

National Institute for Health and Clinical Excellence

PUBLIC HEALTH PROGRAMME GUIDANCE – CARDIOVASCULAR DISEASE

Consultation on the Draft Guidance from
Wednesday 14th October – 16th November
Comments on the Draft Scope to be submitted
no later than 5pm on Monday 16th November 2009

Stakeholder Comments

Please use this form for submitting your comments to the Institute.

1. Please put each new comment in a new row.
2. Please insert the **section number** in the 1st column. If your comment relates to the document as a whole, please put '**general**' in this column

Organisation:	Advertising Association
Section number Indicate section number or ' general ' if your comment relates to the whole document	Comments Please insert each new comment in a new row.
General	The Advertising Association represents all sides of the advertising industry, including advertisers, advertising agencies, and the media. The recommendations on marketing go well beyond, and should fall outside, the scope of NICE's public health guidance, which has been requested by DH to develop practical prevention and early identification measures. The recommendations ignore the fact that advertising falls within the remit of the DCMS and related regulatory and self-regulatory agencies – Ofcom, the OFT and the Advertising Standards Authority (ASA), and not within NICE's remit. We find it surprising that NICE has made far-reaching proposals for new advertising and marketing restrictions without consulting either the Advertising Standards Authority or the advertising industry, through the Advertising Association. Such an approach ignores Best Practice Better Regulation Principles, which require bodies to consult the industries concerned, evaluate the impact on the industry of the proposals, and be clear about the outcomes.

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Recommendation 2: Product labelling and marketing (p.25)	<p>Action:</p> <p>Develop legislation to implement the Food Standards Agency's Integrated Label for products sold in England. This includes traffic light colour-coding, text to indicate high, medium or low content of particular ingredients and the percentage guideline daily amount (GDA). Implement the system in advance of legislation. The Food and Drink Federation (FDF) should be consulted on this point.</p> <p>Restrict advertising for products that fall into the amber and red categories of the Food Standards Agency's food labelling system. There are already rules in place, introduced by Ofcom in 2007, to restrict the advertising to children of products high in fat, salt and sugar (HFSS) in broadcast media. The classification of products into the HFSS category is made on the basis of the Nutrient Profiling System that was devised by the Food Standards Agency specifically for this purpose. Advertising is therefore covered and does not require any more rules or regulations. Suggesting that yet another system is used for the classification of products would only create confusion. Moreover, NICE has not made an impact assessment or assessed the outcome of such a recommendation which would ban from advertising products such as salmon or seeds and nuts for falling into the red category as they have a very high fat content.</p> <p>Clearly label products requiring a high salt content (such as some cheeses and meat products) to indicate that they are high in salt and should only be considered for occasional consumption. The Food and Drink Federation (FDF) should be consulted on this point.</p>
Recommendation 10: Commercial Interest (p.30)	<p>Action:</p> <p>Introduce a similar framework for food and drink production to that adopted by the World Health Organization for tobacco control (that is, Framework convention on tobacco control [2003]). The Food and Drink Federation (FDF) should be consulted on this point.</p> <p>Ensure all meetings, including lobbying, between the food and drink industry and government and government agencies are conducted in a transparent way. Except for those cases when meetings may involve releasing commercially-sensitive information or covering areas that might breach Competition Law.</p>

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Recommendation 11: Children (p.30-1)	<p>Action:</p> <p>Developing an agreed framework of principles for food marketing aimed at children. This could be similar to the “Sydney principles”. The framework should be comprehensive and should be based on children’s rights to a healthy diet. There are already extensive rules in place in the UK to restrict the advertising of food and drink products to children, whilst at European level, food advertisers have pledged at the EU Platform on Diet, Physical Activity and Health voluntarily to change the products they advertise to children under 12. The WFA (World Federation of Advertisers) has recently published some independent monitoring results (9.9.09) demonstrating significant declines in HFSS food advertising to children.</p> <p>Children will inevitably be exposed to some food and drink advertising but it is important that it is not directly targeted at them and that when it is targeted at children, it is covered by the existing rules. The rules are comprehensive and binding on all parties. They afford substantial protection to children, apply to all media and are independently evaluated, monitored and enforced.</p> <p>Banning the advertising of foods high in fat, salt and sugar (as determined by the Food Standards Agency nutrient profile) on TV and other broadcast media including new technologies (such as the Internet or mobile phones). There are already rules in place, introduced by Ofcom in 2007, to restrict the advertising to children of products high in fat, salt and sugar (HFSS) in broadcast media. Neither the internet nor mobile phones are broadcast media. The CAP Code, industry’s self-regulatory code of practice, sets out specific restrictions for the advertising to children of food and drink products in non-broadcast media. The Code applies to promotional text transmissions (including SMS and MMS), online advertisements in paid-for space (including banner or pop-up ads and online video ads), viral ads, paid-for search listings, preferential listings on price comparison sites, in-game ads, advergames featuring in-game ads, ads transmitted by Bluetooth, ads distributed through web widgets and online sales and prize promotions.</p> <p>Developing standards, supported by legislation, to provide controls for non-broadcast media. The Advertising (CAP and BCAP) Codes contain, since 2007, specific rules on food advertising to children. Compliance with the advertising codes is extremely high (virtually 100%). Self-regulation is robust and the most workable method. The advertising industry is acutely aware of the importance of safe, responsible standards and the ASA advertising self-regulatory system is robust, effective and independently administered. The CAP code it administers is binding on all parties. It is by no means voluntary. Self-regulation is clearly the best approach to regulating advertising as it is quick, flexible and responsive to public concerns.</p>
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