



**JOINT OIREACHTAS COMMITTEE ON CHILDREN AND YOUTH  
AFFAIRS SUBMISSION ON “TACKLING CHILDHOOD OBESITY”**

**BROADCASTING AUTHORITY OF IRELAND**

**OPENING STATEMENT**



## **Introduction**

The BAI thanks the Joint Oireachtas Committee on Children and Youth Affairs for providing it with an opportunity to contribute to the ongoing and important debate on tackling childhood obesity.

The BAI is the independent regulator for broadcasting in Ireland established further to the Broadcasting Act 2009. The BAI has responsibility for a broad range of activities including the licensing, regulation and support of independent and public service broadcast media in Ireland.

The BAI's Strategy Statement (2017-2019) outlines the mission and vision of the BAI and has identified a series of strategic themes that guide its work.

In the context of the strategic theme of Empowering Audiences, the BAI develops and reviews broadcasting codes and rules, assesses compliance against these codes and rules and facilitates complaints from the public about broadcasting content.

The codes that the BAI has implemented which are relevant to the debate on tackling childhood obesity include the Children's Commercial Communications Code and the General Commercial Communications Code.

## **The BAI Children's Commercial Communication Code**

The BAI Children's Commercial Communication Code deals specifically with advertising, sponsorship, product placement and other forms of commercial promotion aimed at children, including the promotion of foods that are high in fat, salt and sugar. A child is considered to be any person under 18 years of age though certain aspects of the code apply exclusively to commercial communications aimed at younger age groups. This recognises that younger children will need stronger and different types of protections than older children.

The code includes a range of objectives which support the protection of children and cover a wide range of advertising practices.

In particular, the rules in the code apply to any commercial communication that promotes products, services, or activities that are deemed to be of particular interest to children and/or broadcast during and between children's programmes. The code also applies to communications for products, services, etc., of particular interest to children broadcast in adult viewing times.



### **Rules applying to food advertising**

Section 11 of the code contains 11 rules that deal specifically with Diet and Nutrition. These are outlined in the submission.

It is also important to note that the code contains a range of general rules which apply to all commercial communications. This means that any advert for food products would also have to comply with these general rules as well as the food-specific rules. In concert, these obligations are intended to ensure a rigorous and proportionate scheme for the protection of children that empowers parents/guardian and members of the public to hold broadcasters to account while also recognising the shared responsibility of broadcasters, parents/guardians to protect the interests of children.

In technical terms, HFSS foods are identified by use of a Nutrient Profiling Model. This model was developed for use by the UK broadcast regulator OFCOM. Before being adopted for Irish audiences, it was reviewed and endorsed by an Expert Working Group consisting of representatives from the Department of Health, the Food Safety Authority of Ireland, the H.S.E. and safe food.

### **The BAI General Commercial Communications Code**

The BAI General Commercial Communications Code complements the children's code. It sets rules for commercial communications broadcast outside of children's programming and section 16 includes requirements in respect of Food, Nutrition and Health, which are intended to provide additional protection for children.

Irish-based broadcasters are required to comply with both codes. The BAI has also monitored UK opt-out channels for compliance with these codes. Furthermore, any member of the public is entitled to make a complaint to the BAI. In practice, the BAI has received a low number of complaints in relation to the food rules and BAI monitoring has not highlighted any significant issues with their implementation.

### **Future Action**

The submission also makes reference to the European AVMS Directive where a revised text includes the extension of HFSS rules to on demand and video sharing platform services. The revised directive is anticipated to be transposed into Irish law before the end of 2020.



Later this year, the BAI will undertake a full review of the current rules dealing with food advertising to children. Any revisions resulting from the review will take into account any new requirements arising from new European law.

The BAI will also continue to co-operate with State agencies as it has done in the past, including most recently in the development of the codes of practice for the regulation of food marketing in non-broadcast media under the aegis of the Department of Health.

## **Conclusion**

The BAI appreciates that the audiovisual content and advertisements that the public consume can influence culture, attitudes and behaviours that may lead to obesity. The BAI recognises the Irish public's expectation that broadcasters should conduct themselves in a responsible manner and reflects this sentiment in the codes and standards we implement.