

## **Junk food advertising in Canada: What would be the best framework?**

Executive Summary  
June 2019

In 2006, a study by Union des consommateurs concluded that it was necessary to “intervene to regulate advertising intended for children, if the food-processing industry cannot be persuaded to act responsibly.” We added: “The consequences of a bad diet for those who will inherit our society could be devastating and irreversible. It is long overdue to act in a firm and thoughtful manner to attempt to end this epidemic<sup>1</sup>.” 13 years later, the subject is more relevant than ever.

Why is it that so many food and drink advertisements are aimed directly at children, a clientele who will not even buy the food products advertised? The reason is that the strategy of major international brands, in particular, consists of creating a relationship with future as well as current consumers. And that work begins with childhood. “A lifetime customer may be worth \$100,000 to a retailer, making effective ‘cradle-to-grave’ strategies extremely valuable<sup>2</sup>.”

While arguments against junk food advertising frequently address the health aspect, i.e. the health impact of advertised food that contains too much salt, fat or sugar, this report addresses the subject from the angle of consumer rights, on the basis of some of the *United Nations Guidelines for Consumer Protection*. With those principles underlying our approach, a major review of the literature enabled us to identify current trends in the regulation of advertising aimed at children, particularly regarding junk food, and to observe the scientific advances that have occurred since our previous study on the subject, in line notably with scientific research on the development of children’s brains. We then performed a detailed analysis of the regulations in place in Canada, Québec, Sweden, Norway, France and the United States, with a synopsis of the relevant information. The findings resulting from that analysis led us to our recommendation to adopt Québec’s legislation across the country.

The imbalance between market forces and children as vulnerable consumers, in terms of junk food advertising, has been criticized for a long time, to the point that some are talking about a crisis. Children are insufficiently protected and some of their rights are violated, as condemned notably by Consumers International and the World Health Organization<sup>3</sup>:

**The right to information:** Using various strategies, the food industry is trying to camouflage nutritional information on junk food, in order to prevent consumers, including children, from being aware of the true health effects. “Consumers need information to make responsible decisions.

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<sup>1</sup> UNION DES CONSOMMATEURS, *Marketing de la malbouffe pour enfants*, June 2006.

<https://uniondesconsommateurs.ca/marketing-de-la-malbouffe-pour-enfants/>

<sup>2</sup> LINDSTROM et al., *Brand Child*, Kogan Page Limited, 2003, Page 193.

<sup>3</sup> Consumers International, “Recommendations towards a Global Convention to protect and promote healthy diets,” 2014, online: <https://www.consumersinternational.org/media/2211/recommendations-for-a-convention-on-healthy-diets-low-res-for-web.pdf>, in section 9.

And the World Health Organization, “Set of recommendations on the marketing of foods and non-alcoholic beverages to children,” 2010, online: <http://www.who.int/dietphysicalactivity/publications/recsmarketing/en/index.html>

Yet the restaurant industry fights efforts requiring calorie values on restaurant menus, and marketers use stealth, viral, and guerilla marketing campaigns to conceal marketing intents<sup>4</sup>.”

**The right to free choice:** Without having at hand all the relevant information on a food, particularly nutritional information and the sugar, salt and fat content, it is impossible for the consumer to make a free and informed choice. And the research indicates a convincing causal link between the food industry’s promotional activities and the knowledge, behaviour and food preferences of young people.

**The right to safety:** Children’s safety is threatened by the obesity epidemic raging across the world. The link between obesity and the food industry’s marketing practices has been confirmed on many occasions in recent years.

In this context, it seems clear that a child is not able to exercise his right to information, safety or free choice, in the face of inducements to consume unhealthy food that use ever more refined techniques. Those techniques tend to be countered merely by the self-regulation of the industries concerned, and children are simply not equipped to defend themselves against such advertising.

Indeed, recent neuroscientific discoveries have spurred studies on the effects of advertising on the brain, and make it possible to demonstrate that children’s stage of brain development doesn’t enable them to critically examine an advertisement, and that they’re particularly vulnerable to the desires and needs created by advertising.

Fortunately, the attitude of major organizations (for example the World Health Organization, WHO) and governments (France and others) is evolving, as is scientific research, and everything appears to converge toward the necessity of applying stricter regulatory measures regarding advertising aimed at children. Major international institutions, particularly the WHO, are a driving force in that regard, as well as the limited results of self-regulatory measures in place, as detailed in this report.

In that sense, our recommendation that the federal government adopt legislation similar to Quebec’s, and thus prohibit advertising directed at children, whether about junk food or any other product, seems to us relevant, realistic and in line with scientific developments and evolving international practices, which are trending toward stricter regulations on marketing products intended for children.

The WHO starts with the finding of a worldwide obesity epidemic to make recommendations on food advertising aimed at children. Our research’s initial finding was different: the necessity to protect children as vulnerable consumers. With this initial finding, it appears logical to adopt a regulatory framework modelled after Québec’s legislation: a regulatory framework that has proven its value, stood up in court and demonstrated its positive effects.

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<sup>4</sup> SUSTAIN, *Children’s food and health: why legislation is urgently required to protect children from unhealthy food advertising and promotions*, March 2004. [https://www.sustainweb.org/pdf/child\\_food\\_health.pdf](https://www.sustainweb.org/pdf/child_food_health.pdf)

In doing so, the Canadian government will avoid certain pitfalls, such as defining a food as unhealthy according to a certain benchmark of the recommended daily value for salt, sugar and fat, and will thus demonstrate its commitment to protect children against the undue influence of advertising, in order to ensure their physical and mental development, in an environment free, to the extent possible, from the influence of merchants' techniques of persuasion.

We therefore invite the federal government to go further in its intention to better regulate advertising aimed at children, and to adopt, as has the Quebec government, a complete prohibition against advertising aimed at children. In line with international and scientific developments, prohibiting all advertising directed at children is more relevant than ever, to fight against obesity, but also against sexist stereotypes, toys that make children sedentary, consumerism, and to guarantee a media environment that fosters the healthy psychological and social development of children.

## **Recommendation**

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In view of the foregoing:

Union des consommateurs recommends that federal lawmakers follow the model adopted by Québec and totally prohibit advertising aimed at children less than 13 years of age.

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