



ANOTHER WAVE OF PATERNALISM IN THE EU: JUNK FOOD MARKETING RESTRICTIONS

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Executive Summary

Recently, a trend towards more food and marketing restrictions on the European Union and member state level to fight child obesity has come to the fore. However, paternalism as a means to address this pressing problem has not proved to be successful, and European policymakers should look beyond populist solutions. This policy note provides a set of arguments as to why advertising and marketing restrictions do not work.

Note: For this paper, junk food is defined as foods high in fat, salt, and sugar (HFSS). Member states are responsible for the definition of their health policy, and there is no common EU definition of what is deemed unhealthy food.



BACKGROUND

On April 14th, 2021, Members of the European Parliament debated the possibility of introducing EU-wide rules to restrict junk food ads targeting children. The push in the Internal Market and Consumer Protection Committee (IMCO) came during the vote on the Farm to Fork strategy intended to make the EU's agriculture greener. Although, in the end, an amendment calling for binding rules for junk food ads aimed at children was rejected, the MEPs agreed that the existing rules need to be revised.

Few days before the vote, on April 12th, Germany [pushed the self-regulating body of the ad industry to tighten its rules](#) in regards to junk food advertising. The new self-regulation is greater in scope than existing EU-wide requirements and applies to all channels: television, online platforms, or social media, and the age limit of the target group has been raised to 14 years old.

The idea is hardly new. In 2016, a set of European health organisations called for a ban on TV adverts for alcohol or food high in fat, salt, and sugar between 6 am and 11 pm as well as product placement of said products. The “What about our

kids?” campaign, [led by](#) Romanian MEP Daciana Octavia Sârbu and organised by 10 European health organisations, called for a change of the Audio-Visual Media Services Directive (AVMSD) to impose a watershed on junk food advertising at a time when the directive was undergoing a review.

The then-EU Commissioner for Health and Consumer Affairs Markos Kyprianou emphasised that obesity was on the rise in Europe, and there was a need for advertising bans. In order to tackle the problem, the Commissioner [warned](#) junk food companies that unless they agree to voluntarily reduce advertising to children and ensure clear labelling of their products, the EU would introduce the necessary regulation.

To effectively reduce the exposure of children to junk food, Article 9.4 of the updated in 2018 [Audiovisual Media Services Directive 2010/13/EU](#) encourages the use of co-regulation and the fostering of self-regulation through codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in children's programmes, for foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular fat, trans-fatty acids, salt or

sodium and sugars, of which excessive intakes in the overall diet are not recommended.

The EU Action Plan on Childhood Obesity 2014-2020 [developed by](#) the EU Member States recognised that tools to restrict marketing and advertising to children and young people should go beyond TV and include all marketing elements as well as in-store environments, promotional actions, internet presence and social media.

However, Germany's modified rules of conduct are wider in scope and aim to integrate all online channels that can have an impact on children's nutrition choices. Crucially, Germany's shift towards more paternalism will likely have implications across the Union, and there is every reason to expect other member states to follow. The UK, on the other hand, recently [dropped](#) its plans for an online junk food ad ban, and, using evidence at hand, the EU can avoid making this costly mistake.

ADVERTISING BANS DON'T WORK

While being initially targeted at children, ad bans will also hurt adult consumers and unjustifiably nanny them even further. In order to see whether there is merit in banning advertisements as means of fighting obesity, we need to first understand whether advertising can indeed make consumers buy what they don't want to buy, unhealthy foods in this case, and second, whether advertising bans work at all.

The link between advertising — in particular TV ads — and childhood

obesity is weak and most of the current conclusions are based on studies from decades ago. One such example is a trial conducted in Quebec over 40 years ago. As part of the study, five- to eight-year-old children who were staying at a low-income summer camp in Quebec underwent a two-week exposure to televised food and beverage messages. It was found that children who viewed candy commercials picked significantly more candy over fruit as snacks (Gorn & Goldberg, 1982).

Although there appears to be an established non-directional link between childhood obesity and television, and a plausible link with food ads, the actual effect size is insufficient to justify ad bans (Carter, 2006). The effect of advertising cannot be considered in isolation from multiple other co-variables, such as genetics, energy expenditure, parental style, and availability of the advertised product (Carter, 2006).

In essence, advertising bans aim to divert consumers away from certain habits or nutrition choices. If it was possible to reduce obesity with the help of advertising bans, the success of such a strategy would be also visible in regards to alcohol. One study looked at bans on broadcast advertising in seventeen OECD countries for the years 1975-2000, concerning per capita alcohol consumption. It was found that a complete ban of broadcast advertising of all beverages does not affect consumption relative to countries that do not ban broadcast advertising (Nelson, 2006).

Public health advocates base their interventionist policy recommendations on the assumption that advertising exists to persuade consumers to buy specific products. Companies do compete for consumers' attention with the help of advertising and marketing, but they do

so in order to change brand preferences within mature markets so that Brand A is preferred over Brand B (Capela et al., 2008). In short, the goal of marketing is to make a Snickers chocolate bar seem like a better choice than a Cadbury without increasing demand for chocolate per se. The key issue, then, isn't advertising but unhealthy food choices in the first place.

Advertising and marketing bans reduce the issue of obesity only to sugar consumption while obesity is also a matter of physical inactivity (Pietilainen et al., 2008). According to a report published by the European Commission and the WHO in 2018, only 19% of 11-13-year olds in Germany [were](#) physically active. The situation is disastrous, and by opting for junk food ad bans, the German government will simply regulate in the wrong direction.

WHAT CAN BE DONE?

Childrens' choices are heavily dependent on the environment where they grow up and behaviours that are treated as acceptable. Parents who don't lead healthy lifestyles will likely make it seem like exercising and eating vegetables is less rewarding than lying on a couch all day long and drinking soda. The same applies to children's peers whose behaviours are also affected by their parents' attitudes. In order to tackle obesity, we need to fundamentally change the societal narrative of what is healthy and what is not, and futile attempts to solve the problem through bans are not an effective way forward. In the UK case, evidence has suggested that a ban would have only decreased nutrition by slightly more than 1000 calories per year per child, but have a big impact on businesses and consumers.

According to Dr Joseph Galati, a liver disease specialist in the US, parents who serve their children fast food and don't prepare home-cooked meals are fostering bad health that can last a lifetime. He also adds that the problems [start](#) early: a child who is obese at age 2 has a 50 per cent chance of being obese as an adult.

Family meals have proven to be effective in boosting children's health and wellbeing. A 2014 study published in the Journal of Pediatrics concludes that having family meals as an adolescent is protective for young adults who are overweight and obese 10 years later. This might be the case because family meals are often healthier and that they are a way for parents to display healthy eating behaviour (Berge et al., 2015).

Integrating home economics into the school curriculum is also instrumental in fighting obesity. A 2010 [article](#) in the Journal of the American Medical Association argues that an informed generation of children may also influence the eating habits of families through role modelling. Healthy eating habits would then be passed through generations. Education in food preparation would be integrated into existing coursework such as maths or science, and aim to educate students about food preparation, nutrition, and effects of food on well-being and risk for chronic disease.

Amsterdam provides a great example of how to shape behaviours by investing in a positive lifestyle and education. The city's programme [covers](#) a child's environment, including their home life, neighbourhood, and community, school, and daycare settings. Between 2012 and 2015 the percentage of children who were overweight fell from 21% to 18.5%, resulting in a 12% drop in the total number of overweight children.

Overall, ad bans would target consumption of junk food but it is the exercise that many children lack. Advertising bans haven't proved to be successful in reducing obesity rates, and putting in place such an expensive policy will do no good. The impact of similar bans hasn't been decisive anywhere in the world mainly due to the failure of trials to establish a direct link between food and lifestyle choices and consumption. However, what we do know — and what is mainly common sense — is that parents are responsible for their kids' health not only while they are underage but also in terms of showing the example of behaviour those can adopt later in life.

POLICY RECOMMENDATIONS

- Encourage parental responsibility; promote family meals and home economics
- Stress the role of physical activity in fighting obesity
- Abstain from introducing ad and marketing bans on the EU and member state level

CONCLUSION

Instead of resorting to advertising and marketing bans, the EU should also focus on educating children about junk food consumption, and generally about health to ensure they can make informed and responsible consumer decisions. It is an exercise that many people are lacking, and we should educate consumers about this fact. In particular, education should draw the attention of consumers to junk food so that consumers don't make these consumption choices by inertia but take time to balance out the present and future costs and benefits.

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