</tr>
<tr>
<td><strong>TV time and place:</strong></td>
<td><strong>AUTHORIZED IF</strong>&lt;br&gt; If presentation not likely to be interesting for children</td>
<td><strong>NOT AUTHORIZED</strong>&lt;br&gt; Except if presentation not likely to be interesting for children</td>
<td><strong>NOT AUTHORIZED</strong></td>
</tr>
<tr>
<td>Program for children (audience composed of <strong>over 15% of children</strong>)</td>
<td><strong>AUTHORIZED IF</strong>&lt;br&gt; If presentation not likely to be interesting for children</td>
<td><strong>NOT AUTHORIZED</strong>&lt;br&gt; Except if presentation not likely to be interesting for children</td>
<td><strong>NOT AUTHORIZED</strong></td>
</tr>
<tr>
<td>Program with an audience composed of 5% to 15% of children</td>
<td><strong>AUTHORIZED IF</strong>&lt;br&gt; If presentation not likely to be interesting for children</td>
<td><strong>AUTHORIZED IF</strong>&lt;br&gt; If presentation not likely to be interesting for children</td>
<td><strong>AUTHORIZED IF</strong>&lt;br&gt; If presentation not likely to be interesting for children</td>
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<tr>
<td>Program with an audience composed of less than 5% of children</td>
<td></td>
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</tbody>
</table>
## Scope of the Law: Listening Periods

### Tableau 5-3

<table>
<thead>
<tr>
<th></th>
<th>Selon le Guide</th>
<th>En 2008</th>
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</thead>
<tbody>
<tr>
<td><strong>Semaine</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 h à 8 h 30</td>
<td>Bonne écoute</td>
<td></td>
</tr>
<tr>
<td>9 h à 10 h 30</td>
<td>Peu d'écoute</td>
<td></td>
</tr>
<tr>
<td>11 h à 12 h 30</td>
<td>Peu d'écoute</td>
<td></td>
</tr>
<tr>
<td>16 h à 18 h</td>
<td>Dès 15 h 30 (après l'école) mais jusqu'à 20 h et même 21 h le vendredi</td>
<td></td>
</tr>
<tr>
<td><strong>Samedi</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 h à 13 h</td>
<td>Bonne écoute</td>
<td></td>
</tr>
<tr>
<td>14 h à 16 h 30</td>
<td>Bonne écoute</td>
<td></td>
</tr>
<tr>
<td>17 h à 18 h</td>
<td>Bonne écoute mais prolongée jusqu'à au moins 22 h</td>
<td></td>
</tr>
<tr>
<td><strong>Dimanche</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 h à 10 h</td>
<td>Bonne écoute</td>
<td></td>
</tr>
<tr>
<td>17 h à 17 h 30</td>
<td>Bonne écoute</td>
<td></td>
</tr>
<tr>
<td>18 h 30 à 19 h</td>
<td>Bonne écoute mais prolongée jusqu'à 20 h et même 21 h. Toutefois, malgré qu'il y ait plusieurs milliers d'enfants devant l'écran les dimanches soir, l'auditoire adulte atteint les deux millions, ce qui relativise (à la baisse) l'importance de l'auditoire-enfant.</td>
<td></td>
</tr>
</tbody>
</table>