



**Submission by  
Free TV Australia**

Australian National Preventative Health  
Agency

*Draft frameworks for monitoring television  
marketing and advertising to children of  
unhealthy food and drinks*

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## **Introduction**

Free TV Australia (Free TV) represents all of Australia's commercial free-to-air television broadcasters. At no cost to the public, our members provide nine channels of content across a broad range of genres, as well as rich online and mobile offerings. The value of commercial free-to-air television to the Australian public remains high. On any given day, free-to-air television is watched by more than 14 million Australians.

While we appreciate the opportunity to provide feedback, Free TV has a number of serious concerns regarding the *Issues Paper on Draft Frameworks for monitoring television marketing and advertising to children of unhealthy food and drinks* (Issues Paper).

In particular, the focus on television to the exclusion of all other platforms is inappropriate. Commercial free-to-air television broadcasters are already subject to the highest level of regulation of any media platform in relation to the marketing of food and drink to children. The focus on television also does not accurately reflect the media consumption habits of children.

There are a number of issues in the framework itself that are also problematic.

The Australian National Preventative Health Agency (ANPHA) must broaden the scope of its work on exposure of food and drink marketing to include all media consumed by children – not just focus on television.

The proposal to monitor all G classified programming and time periods across all channels based on the maximum child audience rating is fundamentally flawed.



## **Focus on television is inappropriate**

### *Any monitoring should be platform neutral*

If it is considered necessary to monitor the effectiveness of the Responsible Children's Marketing Initiative (RCMI) and the Quick Service Restaurant Initiative (QSRI), the relevant framework should apply across all platforms. The RCMI and QSRI are technology-neutral and apply equally to all marketing and communications, including on radio, print, cinema and third-party internet sites. Focusing on one platform will not provide an accurate measure of the effectiveness of these initiatives.

The RCMI and QSRI apply to print and online advertising and these mediums are not subject to any other forms of regulation or restriction (unlike commercial free-to-air television). Failing to monitor across the board will not provide an accurate picture of the effectiveness of the RCMI or QSRI.

When measuring exposure of children to food and drink marketing more generally, it is important to consider the additional medium of outdoor advertising - for example, the advertising that occurs on school buses and bus shelters. The QSRI encompasses this form of advertising.

### *Children are watching less television*

Children and young people between the ages of 5 and 17 are watching less commercial free-to-air television than ever, and they make up only a small proportion of Free TV's overall audience. In 2013, less than 16% of all children aged between 5 and 15 are watching television at any time between 6 am and 9 pm.<sup>1</sup>

- Only 4.8 per cent of children aged 5-12 and 5.7 per cent of children aged 13-17 watch commercial free to air television on any given day<sup>2</sup>.
- Average child audiences from 2011 – 2012 have declined by 3 per cent for children aged 5-12 and 5.4 per cent for children 13-17<sup>3</sup>.

Of the children watching TV in the evening, at least half are co-viewing with an adult in the room<sup>4</sup>.

It is also important to note that media consumption and usage patterns have evolved rapidly in recent times, particularly among young people. Content can now be accessed over a range of platforms and devices which are not subject to the kinds of regulations and restrictions that apply to Free TV broadcasters. A single device (such as a connected TV) can be used to view substantially similar content that is subject to very different levels of advertising regulation.

Young people are driving the use of these emerging technologies in the new media environment. Nielsen reports that for people aged 5-12, 35% of their total TV screen time for 2012 was dedicated to playback or "other screen usage" (such as non-

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<sup>1</sup> Source: OzTAM, 5 city metro, consolidated data for weeks 1-18 2013, commercial free-to-air TV, children 0-4 and 5-15, average audience as a percentage by hour (6am – 9pm)

<sup>2</sup> OzTAM, 5 city metro, 01 Jan - 31 Dec 2012, 6am - midnight, children 5-12 and 13-17, average audience

<sup>3</sup> OzTAM, 5 city metro, consolidated data for 01 Jan – 31 Dec 2012 v 2011, 2am – 2am, average audiences

<sup>4</sup> OzTAM, 5 city metro, live data for 01 Jan - 31 Dec 2012, 830pm - midnight, children 5-12 and 13-17, co-viewing with an adult 18+



broadcast activities (gaming), online activity on the TV screen or playback beyond 7-days). For aged 13-17, this figure is over 40%.

This is around double that of people 40-54 (21%).<sup>5</sup> The same report notes that approximately 20% of all homes now have internet-enabled televisions.<sup>6</sup> These new technologies are not regulated in the same way as commercial free-to-air television.

The table below from the same Nielsen report shows the penetration of various technologies and demonstrates the rapid rate that of growth in these new content delivery platforms.<sup>7</sup>

TABLE 1: TECHNOLOGY PENETRATION

	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012
Digital terrestrial television (DTT): Penetration within TV households	95%	96%	97%	97%	98%
Completely DTT: Penetration within TV households (Homes capable of receiving DTT on each working TV within the home)	70%	74%	77%	79%	81%
Personal video recorder (PVR): Penetration within TV households	44%	47%	49%	50%	52%
Internet Connection: Household penetration	77%	78%	78%	78%	79%
Tablets: Household penetration	N.A.	15%	19%	22%	27%
Internet Connected TV in Home	N.A.	15%	16%	18%	20%
Smartphones: People 16+	45%	48%	52%	56%	59%

*Commercial free-to-air television is already heavily regulated*

Free TV members are already subject to extensive and enforceable regulations concerning advertising and marketing to children. Many of these restrictions have been adopted as part of the RCMI and QSRI.

**Children’s Television Standards**

A number of restrictions are specified in the Children’s Television Standards (CTS). These apply to all programs which are classified P and C.

No advertising of any kind is allowed in a P program.

In a C program, a number of restrictions apply to advertising to children, including in relation to the presentation of premiums (whether or not they are associated with

<sup>5</sup> Source: Nielsen (2012) *Australian Multi-screen report Q4 2012*, 28 February 2013: <http://www.nielsen.com/au/en/news-insights/press-room/2013/australia-multi-screen-report-q4-2012.html>; pp 3

<sup>6</sup> Ibid. pp 9

<sup>7</sup> Ibid. pp 9



food), the use of popular characters to promote or endorse products and the amount and repetition of advertising.

### **Commercial Television Industry Code of Practice**

Under the Commercial Television Industry Code of Practice (Code), all advertisements that are directed to children for food and beverages:

- Should not encourage or promote an inactive lifestyle
- Should not encourage or promote unhealthy eating or drinking habits (such as excessive consumption of food); and
- Can not contain any misleading or incorrect information about the nutritional value of a product.

Advertisements directed to children for any product:

- Cannot put undue pressure on children, either by encouraging them to ask parents to purchase something, or suggest that the owner of an item is superior to their peers;
- Must not mislead or deceive children;
- Must accurately represent the product or service;
- Must be unambiguous and clear, including about size, inclusions, accessories;
- Must give accurate price information and not minimise prices in any way;
- Cannot advertise a premium except incidentally, and clearly state conditions and nature of product or service; and
- Must clearly set out rules of a competition.

The Code also states that television advertisers are expected to comply with the AANA Code of Ethics and Code for Advertising and Marketing Communications to Children.

#### *Summary*

Television advertising directed to children is already heavily regulated. It is therefore unreasonable and inappropriate to continue to focus on commercial free-to-air television as an area requiring further monitoring and regulation, especially when the numbers of children viewing are in decline.

Any monitoring of children's exposure to advertising (whether generally or in relation to the effectiveness of the RCMI and QSRI) must encompass all relevant media platforms.

### **Comments on proposed frameworks**

#### *Not all G-rated programs are for children*

Proposed framework 1 recommends monitoring all G-rated programs. There are many programs classified G which are not directed to, or intended for children, even though the content is mild in impact.

Including all G programming is not a reasonable monitoring point because it will capture advertising during programs that are clearly directed to adults and have little to no child appeal. Programs such as *Huey's Kitchen* (Ten), *Homes under the Hammer* (7TWO) or *Hot Seat* (Nine) are all rated G, yet these are clearly not directed



to children and consequently will contain advertising and marketing communications that are intended for adults.

Any inclusion of G-rated programming in the general monitoring framework must also be limited by some other factor, such as being a program that is directed to children, or that children comprise at least 35% of the total audience for the program.

*35% maximum child audience rating for the day*

Framework 1 also recommends monitoring all time periods where the number of children watching television across *all* channels (including ABC2 and ABC3) is greater than 35% of the maximum child audience rating for the day.

This metric is inappropriate for a number of reasons.

Firstly, it will not present a realistic picture of children's exposure to advertising generally. As noted above, at any given time of day, 85% of all children are not watching commercial free-to-air television.

Secondly, if the measure of 35% includes channels ABC2 and ABC3 (which make up the vast majority of children's viewing and have no advertisements) then the data will also present an inaccurate picture, because it will capture all advertising occurring on the commercial free-to-air channels, even when the majority of children watching are tuned to ABC2 and ABC3. There is no rationale for including ABC2 and ABC3 which are publicly-funded, advertisement free channels for children. Including these channels significantly expands the scope of time periods to be monitored, providing a misleading snapshot of child viewers' exposure to advertising.

Thirdly, measuring by timeslot assumes each channel's programming in that period is similarly directed to or popular with child viewers, which is incorrect.

Finally, monitoring time periods where the number of children watching television across all channels is greater than 35% of the maximum child audience rating for the day will not provide any relevant data. This is not just because the ABC is included in the calculation (and children watching ABC will be exposed to no ads), but also because it is a metric against the maximum child audience rating for that day, so it does not factor in the overall decline in child audiences for TV. The monitoring periods will remain static even though the actual number of children watching television will fall.

The measure is unnecessarily complex and arbitrary, nor does it reflect how advertising is planned or consumed.

To the extent monitoring must occur, it should be based on a program that is directed to children, or that children comprise at least 35% of the total audience for the program.

*"Significantly high" in analysis list is not defined*

A number of the suggested indicators in Framework 1 suggest analysis lists for "*programs that have a significantly high child audience*". This term is not defined and could lead to inconsistency among findings. Free TV suggests that it be made clear that "*programs that have a significantly high child audience*" means programs where at least 35% of the total audience is made up of children aged 14 or under.