

Food Labelling Review

www.foodlabellingreview.gov.au

AANA Submission: Food Labelling Law and Policy Review

The Australian Association of National Advertisers (AANA) welcomes the opportunity to provide comment on the *Issues Consultation Paper: Food Labelling Law and Policy Review*, dated 5 March 2010.

AANA, as the peak body for over 80 years, represents the rights and responsibilities of companies involved in the advertising, marketing and media industry contributing in excess of \$30 billion to the Australian economy annually. AANA membership includes category leaders in the food and beverages sector.

Advertising plays a fundamental economic role in society. It is the driver of consumer choice and, by promoting competition, helps consumers get better value for money. It enables innovation to be brought to market and stimulates economic growth and jobs.

AANA provides comments in our capacity representing the interests of advertisers.

Q28. To what degree should the Food Standards Code address food advertising?

AANA recommends that the Food Standards Code (FSC) continue to address the matter of advertising by limiting the requirement to not permitting 'statements, designs or representations' prohibited under the FSC. AANA notes that State/Territory legislation regulating food includes provision for false and misleading advertising.

AANA therefore, supports the current Food Standards Code provision relating to advertising, ie:

"Advertisements for food must not contain any statement, designs or representations which are prohibited by the Food Standards Code from being included in a label for that food."

This allows advertisers and marketers of food and beverages with the flexibility to achieve compliance with other regulatory, policy, as well as self-regulatory obligations. Trade practices/fair trading legislation is mentioned in the issues paper as an example. It allows food advertisers to tailor product marketing in response to government policy and guidelines such as in relation to healthy diets as will be outlined in the NHMRC *A New Food Guidance System for Australia – Foundation and Total Diets*¹. The government's recent response to the Preventative Health Taskforce' report also acknowledges and supports the role of advertising industry self-regulation in reducing the exposure of children (in this instance) to the advertising and marketing

¹ www.nhmrc.gov.au Currently in consultation.

of certain foods². The government recognizes that changes needed to contribute to health policy objectives are already being achieved through a combination of government regulation and industry self-regulation.

There are currently numerous examples of self-regulatory initiatives where the food and beverages industry and marketers are taking responsible action to respond to community and government public health concerns, including for example:

- *AANA Food & Beverages Advertising & Marketing Communications Code*
- *AANA Code for Advertising & Marketing Communications to Children*
- *AANA Environmental Claims in Advertising and Marketing Code*
- Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children
- Australian Food and Beverage Industry Responsible Children's Marketing Initiative

AANA acknowledges the concerns alluded to in the issues paper regarding the sufficiency and enforceability of the current provision. Notwithstanding, AANA strongly advocates that regulation of food advertising through the Food Standards Code not be extended and believes that it would not be in the public interest to do so.

AANA considers the current advertising provision facilitates compliance with the Food Standards Code and does not hinder the marketing of food to meet broader policy and self-regulatory objectives as well as consumer interests and needs.

AANA welcomes the opportunity to discuss matters raised in this submission further.

Yours sincerely



Scott McClellan
Chief Executive Officer

14 May 2010

² *Taking Preventative Action – A Response to Australia: The Healthiest Country by 2020 – The Report of the National Preventative Health Taskforce, 2010.*