

**Ofcom: Product Placement
A consultation on issues related to product placement
March 2006**

Consultation response from the National Heart Forum

General remarks

In the UK, as elsewhere in the world, there is widespread concern about the increasing prevalence of diet-related ill health, including overweight and obesity among children. Around one in five boys and one in four girls in England are overweight or obese¹. There is a significant likelihood that some will have multiple risk factors for cardiovascular diseases, type 2 diabetes and other co-morbidities before or during early adulthood.

Advertising and promotions, in various forms, have an impact on children's food preferences, purchase behaviour and consumption at both brand and category levels and these effects are independent of other factors².

This consultation comes at a time of acute concern among parents, health professionals, parliamentarians and ministers about the commercial environment where intense advertising for energy-dense and nutrient-poor foods is targeted to children via increasingly sophisticated and accessible communications, effortlessly circumventing parental controls.

This consultation also coincides with Ofcom's delayed review of codes governing the advertising of foods to children.

From a public health point of view, we believe that there can be no justification for abandoning restrictions on product placement when public and professional expectations, for the reasons given, are that children should be subject to less, not more promotions for unhealthy foods.

The NHF restricts its response to those questions which are relevant to its position on children and food advertising.

Question 1. Is the total prohibition on product placement no longer proportionate to the potential detriment it seeks to prevent?

No. The NHF strongly disagrees that a total ban on product placement is no longer proportionate to the potential detriment it seeks to prevent. To do away with this prohibition would abandon the long-held principle of separation between advertising and programme content. This principle protects both viewers/listeners from being confused or misled, and broadcasters from doubts about the editorial independence of programming.

Product placement is a form of advertising and proposals to allow it during programming will effectively *increase* the amount of promotional messaging communicated to viewers/listeners over and above current levels created by spot advertising and sponsorship. Efforts by the government and Ofcom to curb the marketing of unhealthy

foods to children should not be needlessly undermined by permitting surreptitious advertising within programme content.

Ofcom's research does not appear to justify such a step on grounds of likely revenue generation for broadcasters – which it predicts would be 'relatively modest'. Nor can it be justified to viewers/listeners; over 90% of those taking part in consumer research were wary or strongly disapproving of more prominent, noticeable product placement.

Question 2. Do stakeholders agree that product placement should not be permitted in:

- a) news
- b) current affairs
- c) children's programmes?

The NHF advocates restricting the advertising and promotion of foods high in fat, sugar and salt (HFSS) to children, and we await the long-overdue publication of Ofcom's proposals for a review of current broadcast advertising codes.

We believe that restrictions on advertising of HFSS products are justified for all children and young people and to achieve this we recommend that restrictions should not be narrowly applied to children's programmes but to all programmes which children watch. Analysis of viewing data clearly demonstrates that the largest numbers of 4-15 year olds are watching television during peak time, not during children's programming. In our view, a restriction on all HFSS advertising before the 9pm watershed would be effective and in line with existing parental expectations.

Product placement, if it were permitted, would add to children's exposure to advertising and promotions for HFSS products. Simply excluding children's programmes, for the reasons given above, would not offer an adequate protection from such promotional influence. **Product placement should not be permitted in any programmes likely to be viewed by children.**

Question 5. Do stakeholders agree with Ofcom's provisional view that the use of product placement in programmes should be:

- a) clearly identified; and
- b) clearly identified at the start of any programme in which it is contained?

Respondents to Ofcom's research clearly indicated concerns about 'being sold to by stealth' and the importance of transparent disclosure of commercial arrangements affecting programmes.

However, while product placement without notification is unacceptable, it is not clear how an appropriate level of transparency can be achieved without totally undermining the integrity of programming.

Notification confined to the start of a programme would be inadequate since many viewers dip in and out of programmes and may miss the opening credits. The only way to ensure full transparency would be to have the notification on screen throughout the programme, although naturally this would be considered by viewers to be intrusive and inappropriate. Any notification that was sufficiently prominent so as not to be missed is

also going to serve as a secondary (unpaid for) promotional message for the product or brand.

We have particular concerns with respect to children and do not regard notification as a relevant safeguard where children are concerned. We do not believe that it can be assumed that identification of product placement will offset or diminish the promotional effect of product placement to young viewers. For this, and the reasons outlined in question 2, we recommend that product placement should not be permitted in any programmes likely to be viewed by children.

Question 7.

- a) ***Is it sufficient to rely on the editorial responsibility of broadcasters to regulate the potential excesses of product placement?***
- b) ***Do stakeholders believe that Ofcom should, initially at least, apply regulatory constraints to the way in which product placement appears in programmes eg. Prohibiting scripted references to attributes of products, limiting the length of time products, logos, brand names can appear?***

No, we do not believe that it would be sufficient to rely on the editorial responsibility of broadcasters to regulate the potential excesses of product placement. Broadcasters, as potential beneficiaries of revenues from product placement, would have a conflict of interests in policing its use. This would not meet best practice guidelines for self-regulation.

Product placement is a form of advertising and, as with all forms of advertising, there is a need for a clear regulatory framework – including pre-clearance – and clear guidance on its use in practice. Without some clarity about how product placement should be independently monitored and regulated it seems extremely premature to suggest its liberalisation.

Question 10. Are there additional products not currently prohibited from advertising that should be excluded from use in product placement eg. Over the counter medicines?

We hope that Ofcom will take a robust and consistent approach in its forthcoming review of advertising codes to restrict advertising and promotion of HFSS foods to children. Ofcom should ensure that any public health gains achieved by controls on spot advertising and sponsorship are not diluted by leaving the door open for the tactical positioning of fast food, soft drinks and chocolate bars in programmes viewed by children. **If product placement were to be permitted it is essential that Ofcom ensure that it is properly, independently regulated and that that the rules do not conflict with, or weaken current or future controls on advertising.**

Question 13. Should any deregulation of product placement apply as appropriate to radio broadcasting?

We consider that advertising regulations should be consistently applied between media, including radio.

About the National Heart Forum

The National Heart Forum (NHF) is the alliance of 50 organisations working to reduce the risk of coronary heart disease in the UK. Member organisations represent the medical and health services, professional bodies, consumer groups and voluntary organisations. Members also include many individual experts in cardiovascular research. Government departments have observer status.

The views expressed in this submission do not necessarily reflect the opinions of individual members of the alliance.

Submitted by Jane Landon on behalf of:
National Heart Forum
Tavistock House South
Tavistock Square
London
WC1H 9LG

JL/children&adv/Ofcom/PP.8180

¹ Department of Health. The overweight and obesity prevalence for children, 2001-2002. The Health of Children and Young People. The Stationery Office.

² Hastings et al. 2003. Does food promotion influence children? A systematic review. Food Standards Agency.