



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**PROTECTING CHILDREN FROM  
JUNK FOOD ADVERTISING  
(BROADCASTING AMENDMENT) BILL 2008**

**Second Reading**

**SPEECH**

**Thursday, 12 March 2009**

BY AUTHORITY OF THE SENATE

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## SPEECH

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**Senator POLLEY** (Tasmania) (5.18 pm)—I rise on this occasion to speak in support of the need for changes to advertising of junk food, especially where it is aimed at children. However, I am unable to support the Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008 as it stands. I want to place on record my comments in relation to the contribution of Senator Pratt. I thank her for her contribution. I also thank the Senate Standing Committee on Community Affairs for their report and I thank the witnesses who appeared at that hearing.

The prevalence of junk food advertising on Australian television is becoming more and more noticeable—with increasingly specialised and refined tactics that set products apart from those of their competitors. Marketers aim to make their product the most desirable, the most exciting and the most recognisable, so that repeat purchases are made over and over again. Advertising during targeted times is just one of these tactics: you market to young children then advertise during the favourite shows of that age group—just before school or just after school or whenever children are most likely to be exposed to that advertising.

Easy-to-recognise and easy-to-repeat jingles can be carried in a child's mind for weeks on end and hummed as they walk with their mother or father down the grocery aisles on shopping days. Exciting packaging—whether spaceships or dinosaurs or popular TV characters—can attract the eye of the young viewer. As we see more and more these days, products are linked to television shows, popular movies or computer games in order to connect the hype associated with the show, movie or game with the junk food product being advertised. Celebrity spokespersons can also play a key role in selling products to the desired market. If the Ninja Turtles or Hannah Montana are the coolest things to that age group at that time, then you get the Ninja Turtles or Hannah Montana to stand there in your advertisement, holding your product with excited anticipation, telling the audience that this product must be bought.

Another common tactic employed these days is the lure of the gimmick. It seems that every fast-food outlet has a specific children's meal that inevitably comes with some toy or gadget or other enticing item. Even worse, they are produced by themes in weekly lots, so

that each toy or character can only be collected for one week, and the entire 10 characters must be collected in order for the effect to be achieved. What child would only want to collect two or three of the 10 possible characters? They have to have them all. And let us not talk about the endless prizes and giveaways. It seems as though every box of sugary cereal comes with a free DVD or something or other. Even bags of chips come with playing cards or some sort of collection, and every block of chocolate these days seems to give you the chance to win a plasma television screen.

The methods employed to market unhealthy, unnecessary food and drink, let alone toys and other items, to children are as elaborate as they are endless. The effect is to make sure that your child, the consumer, wants their product and that they will use the extraordinary powers that all children seem to possess to ensure that you, the parent and the payer, will buy it for them. Children are, by nature of their limited life experience, unable to understand the manipulative tactics that can be used in persuading them to favour a product. Equally, they do not understand the long-term impact that poor eating now can have on their health into the future. A child is almost unable to fathom how far away Christmas is, let alone why eating lollies now may be bad for their cholesterol or their heart in decades to come. So we, as parents and as guardians, with a duty of care to protect our young from possible harm, are left to do the dirty work. We are the ones left to say no. I think we can all relate to parents struggling to get out of a supermarket, where products are cleverly placed to ensure that children have the optimal opportunity to demand things. Parents only too often give in to these demands.

The consumer group CHOICE recently released research that illustrated just how hard it can be to say no. Eighty-eight per cent of respondents reported that they believed the advertising and marketing of food specifically to children was causing or contributing to difficulties with developing healthy eating habits. Eighty-two per cent of parents favoured increased government regulation to control the way that sugary and fatty foods are marketed. Eighty-two per cent also reported that their child had specifically asked for a particular junk food item because they had seen it advertised, it contained a toy or gimmick, it was endorsed by a celebrity or it offered a potential prize. These figures clearly illustrate that,

despite the best efforts of parents to create long-term healthy eating habits in their children, they are being undermined by the sophisticated tactics of junk food manufacturers and their advertising executives. However, the most alarming statistic that I came across was from Consumers International, which reported that one in 10 children around the world are now overweight. But it gets worse: the figure in Australia is one in four. One child out of every four in Australia is overweight. This figure is truly alarming.

It is partly for this very reason—as a response to these very statistics—that I am unable to support Senator Brown's bill. The bill proposes changing junk food advertising in two ways. Firstly, it proposes that all advertising of food or drink be proscribed from being broadcast either during peak children's television viewing periods or during children's television shows that may be screened outside of these peak viewing periods. Additionally, it proscribes advertisements or sponsorship announcements identifying or referring to the manufacturer of food or drink. An exemption, given in writing, can be made by the minister if the food or drink is deemed to be beneficial to a young person's health or wellbeing according to the Food Standards Australia New Zealand nutrients profiles. Secondly, the bill proposes to make government funding of all schools, both public and private, conditional upon these schools not displaying any advertisements or sponsorship announcements relating to a manufacturer of food or drink. Once again, a written exemption may be given by the minister if the food or drink is considered beneficial to a child's health and wellbeing according to the Food Standards Australia New Zealand nutrients profiles.

While I commend the intent of the bill, it cannot be supported for the fact that it tries to oversimplify a very complicated issue. Healthy eating amongst our children goes far beyond simply controlling children's television advertising. Junk food can be advertised, either directly or indirectly, on television, in cinemas, on the internet, at food outlets, in shopping centres, at sporting events and by countless other ways and means. An advert may not appear on television, but if children are lured by the same sophisticated advertising techniques in the local supermarket, the same effect is achieved. And marketing goes far beyond simple advertising. Packaging, labelling, celebrity endorsements, associations with films or computer games and much more all need to be addressed when considering how best to shield our children from the bombardment of junk food marketing tactics.

A sensible response to the issues of junk food, its marketing and childhood obesity goes far beyond

limiting television ads. Such a serious issue requires a serious, interconnected and comprehensive response, not a small measure that will yield limited results, especially given the enormous number of advertising media that can be used in this day and age. Very little would be achieved by passing this bill, and it would only serve to distract us from acknowledging the seriousness of the issue and responding accordingly. Any response needs to be coordinated in conjunction with all key stakeholders, with thorough community consultation, and needs to take into account not just the role of advertising but also other influencing factors, such as educational programs, lifestyle factors and fitness levels.

The second issue that makes me unable to support this bill is the overreaching nature of the proposed ban. To proscribe the advertising of all food and drink, not just junk food, is a step too far. It takes away the right and capacity of legitimate businesses to advertise their products to their target audiences, regardless of whether they are unhealthy or just plain neutral. Surely alphabet spaghetti has just as much right to promote itself as rice cakes or apples. One may be considered healthier than the other, but under this proposed bill only the purest of the pure would be allowed to advertise and only after an exemption is received in writing from the minister. What level of work does this create for the minister when there are thousands upon thousands of requests from manufacturers to continue to advertise their products as they have done for years?

Another concern I have is the potential impact that the proposed changes would have on the viability of children's television. Children's television programs rely on advertising to fund their creation and continuation. By severely limiting the potential advertiser pool, children's programming limits its capacity to sustain itself and to produce good quality, educational shows for our younger generation. Where does it end? Do we draw the line at proscribing the advertising of food and drink or does it escalate so that we can proscribe the advertising of toys we consider undesirable, theme parks we consider to go over the top and apparel we consider to be too expensive? When we respond, we must respond carefully and thoroughly so that measures engaged to limit the effects of junk food on children are effective but at the same time are sustainable and realistic.

My final concern with the proposed bill is the impact on schools. The bill takes a step too far in making funding conditional upon not displaying the advertising of food and drink or their manufacturers. I am sure I am not the only one here who believes this negatively impacts on the rights of schools and insults their good sense in determining what students can and cannot see when at school. Schools are filled

with education professionals who are well equipped to know right from wrong, to teach good from bad and to determine appropriate and inappropriate. To tie funding to such conditions is to become too authoritarian in the government's role as a funding body and sets a dangerous precedent.

This measure will only serve to destabilise the good working relationships between the government and the education sector and, therefore, cannot be supported. As a mother and now a proud grandmother, I understand the pitfalls of junk food advertising and the power of toddlers' tantrums. I have been there, done that and given in, I must admit, to buying the T-shirts that my daughters wanted at that time. So I want to see—as no doubt many parents want to see—effective, interrelated and adequate measures designed to deal with the issues of junk food. People expect any government measures that regulate the junk food industry to go beyond television advertising and posters in schools.

The Rudd Labor government has already made a strong inroad into addressing the issues of childhood obesity and health. The \$872 million towards preventative health measures, provided through COAG over six years, is the largest ever investment by an Australian government in preventative health. The measures to be funded will be implemented across schools and workplaces and are aimed at changing unhealthy lifestyle habits rather than just limiting advertising content. This ensures that a long-term, healthy change is incorporated into people's everyday lives and is far more likely to have health and wellbeing effects than those outlined in this bill. The \$872 million for preventative health is in addition to the \$50 million allocated in the government's first budget to obesity prevention initiatives, including a range of programs specifically targeting children such as the Healthy Kids Checks for all children over four years of age, a habits for healthy kids guide and active after-school community programs, as well as to the development of vegetable gardens in up to 190 government primary schools.

At this stage, I would like to hold up as one of the many outstanding schools in my state the Youngtown Primary School—and what a great success that has been, not only to the schoolchildren but to the wider school community. If we implement programs like this, we find that children are going home and educating their parents, as they have done over many years with recycling. I place on record my congratulations to Youngtown Primary School for leading the way, along with many other Tasmanian schools.

We need measures that go far enough without going too far in one area and not far enough in others. We cannot patch together little bits of legislation here and

there over the years and hope that somehow they will all string together to effect some kind of meaningful change. We need to be studied and certain about the way forward and, unfortunately, the Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008 does not do that. Therefore, I will be unable to support the bill in this form; but, like previous speakers, I commend and support efforts that need to be made. I think it is something that we all need to be mindful of and set good examples for in our daily lives.