

BROADCAST – ADVERTISING TO CHILDREN

QUESTION: What is the Government's plan to protect children from harmful advertising practices? (Junk food, s22(1)(a)(ii) Big Tech, s22(1)(a)(ii))

I know there are real concerns in the community around advertising, especially advertising directed at children. The reasonable expectations of Australians is that marketing, advertising and media platforms respect community standards and act responsibly when it comes to advertising.

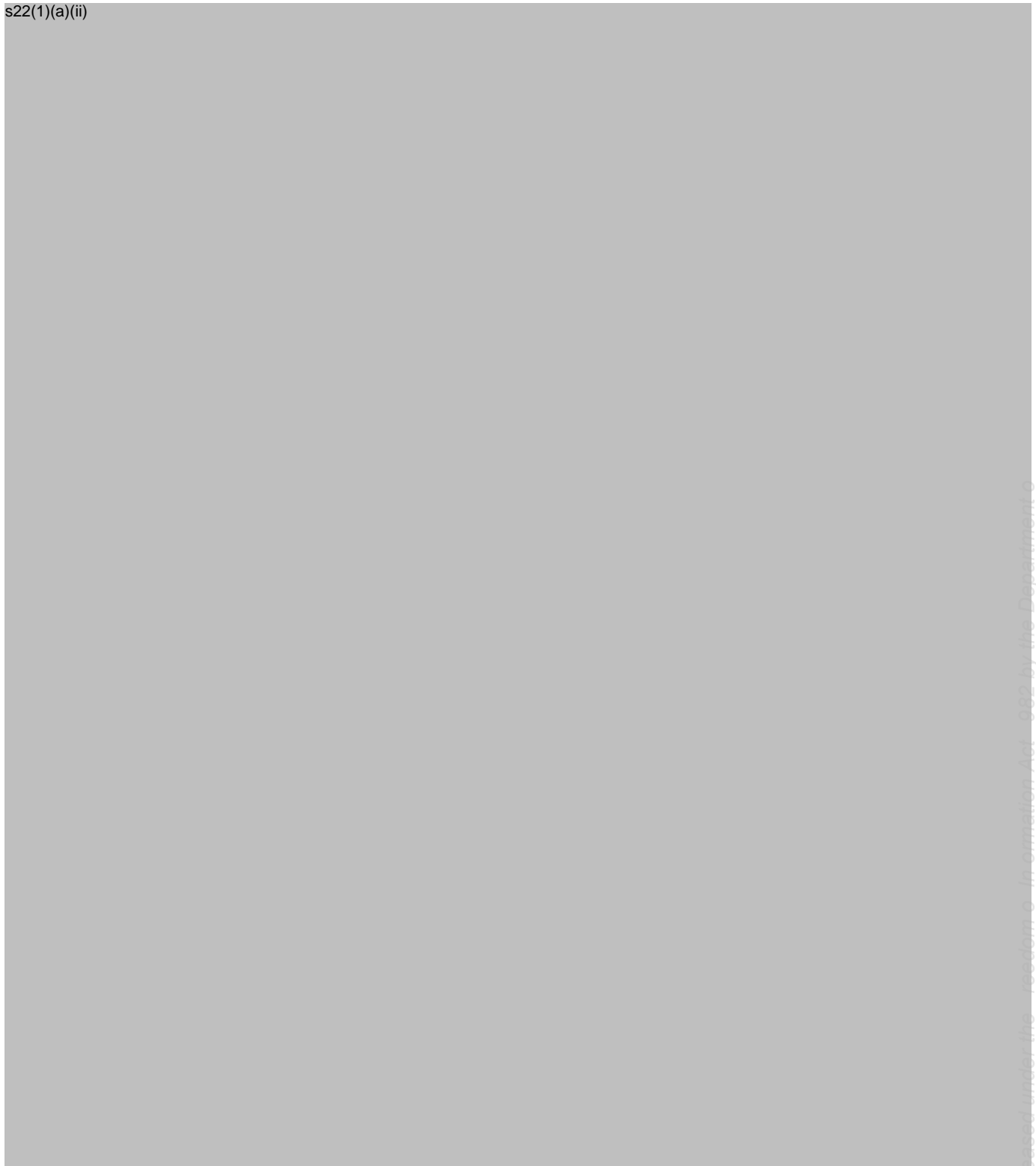
The Australian Communications and Media Authority administers a number of broadcasting codes of practice that provide rules designed to limit children's exposure to inappropriate and harmful products, such as alcohol and gambling.

The Government – and in particular my colleague the Minister for Health and Aged Care – has been determined to crack down on the tobacco industry and their marketing of vapes or e-cigarettes to kids.

I also welcome the Australian Association of National Advertisers' (AANA) updated Children's Advertising Code, which will provide new protections around advertising directed at children on all media platforms.


The Government is committed to advertising that respects community standards and will continue to work with industry and stakeholders to ensure advertising to children reflects community standards.

s22(1)(a)(ii)



Released under the Access to Information Act / 982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

s22(1)(a)(ii)



QUESTION: What is the Government doing to stop junk food advertising to children? Will the Government support Sophie Scamps Private Member Bill?


We are aware of concerns around the impact of marketing and advertising of unhealthy foods to children.

This is why – under the Health portfolio – the Government has invested nearly \$500,000 in a feasibility study to examine the current landscape of unhealthy food marketing to children and consider options for implementing restrictions in Australia.

The study will examine the evidence on approaches to restrict marketing and advertising to children across different settings including television and online.

This will provide a better understanding of the regulatory and non-regulatory options available to limit such marketing and advertising to children, as well the costs and benefits of these options, with recommendations to be provided to Government. The final report is due by June 2024.


s22(1)(a)(ii)



Relea
Infrastructure, Transport, Regional Development, Communications and the Arts

Pages 5 to 7 have been removed under section 22(1)(a)(ii) of the *FOI Act 1982*

s22(1)(a)(ii)



Background


General

AANA Children's Advertising Code

- On 17 August 2023, the Australia Association of National Advertisers (AANA) announced new rules for advertising to children. The new Code provides protections around any advertising directed at children, rather than advertising for children's products.
- The Code bans advertising to children of hazardous products such as vapes, kava, or caffeinated drinks, and prohibits the encouragement of unsafe practices, including bullying or promoting unhealthy body image, and the use of sexual appeal or imagery when communicating to children.

- The Code also targets 'kidfluencers' and influencer advertising directed at children, requiring content be immediately clear to a child that it is advertising content.
- The new Code will come into effect on 1 December 2023.
- The ACMA has no role in monitoring this code.

s22(1)(a)(ii)




Junk Food Advertising

- On 19 June 2023, Dr Sophie Scamps MP (Member for Mackellar) introduce the Broadcasting Services Amendment (Healthy Kids Advertising) Bill 2023. The Bill would ban the broadcasting of marketing relating to certain food or drink products on television, radio, and online services.

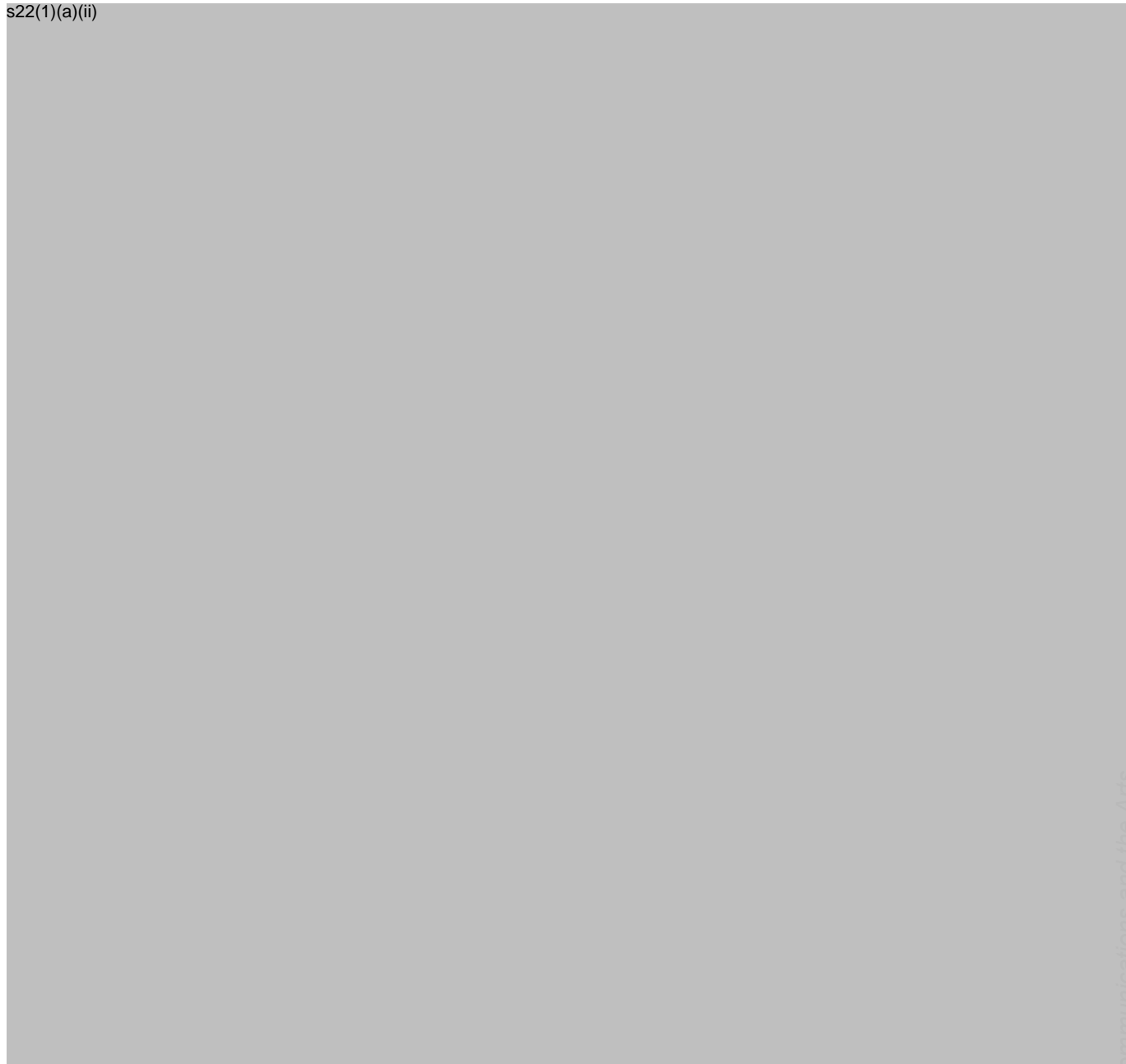
Unhealthy food marketing feasibility study

- The Federal Budget 2022-23 included \$500,000 over two years (2022-23 to 2023-24) to support a feasibility study to explore the current landscape of unhealthy food marketing and advertising to children and consider options for implementing restrictions in Australia. The Department of Health and Aged Care has policy oversight of the feasibility study.

s22(1)(a)(ii)



s22(1)(a)(ii)



Contact: Margaret Lopez (Media Industry and Sustainability Branch) s47F

30 May 2023

The Hon Michelle Rowland MP
Minister for Communications
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

By email to: Minister.rowland@mo.communications.gov.au

Dear Minister,

I write to you as the Executive Manager of Food for Health Alliance, to express my support for Australian Government action to protect children from unhealthy food marketing.

Food for Health Alliance (formerly the Obesity Policy Coalition) works to improve diets and prevent overweight and obesity in Australia. We advocate to governments for changes to laws and policies to improve our food environment – the way our food is made, labelled, sold and advertised.

I write in response to your comments about unhealthy food marketing as reported in the *Australian Financial Review* on 14 May 2023 (Article titled: *Rowland hints junk food may follow gambling in Labor's ad sights*). The article discussed gambling advertising and advertising of products that can cause harm, including unhealthy food.

Food for Health Alliance strongly supports government action to protect children from unhealthy food marketing. We want all Australian children to be able to play, learn and live in a world that supports and promotes their health and wellbeing. Instead, our children cannot escape the relentless marketing of highly processed food – it is everywhere, acting as wallpaper in their lives.

As a key area of focus, we have developed a policy platform and advocacy campaign called [Brands off our kids!](#) that sets out four government actions to give Australian children a childhood free from unhealthy food marketing. This campaign has strong support from stakeholders and the community, with around 35 organisations and more than 200 individuals signed on in support. Public support for government action to protect children from unhealthy food marketing is also high, supported by 7 in 10 Australian adults.

We thank you for your interest in this important issue and we would be happy to brief or provide any further information to you or your advisers. Please contact me on s47F or at s47F

Yours sincerely,

s47F

Jane Martin
Executive Director
Food for Health Alliance

Released under the Freedom of Information Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

BROADCAST: ADVERTISING TO CHILDREN

QUESTION: What is the Government's plan to protect children from harmful advertising practices? (Junk food, ^{s22(1)(a)(ii)} [REDACTED], Big Tech)

Marketing, advertising and media platforms need to respect community standards and act responsibly when it comes to advertising, especially advertising directed at children.

Children require additional protection to adults and – for this reason – additional sets of regulatory standards and codes apply to restrict advertising and marketing to children, in particular.

For example, the *Broadcasting Services Act 1992* requires broadcasters to develop codes of practice that relate to a range of matters, including restrictions around the placement of advertisements during children's programs. These codes of practice are developed in consultation with the Australian Communications and Media Authority (ACMA) and are periodically reviewed.

The Government is committed to protecting children online and offline, and to advertising that respects community standards. These issues are the subject of recent and current review.

In 2020, the ACMA remade the *Australian Content and Children's Television Standards* which contain a range of protections for child viewers, including the content, repetition and use of popular characters and competitions in advertising.

The Australian Association of National Advertisers (AANA) recently launched a review of the Children's Advertising Code, to ensure the Code continues to meet community expectations of advertising to children, on all media platforms. An updated code is expected in 2023.

The AANA also oversees the Advertiser Code of Ethics and the Food and Beverage Code, and is concerned with the rise of "influencer"-based activities on social media.

The Albanese Government is committed to a program of work to modernise media regulations and fulfil the legitimate expectations of consumers and

industry for consistency, transparency and equity in our regulatory environment.

As part of work to develop a media reform agenda, which is being undertaken by my Department, the Government will consider recommendations from the Australian Competition and Consumer Commission's 2019 **Digital Platforms Inquiry**, to develop a platform-neutral regulatory framework to ensure effective and consistent regulatory oversight and a consistent system of **advertising restrictions across all delivery platforms**.

The ACCC ~~is currently preparing~~ has completed its 5th **Digital Platforms Services Inquiry 2020-2025** report.

The 5th report ~~is considering whether~~ recommends that there is a need for a new regulatory framework to address the competition and consumer concerns identified in digital platform services markets to date.

The report ~~report is due~~ was submitted to the Treasurer by 30 September released on 11 November 2022 and ~~will be~~ is being considered by the Government ~~once received~~.

The Government will consult shortly on the ACCC's recommendations.

IF asked by SOPHIE SCAMPS about her forthcoming private members bill

If asked about JUNK FOOD ADVERTISING: What is the Government doing to stop junk food advertising to children?

I acknowledge concerns in the community around junk food advertising to children, and the lead role health professionals have to play when it comes to understanding the complex factors influencing childhood obesity and overweight, as well as in helping define what “junk food” is, so that advertisers and media companies can apply appropriate restrictions.

The Australian Association of National Advertisers (AANA) administers two self-regulatory codes of practice that relate to food and beverage advertising.


The AANA administers the Children’s Advertising Code, which provides that advertising or marketing communication to children for food and beverages must neither encourage nor promote an inactive lifestyle, or unhealthy eating or drinking habits.

The AANA is currently reviewing the Children's Advertising Code to ensure it continues to meet community expectations of advertising to children on all media platforms.

The Government is closely monitoring the outcomes of this review and will continue to work with industry and stakeholders to ensure advertising to children that reflects community standards.

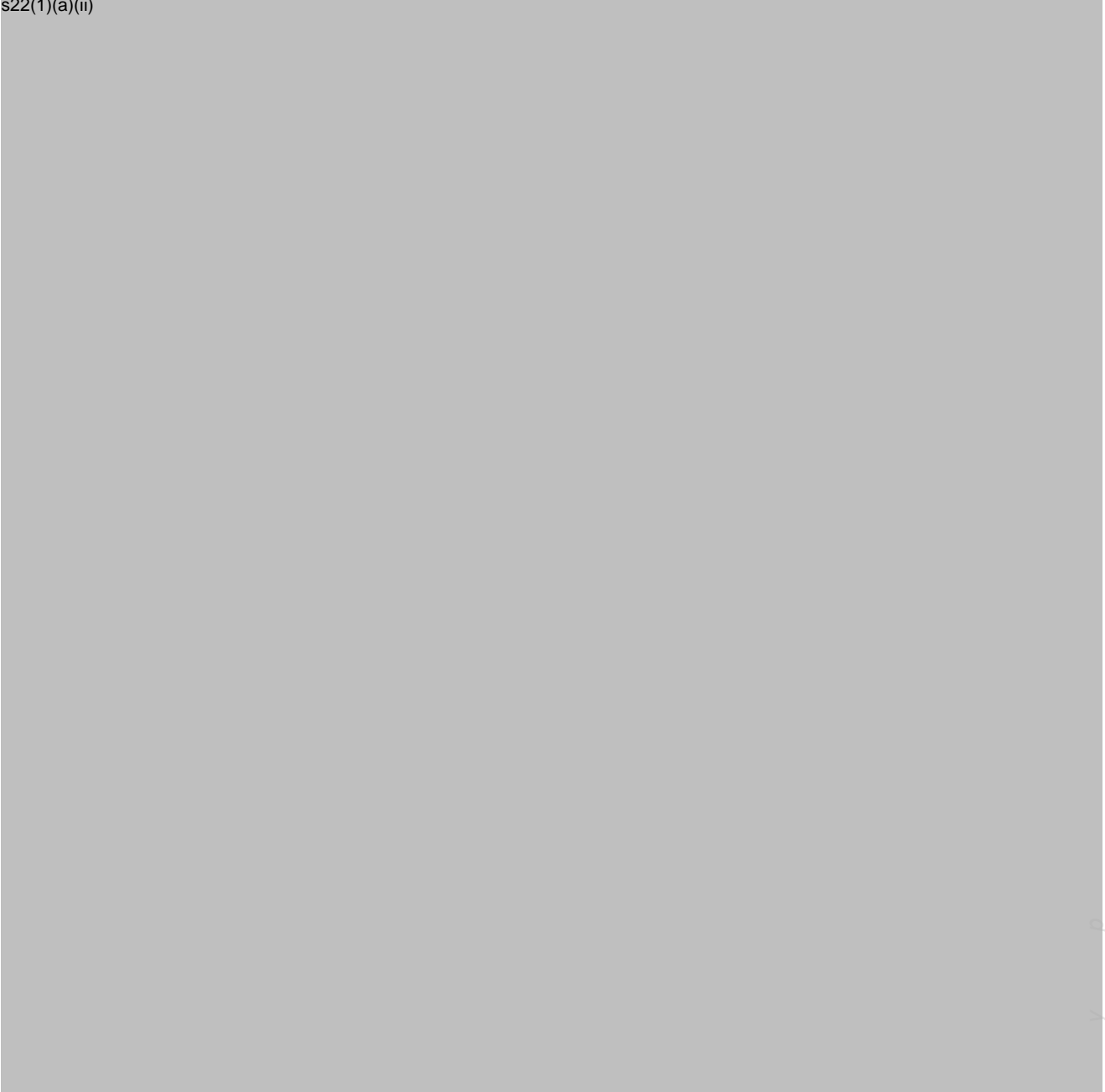
The AANA also administers the Food and Beverages Advertising Code which provides guidelines to ensure that advertisers maintain a high sense of social responsibility in advertising and marketing food and beverage products in Australia.

s22(1)(a)(ii)



Pages 17 to 18 have been removed under section 22(1)(a)(ii) of the *FOI Act 1982*

s22(1)(a)(ii)



If asked about BIG TECH: What is the Government doing to ensure big tech doesn't misuse children's data for advertising?

If asked about TIK TOK: What is the Government doing to address concerns that children are being used to advertise or market junk food on Tik Tok?

The rise of digital platforms and use of modern technology has created new challenges and risks, including around privacy and data collection and keeping children safe.

Privacy

The Government is committed to updating Australia's data privacy laws in the current term of parliament. Work will be undertaken, and coordinated, across a number of portfolios.

Firstly, the Privacy Act is out of date and in need of reform for the digital age.

The Attorney-General has indicated that updating the Privacy Act will provide important protections for the Australian community, including our children.

The Attorney General's Department (AGD) released a discussion paper in October 2021, seeking feedback on possible options for privacy reforms.

Submissions closed on 10 January 2022, and AGD is currently developing a final report for the Government. I am advised that the report is expected to be completed by the end of 2022. Further questions about the review should be directed to the Attorney-General.

Data security

In addition, the Department of Home Affairs is developing a **National Data Security Action Plan** to raise the baseline of data security settings in Australia.

The Action Plan will consider all types of data and the circumstances, such as security and governance arrangements, under which the data is held. This includes international settings.

Public submissions for the Action Plan closed on 24 June 2022. Further questions should be directed to the Minister for Home Affairs.

Digital Platforms

Further, the Australian Competition and Consumer Commission ~~is currently~~has completeded its 5th interim **Digital Platforms Services Inquiry report**, which in part explores competition and consumer issues around user data.

The report ~~is due~~was provided to the Treasurer by on 30 Septemberreleased on 11 November 2022 and ~~will be~~is being considered by the Government ~~once received~~. So a whole-of-government approach is being undertaken to address the issue.

Background

- Dr Sophie Scamps MP, Member for Mackellar, is reportedly drafting a private member's bill that will introduce a ban on junk food advertising during prime-time television, as well as sponsorship of children's sport by fast food companies.

Background (Advertising)

s22(1)(a)(ii)

***Privacy Act reforms***

- On 29 June 2022, the Attorney-General, the Hon Mark Dreyfus KC, MP, told the Australian Financial Review that the *Privacy Act 1988* is out of date and in need of reform for the digital age.
- The Attorney-General is reported as stating that a whole range of much more sweeping reforms are needed to the Privacy Act.
- *Former Government's review* –
 - In December 2019, the former Government announced it would conduct a review of the *Privacy Act 1988* to ensure privacy settings empower consumers, protect their data and best serve the Australian economy. The review was announced as part of the former government's response to the Australian Competition and Consumer Commission's (ACCC) Digital Platforms Inquiry.

- The Attorney-General's Department (AGD) published an Issues Paper in October 2020 and sought feedback on potential issues relevant to reform. A Discussion Paper was released in October 2021 and sought feedback on possible options for reform.
- Submissions on the Discussion Paper closed on 10 January 2022. AGD is now composing its final report, which is expected to be completed by the end of 2022.
- This review was occurring alongside the development of the former Government's *Privacy Legislation Amendment (Enhancing Online Privacy and Other Measures) Bill 2021* (Online Privacy Bill). The Online Privacy Bill proposed to introduce a binding Online Privacy Code for social media and certain other online platforms, and increase penalties and enhance enforcement measures. Public consultation occurred on an exposure draft of the Online Privacy Bill, but the Bill was not introduced.

Digital Platform Services Inquiry (DPSI)

- In February 2020, the former Government directed the ACCC to conduct an inquiry into markets for the supply of digital platform services.
- Digital platform services covered by this direction include internet search engine services, social media services, online private messaging services, digital content aggregation platform services, media referral services and electronic marketplace services. The direction also covers digital advertising services supplied by digital platform service providers and the data practices of both digital platform service providers and data brokers.
- The ACCC must provide the Treasurer interim reports on the inquiry every 6 months, from September 2020 until March 2025.
- The ACCC is currently consulting on completed its 5th interim DPSI report, which was published on 11 November 2022.
- ~~explores~~ The ACCC has recommended the need for a new regulatory framework for digital platforms, to complement the *Competition and Consumer Act 2010* and the Australian Consumer Law. The ACCC is concerned that enforcement under existing competition and consumer protection legislation is insufficient to address the breadth of concerns identified throughout its DPSI, Digital Platforms Inquiry, and Digital Advertising Services Inquiry.
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- Part of the 5th interim report addresses data advantages as a competition and consumer issue, including whether to:
 - increase access to data for rivals through data portability (the transfer of data from one service to another at a consumer's request) and interoperability (refers to frameworks and systems that enable data to be compatible between services of competing digital platform firms); and
 - introduce measures to limit the data use by incumbents as a way of addressing the data advantages of major platforms, including data separation measures to prevent an ad tech provider from using data it has collected from its consumer-facing services.

- The 5th interim report ~~is due~~was given to the Treasurer on 30 September 2022. The Treasurer announced on 11 November that the Government will consult publicly to seek the views of stakeholders as part of its efforts to ensure Australia has the right regulations in place to be a leading digital economy.

Contact: Adam Carlon (Media Industry and Sustainability) Branch) 02 6271 7533

[TikTok: Fast food giants marketing junk food to kids on app | Herald Sun](#)

Fast food giants using TikTok to market to children

Analysis of the TikTok content created by global fast food giants has uncovered a disturbing marketing trend.

[Susie O'Brien](#)

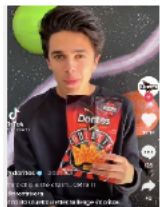
July 26, 2022 - 8:30AM

Children are becoming viral brand ambassadors for fast food giants and attracting billions of views while promoting unhealthy food and drink on TikTok, new research shows.

Some of the most popular fast food giants, including McDonald's, Pepsi, Cheetos, Doritos, Starbucks and 7-Eleven use hashtag challenges to seduce children into marketing their products.

Researchers from Deakin University's Global Obesity Centre analysed the TikTok content of 16 of the world's top-selling food and non-alcoholic beverage brands.

They found a range of marketing strategies encouraging children to create and share videos featuring their branding and products.



Doritos has created a hashtag challenge for children to create and share videos of themselves eating their products.



McDonald's asked users to record themselves singing alongside a video featuring images of a McDonald's product.

One of the researchers, Associate Professor Kathryn Backholer, said it was an "incredibly insidious strategy by TikTok and junk food marketing companies" that turned children into active participants in the marketing of junk food.

"TikTok's own website describes these challenges as an opportunity for companies to turn TikTok users into their 'unofficial brand ambassadors' and we know that many TikTok users are children," she said.

TikTok is very popular among children, with a third of users aged 14 and under.

Examples include chip brand Doritos, which created a hashtag challenge for children to create and share videos of themselves eating one of their products. McDonald's asked users to record themselves singing alongside a video featuring images of a McDonald's product.

A single hashtag challenge started by Pepsi collectively received 107.9 billion views.

K-pop band BTS promotes the 'BTS meal'.

Associate Professor Backholer said such posts portrayed a positive sentiment and were viewed billions of times.

A single hashtag challenge started by Pepsi collectively received 107.9 billion views.

Celebrities are also used to appeal to children and induce them to promote the brands.

McDonald's uses the K-pop band BTS to promote the "BTS meal" which has a product code on packaging that unlocks a branded effect on TikTok.

The campaign even has "collaboration merch" promoted to children.

Pepsi features a range of professional soccer players, including Lionel Messi and Paul Pogba, drinking its products.

TikTok is very popular among children.

Associate Professor Backholer said "strong government-led policies to protect children from the harmful impact of unhealthy food marketing are urgently needed".

"This is about putting our children's health before industry profits," she said.

"Given TikTok's popularity among children, this study supports the need for policies that protect children from the harmful impact of food marketing on social networking platforms".

ADVERTISING: BAN ON JUNK FOOD ADVERTISING TO CHILDREN

QUESTION: Will the Minister support a ban on junk food advertising during prime-time television?

QUESTION: What is the Government doing to target junk food advertising to children?

Media companies and advertisers need to respect community standards and act responsibly when it comes to advertising directed at children.

Food and beverage advertising is currently governed by a number of self-regulatory codes that have been negotiated between industry and advertisers.

The Children's Advertising Code – adopted by the Australian Association of National Advertisers (AANA) – provides that advertising or marketing communication to children for food and beverages must neither encourage nor promote an inactive lifestyle, or unhealthy eating or drinking habits.

The AANA is currently reviewing the Children's Advertising Code ensure it continues to meet community expectations of advertising to children on all media platforms.

The Government is closely monitoring the outcomes of this review and will continue to work with industry and stakeholders to ensure advertising to children that reflects community standards.

As part of this Government's media reform agenda, we will consider recommendations from the Australian Competition and Consumer Commission's 2019 Digital Platforms Inquiry. Our goal is to consistently regulate media services that make available 'like' content and support the achievement of key policy objectives with the flexibility to accommodate new and emerging services and technologies.

Background

- Dr Sophie Scamps MP, Member for Mackellar, is reportedly drafting a private member's bill that will introduce a ban on junk food advertising during prime-time television, as well as sponsorship of children's sport by fast food companies.
- The National Obesity Strategy 2022-2032 was released in March 2022. The strategy recommended reducing exposure to unhealthy food and drink marketing, promotion and sponsorship, especially for children, across all audio-visual media.
- The Australian Association of National Advertisers (AANA) has in place a number of industry codes that apply to advertising across various mediums. With respect to food and drink advertising to children, these include:
 - The **AANA's Food and Beverage Advertising Code** which includes sections that apply specifically to sponsorship and advertising to children, including:
 - Advertising (including sponsorship advertising) of Occasional Food or Beverage Products must not target children.
 - Sponsorship advertising that targets children must not show an Occasional Food or Beverage Product, or such product packaging.
 - Advertising of Food or Beverage Products featuring a promotional offer of interest to children must not create a sense of urgency or encourage the purchase or consumption of an excessive quantity.
 - Advertisers must not give Occasional Food or Beverage Products to children as awards or prizes, or vouchers that can be used for such products.
 - The **AANA's Children's Advertising Code** which provides that advertising or marketing communication of food and beverages to children must not encourage or promote an inactive lifestyle or unhealthy eating or drinking habits. On 22 June 2022, the AANA

QB22-000379

launched a review of its Children's Advertising Code through a public submission process. A new Code is expected to come into effect in 2023.

- The **AANA Code of Ethics** is an overarching code that sets out general standards, for example that advertising shall not depict material contrary to prevailing community standards on health and safety.

Contact: James Penprase (Media Reform Branch) 02 6271 1932

From: [Media](#)
To: s22(1)(a)(ii) s22(1)(a)(ii) s22(1)(a)(ii)
Cc: [Media](#)
Subject: FW: Sydney Morning Herald enquiry AANA media code changes [SEC=OFFICIAL]
Date: Thursday, 17 August 2023 4:40:08 PM
Attachments: [Media Release AANA releases new Children's Advertising Code.pdf](#)
[image001.jpg](#)
[image002.png](#)

OFFICIAL

Hi all,

Please see media enquiry below from the MO. Apologies for sending a media enquiry so late in the day!

Grateful if you could suggest some lines as soon as you can.

Thanks,

s22(1)
(a)(ii)

s22(1)(a)(ii)

Media Officer • Media Services • Communication, Research, Strategy and Parliamentary Division

s22(1)(a)(ii) @communications.gov.au

P s22(1)(a)(ii)

GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

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*I would like to acknowledge the traditional custodians of this land on which we meet, work and live.
 I recognise and respect their continuing connection to the land, waters and communities.
 I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.*

OFFICE

OFFICIAL

From: s22(1)(a)(ii) @MO.communications.gov.au>
Sent: Thursday, 17 August 2023 4:29 PM
To: Media <media@communications.gov.au>
Cc: s22(1)(a)(ii) @MO.communications.gov.au>
Subject: FW: Sydney Morning Herald enquiry AANA media code changes [SEC=OFFICIAL]

OFFICIAL

Hey team – can I get a few lines on this please?

Conscious we won't meet the 5PM deadline, so just whenever you can.

s22(1)
(a)(iii)

OFFICIAL

OFFICIAL

From: s47F <[REDACTED]@nine.com.au>
Sent: Thursday, 17 August 2023 4:14 PM
To: Minister.Rowland.MO <Minister.Rowland@MO.COMMUNICATIONS.gov.au>
Subject: Sydney Morning Herald enquiry AANA media code changes

Hi there,

I'm s47F, a business reporter at the Sydney Morning Herald - I hope you're well.

I'm just writing a piece today ahead of an announcement that will be made tomorrow by the AANA basically tightening restrictions around advertising directed towards children.

I was wondering whether it would be possible to get comment from minister Rowland about the changes, their importance, and any limitations they might have.

I'm chasing a 5pm deadline which I understand is a bit short but if it's possible, it would be great to get her thoughts.

Thanks so much,

s47F

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s47F

Journalist



M s47F **E** s47F <[REDACTED]@nine.com.au> **A** 1 Denison Street, North Sydney, NSW, 2060

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