



fighting heart disease  
and stroke

european heart network

## **Audiovisual media services Directive (AVMSD) – a unique opportunity to protect children from advertising linked to unhealthy eating behaviour**

In Europe, chronic diseases account for 86% of all deaths<sup>1</sup> - the majority of which are from heart disease and stroke. Overweight and obesity affect over 50% of the adult population<sup>2</sup> and 22% of children in the EU.<sup>3</sup> It is estimated that chronic diseases cost the EU health-care systems over 700 billion euros<sup>4</sup> per year. This figure does not include indirect costs, such as those resulting from lost productivity. There is no recent estimate of the cost of obesity or obesity-related diseases specifically for the EU. The latest figure, almost 33 billion euros, dates from 2002 and covers only the EU15.<sup>5</sup>

On 15 September this year, the sixty-sixth session of the World Health Organization (WHO) European Regional Committee adopted an action plan on the prevention and control of chronic diseases (or non-communicable diseases).<sup>6</sup> Notably, this action plan calls – as a priority policy area for action – for strong measures to reduce the overall impact on children and adults of all forms of marketing (including online) of foods high in energy, saturated fats, trans fats, free sugars and/or salt (HFSS foods). This call is underpinned by overwhelming evidence that food promotion influences children's food consumption.<sup>7,8</sup>

The WHO's action plan states that voluntary agreements are often ineffective and regulation or legislation is often needed. Indeed, several studies demonstrate that self-regulation does not have the same reach as statutory regulation, not least because not all major companies sign up to it; voluntary pledges are not enforceable; and there are no penalties for failure to comply.<sup>9</sup> Moreover, there is an inherent conflict of interest for companies, which are asked to stop marketing to children voluntarily when their primary responsibility is towards their shareholders to increase their profits.<sup>10</sup>

**The review of the AVMSD offers a unique opportunity to the EU to close existing gaps and require strong mandatory measures in line with existing evidence to reduce the marketing of HFSS foods to children,** thus ensuring a high level of public health and consumer protection, as mandated by the EU Treaties. This will also reduce the fragmentation of the internal market: six EU Member States already have mandatory rules to protect children from the marketing of HFSS foods and one more Member State is in the process of preparing such legislation.<sup>11</sup>

We argue that the most effective way of reducing exposure to television advertising is a so-called watershed which would prohibit the marketing of HFSS foods during all hours where children watch television – i.e. between 06:00 and 23:00.<sup>12</sup>

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- <sup>1</sup> [http://www.euro.who.int/\\_data/assets/pdf\\_file/0008/76526/E89306.pdf](http://www.euro.who.int/_data/assets/pdf_file/0008/76526/E89306.pdf)
- <sup>2</sup> <http://www.euro.who.int/en/health-topics/noncommunicable-diseases/obesity/data-and-statistics>
- <sup>3</sup> <http://easo.org/task-forces/childhood-obesity-cof/facts-statistics/>
- <sup>4</sup> [http://ec.europa.eu/health/major\\_chronic\\_diseases/docs/ev\\_20140403\\_mi\\_en.pdf](http://ec.europa.eu/health/major_chronic_diseases/docs/ev_20140403_mi_en.pdf)
- <sup>5</sup> <https://www.cambridge.org/core/journals/proceedings-of-the-nutrition-society/article/the-prevalence-and-costs-of-obesity-in-the-eu/C6899B70D90EC68B504C2C6CC9489214>
- <sup>6</sup> <http://www.euro.who.int/en/about-us/governance/regional-committee-for-europe/66th-session/documentation/working-documents/eurrc6611-action-plan-for-the-prevention-and-control-of-noncommunicable-diseases-in-the-who-european-region>
- <sup>7</sup> <http://www.who.int/end-childhood-obesity/news/launch-final-report/en/>
- <sup>8</sup> [http://apps.who.int/iris/bitstream/10665/206549/1/9789241565332\\_eng.pdf?ua=1](http://apps.who.int/iris/bitstream/10665/206549/1/9789241565332_eng.pdf?ua=1)
- <sup>9</sup> <http://www.paho.org/nutricionydesarrollo/wp-content/uploads/2013/07/Advertising-of-food-and-beverages-products-to-children.pdf>
- <sup>10</sup> Time to Seize the (Red) Bull by the Horns: The European Union’s Failure to Protect Children from Alcohol and Unhealthy Food Marketing, Oliver Bartlett and Amandine Garde, European Law Review, Issue 4, 2013
- <sup>11</sup> [http://ec.europa.eu/health/nutrition\\_physical\\_activity/docs/ev\\_20160407\\_co01\\_en.pdf](http://ec.europa.eu/health/nutrition_physical_activity/docs/ev_20160407_co01_en.pdf)
- <sup>12</sup> <http://www.ecorys.com/news/european-commission-publishes-ecorys-report-exposure-minors-alcohol-advertising-0>