

## UK Government Consultation: Introducing a total online advertising restriction for products high in fat, sugar and salt (HFSS)

1. Do you support the proposal to introduce a total online HFSS advertising restriction?

**Yes**/No/I don't know

Please explain your answer and provide relevant evidence

*This response is submitted on behalf of the SPECTRUM Research Consortium and Institute of Social Marketing & Health. Exposure to the marketing of food and beverages high in fat, sugar and salt (HFSS) contributes to the development of overweight and obesity (Swinburn et al., 2011, Hastings et al., 2003, Smith et al., 2019), with increasing evidence as to the long-term adverse consequences childhood overweight and obesity has on premature mortality and physical morbidity in adulthood (Reilly and Kelly, 2011). This is particularly so when considering the rapidly evolving nature of online advertising, and increasing use of social media by HFSS corporations to promote their products (Murphy et al., 2020, Alruwaily et al., 2020). For children, there is growing evidence as to the impact such marketing has on dietary preferences, particularly that which occurs in the online environment (Coates et al., 2019b, Coates et al., 2019a, Smith et al., 2019, Baldwin et al., 2018, Critchlow et al., 2019, White, 2020). Additionally, there is evidence that non-broadcast advertising of HFSS products has differential impacts on different age groups amongst children, with older children argued to be at increased risk of exposure to HFSS product advertising (Critchlow et al., 2019). Although there is less research surrounding the impact of online HFSS product advertising on adults, evidence suggests that HFSS advertising has relatively consistent effects on both predictors of eating behaviours (e.g. desire to eat, improved attitudes towards the advertised product and willingness to try) and actual eating behaviours (consumption) (Boyland, 2019).*

*Social influencer advertising is also a new and rapidly developing marketing technique employed by HFSS brands and advertisers to promote their products. This form of advertising is present across a wide range of social media platforms, such as Facebook, Instagram and YouTube. Influencers can drastically increase advertising reach for brands (Freeman and Chapman, 2008). Recent research has also demonstrated that influencer marketing could be considered a form of online peer-to-peer marketing, due to the admiration that many children and young people have for their preferred influencers (White, 2020). Emerging research has begun to indicate the potential scale and impact of influencers on children, with Coates et al. (2019b) recent study showing that children who viewed influencers with unhealthy snacks had significantly increased intake of unhealthy snacks compared to those children who viewed influencers with non-food products. Furthermore, influencer advertising is particularly difficult to detect due to the ways in which the advertisement is often subtly weaved through an influencer's produced content (White, 2020).*

*As such, there is sufficient evidence for implementing a total online ban to ensure that all children and adults are protected from exposure to HFSS product advertising online. Currently, the rules surrounding online advertising of HFSS products are not sufficient to protect children or adults from exposure (Boyland et al., 2020), with concern surrounding industry success at exploiting loopholes in the regulatory framework in the UK (White, 2020, Sustain, 2019). Additionally, the system for regulating online advertising is self-regulatory*

(Conway, 2020), with evidence suggesting that such systems are insufficient to undertake the robust regulation required to protect both children and adults from pervasive HFSS advertising (Boylard and Harris, 2017, Chambers et al., 2015, Hawkes, 2005). Therefore, any system designed to monitor and enforce such a ban should be statutory, and there is emerging evidence of public acceptability of a statutory regulatory framework (White, 2020).

## Scope

2. We propose that the restrictions apply to all online marketing communications that are either intended or likely to come to the attention of UK children and which have the effect of promoting identifiable HFSS products, while excluding from scope:
  - marketing communications in online media targeted exclusively at business-to-business. We do not seek to limit advertisers' capacity to promote their products and services to other companies or other operators in the supply chain
  - factual claims about products and services
  - communications with the principal purpose of facilitating an online transaction

Do you agree with this definition?

Yes/**No**/I don't know

Please explain your answer and provide relevant evidence

*As evidenced in the Government's own consultation document regarding e-cigarette products, there are significant challenges when distinguishing between factual and promotional claims (ASA, 2019). Recent research conducted by Institute of Social Marketing and Health (Stead, no date) demonstrated that in one study all social media advertisements in the sample for content analysis to observe compliance with current regulations (all Instagram, n=30, for 3 brands' own accounts in 2019) were judged to be promotional and not factual, breaking the ASA rules. The ASA define descriptive language such as flavour and product design descriptions (e.g. 'fresh', 'slick') and non-factual imagery (such lifestyle or humorous imagery) as promotional, and from this study, it is difficult to envisage content on social media which would be purely factual. This is especially true when the proposal appears to only apply to written elements of an advertisement, despite clear evidence that advertising content is comprised of more than just written content. Imagery and other creative techniques, which make advertisements and their promoted products attractive and engaging, are other key promotional techniques (Jackler et al., 2019). For example, Jackler et al.'s (2019) report demonstrated that despite JUUL e-cigarette advertising being designated as aimed at adults, it was clearly youth-focused with a high amount of social media advertising through brand ambassadors. Furthermore, brands can employ alibi marketing, whereby they employ core elements of a brand's identity such as colour or shapes, to continue to promote their product (Murray et al., 2018).*

*We also endorse the significant concerns raised by the Obesity Health Alliance (OHA), a SPECTRUM partner ([www.spectrum.ac.uk](http://www.spectrum.ac.uk)), regarding the term 'identifiable HFSS products' potentially leading to a significant loophole in the proposed restrictions. OHA highlights that there is potential for brands and advertisers to continue to promote HFSS products, as long as they cannot be identified as a particular branded product. For example, brands could advertise through cartoon or drawn depictions of their products or through using emojis that*

*are likely to be HFSS or have the effect of promoting HFSS products. This is a tactic commonly used by fast food delivery brands (OHA provide clear examples of this in their response).*

3. Do you foresee any difficulties with the proposed approach on types of advertising in scope?

**Yes/No/I don't know**

Please explain your answer and provide relevant evidence

*The online advertising environment is a rapidly-changing, innovative space resulting in new marketing techniques being continually developed. For example, the recent rise of social media influencers to promote HFSS products has fundamentally changed the marketing landscape online (Freeman and Chapman, 2008, Freeman and Chapman, 2007, Coates et al., 2019b, Coates et al., 2019a, White, 2020, Alruwaily et al., 2020). It is difficult to see how the Government can, at this stage, adequately account for all new types of marketing communications and platforms that will emerge in the future. As such, as recommended by the OHA, it is essential that the Government implements a regular two-yearly review as part of the new restrictions to ensure that the scope of the restrictions can be amended to capture new and emerging advertising techniques.*

4. If answered yes, please can you give an overview of what these difficulties are? Please provide evidence to support your answer.

Please explain your answer and provide relevant evidence

*Please consider this response alongside evidence provided in questions 2 and 3.*

*The WHO review identified that rapid changes in technology and online platforms are likely to expose loopholes in regulatory frameworks (WHO Europe, 2019). As such, a focus on retrospective regulation is inadequate and the regulatory proposals must include a regular review process to ensure any identified loopholes can be remedied to provide the most robust regulatory system possible. In addition, there must be continued and ongoing surveillance to identify technologies and techniques designed to circumvent regulations.*

5. Do you agree that for the purpose of a total online advertising restriction for HFSS products, the term 'advertiser' should be defined as a natural or legal person, or organisation that advertises a product or service?

**Yes/No/I don't know**

Please explain your answer and provide relevant evidence

*Although it is agreed that the term 'advertiser' should be employed, the definition must be broader than the food or drink brand owner. A considerable amount of food and drink advertising online is by corporations that sell food on behalf of brand owners, for example food delivery platforms such as Deliveroo and Uber Eats as well as large retailers. In addition, there are also range of smaller retailers that sell branded HFSS food and drink products as part of other products, for example hampers. In order to ensure that HFSS brand owners do not displace their advertising to third party organisations (for example to influencers and brand ambassadors), it is essential that all these persons and organisations are included in the definition. Furthermore, the definition should also include advertisements*

*positioned as corporate social responsibility (Collin et al., 2020), which have the effect of continuing to promote an HFSS brand without advertising a specific HFSS product.*

6. Do you agree that for the purpose of appropriate measures, the term "online service providers" should include all internet services that supply services or tools which allow, enable or facilitate the dissemination of advertising content?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

*All internet services that supply services or tools which allow, enable or facilitate the dissemination of advertising content should be included in the definition as evidence suggests that advertisers (brands, advertisers and third party organisations) will continue to exploit loopholes in regulations (White, 2020, Green, 2020).*

7. Our proposed exemption for factual claims about products and services would include content on an advertiser's social media. Do you agree with this approach?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

*Advertisers' own social media channels are key platforms for through which corporations promote their products, and are an important part of the marketing mix (Buchanan et al., 2018a, Buchanan et al., 2018b, Montgomery et al., 2012). Social media advertising through advertisers' own social media channels has fundamentally shifted advertising from being a one-way dialogue from the advertiser to the consumer, to one where the interaction can be a two way-dialogue between advertiser and consumer. Brands are able to post advertisements, offers and competitions regularly to their social media channels and consumers are able to engage with these postings and interact with the brand 'directly'. It allows for a much more 'conversational' form of advertising, and can lead to consumers to forgetting that it is a brand, rather than a person, they are communicating with (Confos and Davis, 2016). Advertisers, through their social media channels, are able to create and establish an interactive and ongoing relationship between the consumer and the brand. This particularly concerning when considering brands with large followings. By exempting factual claims on advertisers' own social media channels, there is potential for this to be exploited by advertisers to circumvent the total ban of online advertising of HFSS products.*

8. We propose that any advertisers which sell or promote an identifiable HFSS product or which operate a brand considered by the regulator to be synonymous with HFSS products should be required to set controls which ensure that their posts regarding HFSS products can only be found by users actively seeking them on the advertisers own social media page. This could be achieved, for example, by ensuring that the privacy settings on their social media channels are set so that their content appears on that page only. Do you think this would successfully limit the number of children who view this content?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

*Of primary concern is allowing the regulator to define when a brand is synonymous with HFSS products. The current definition of HFSS products, as provided by the Advertising*

*Standards Authority (ASA), is ambiguous and fails to provide an objective definition of an HFSS brand, but instead allows ASA to decide on a case-by-case basis whether an advertisement promotes an HFSS product. Firstly, this is a reactive approach to HFSS brand advertising, allowing for brands to continue to promote their product without a set standard to adhere to. Secondly, given the exceptionally high volume of brands which advertise online, it is unrealistic for an assessment of whether restrictions should apply to each advertisement on a case-by-case basis. As such, a legal, robust and clearly defined standard should be set by an independent and impartial body, which the regulator then applies.*

*As stated above in response to question 1, the current advertising regulatory system is defined as self-regulatory (Conway, 2020), which raises concerns regarding the independence of the ASA as well as its ability to make an impartial and objective judgement as to whether a brand is synonymous with HFSS products.*

*Furthermore, as highlighted in the OHA response, there are clear issues with this proposed approach due to the algorithm mechanism used by many social media platforms to target advertising to consumers (Baldwin et al., 2018). For example, if a social media user follows an HFSS product profile, they will see the majority of the content produced by that brand. The platform where this content is will then also identify the social media user as having an affinity for fast food, and therefore will continue to promote HFSS product content to them. In addition to this, there is no mechanism in place for advertisers to prevent social media users who are not subscribed to their profile from seeing their content when it is shared by another user. As such, the focus of the restriction should not only be about protecting children from HFSS product marketing, but rather protecting all from seeing HFSS product marketing. This total ban approach will ensure that children will not inadvertently view HFSS product marketing online, as well as help the Government to meet its goal of protecting both adults and children from HFSS product advertising online.*

9. In your sector or from your perspective, would a total restriction of online HFSS advertising confer a competitive advantage on any particular operator or segment of the online advertising environment?

Yes/**No**/I don't know

*By establishing a robust, clear and comprehensive set of definitions for the regulation, then no segment of the online advertising environment should be at a competitive advantage. However, as iterated in the OHA's response, the online advertising environment is an innovative and fast-paced space, and as such it is important that a regular review process is a legislated part of the regulations to ensure that scope is monitored as well as emerging loopholes. As highlighted previously, ongoing surveillance of compliance must be built into the regulations. This may take the form of a quarterly review, in line with companies' own performance review processes. This will also allow the regulator to anticipate and respond to challenges in a timely manner.*

Please explain your answer and provide relevant evidence

10. If answered yes, are there steps that could be taken when regulating an online restriction to reduce the risk of competitive distortions arising?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

11. We are proposing that broadcast video on demand (BVoD) is subject to a watershed restriction as Project Dovetail will mean they have BARB equivalent data. Do you know of other providers of online audience measurement who are able to provide the same level of publicly available assurance with regard to audience measurement?

Yes/**No**/I don't know

Please explain your answer and provide relevant evidence

*As highlighted in the OHA response, there are concerns that this consultation does not provide an opportunity to critically examine Government plans to restrict HFSS advertising on BVoD platforms. If BVoD is subject to a 9pm watershed for HFSS advertising, it should be applied in three ways:*

- 1. It should apply to programmes that were originally broadcast on live TV between 5.30am and 9pm, regardless of the time they are watched on BVoD;*
- 2. It should apply to all content viewed on BVoD between the hours of 5.30am and 9pm, even if it was previously shown after 9pm on live TV;*
- 3. It should include programme content (i.e. product placement). We know from research on alcohol and tobacco content that this content continues to appear in programmes despite advertising bans, as seen through the promotion of Lucky Strike cigarettes in the programme Love Island (Barker et al., 2018). It is likely that as regulations are introduced, HFSS content will continue to appear in programme content.*

*In addition, consideration needs to be given to how BVoD would be regulated, due to the ways in which advertising is dynamically served on this platforms. There will be significantly more challenges to regulating on this platform as well as identifying non-compliance. As described in responses to other questions, the need to future-proof this approach is crucial to ensuring the longevity of the regulations. For example, there are a number of BVoD platforms that do not currently show advertising content (e.g. Netflix, Amazon Prime) but this may change.*

*Furthermore, the ongoing challenges of COVID-19 and the likely future blend of online/at-home learning for children and young people means that children and young people may be at increased exposure to HFSS product marketing online (Green, 2020). As such, all platforms whereby online advertising of HFSS products, including product placement, may occur should be addressed in the new regulations.*

12. If answered yes, do you think that platforms or advertisers using those forms of audience measurement should be subject to a similar approach as BVoD?

Yes/No/I don't know

### **Enforcement and liability**

13. What sanctions or powers will help enforce any breaches of the restriction or of the appropriate measures requirements by those in scope of this provision?

Please explain your answer and provide relevant evidence

*As explained in response to question 1, the system for online advertising is a self-regulatory one (ASA, 2020b), and amending this to statutory regulation by an independent body should*

*be the first step to ensuring sanctions and enforcement is as robust as possible. There is extensive evidence as to the weaknesses of self-regulatory systems, not only with HFSS product advertising but also across other unhealthy commodities such as alcohol (Hastings et al., 2010, Potvin Kent and Pauzé, 2018). We believe that, in the short-term, responsibility for regulation, enforcement and sanctions should be conducted by Ofcom. Ofcom is the independent regulatory body overseeing the communications industry, and is a statutory corporation responsible for co-regulation of television advertising.*

*In terms of sanctions or powers, SPECTRUM agrees with the OHA's assertion that three key mechanisms should be implemented:*

- 1. Proactive monitoring of advertisements conducted regularly to ensure compliance and identify non-compliance. This is particularly important considering there is no pre-clearance process for online advertisements, as there is for broadcast advertisements.*
- 2. Fines for repeat non-compliance: As highlighted on the ASA's own website, the existing approach to enforcement is largely to encourage good compliance with the regulations with 'bad publicity' highlighted as the threat for non-compliance (ASA, 2020a). Most non-compliance cases are resolved informally, meaning that there is minimal proper sanctions or enforcement for brands or corporations who do not comply with the advertising regulations. As such, current enforcement is weak and requires remedying. These fines should be proportionate to the size of the company as an additional deterrent.*
- 3. Full transparency: Currently it is difficult to access any information regarding complaints, investigations, and/or rulings on any breaches of the advertising regulations. This makes it near impossible to monitor the effectiveness of the advertising regulations or ASA, and hold it accountable as a regulator. As such, all complaints, investigations and rulings should be made publicly available to ensure transparency.*

14. Should the statutory "backstop" regulator for HFSS marketing material be:

a) ~~a new public body~~

**b) an existing public body**

c) ~~I don't know~~

Please explain your answer and provide relevant evidence.

Should the final proposals lead to the creation of new central government arm's length bodies, then the usual, separate government approval process would apply for such entities. This equally applies to proposals elsewhere in this document.

*As answered in question 13, SPECTRUM would advocate for Ofcom to become the backstop regulator for online HFSS marketing in the short-term. However, in the long-term, SPECTRUM calls for a new comprehensive statutory approach to regulation for all HFSS product advertising and wider marketing to be implemented. The regulation should cover both the direct advertising behaviours of corporations, as well as scrutinise compliance with the regulations.*

15. If answered b, which body or bodies should it be?

Please explain your answer and provide relevant evidence

*As answered in questions 13 and 14, SPECTRUM suggests Ofcom to be the short-term backstop regulator.*

16. Do you agree that the ASA should be responsible for the day-to-day regulation of a total online HFSS advertising restriction?

**Yes/No/I don't know**

*As answered in questions 1 and 13, there are concerns regarding ASA's effectiveness as the day-to-day regulator for online advertising of HFSS products and it has repeatedly contested further regulatory change, despite advocating to protect the public from harmful HFSS advertising (ASA and CAP, no date).*

*In addition, we would also like to point out an alarming phenomenon which occurred while the UK government was considering a major tobacco control policy and may be an indicator of what is to be expected in this policy process. When the Department of Health consulted on standardised packaging for tobacco products in 2012, this attracted the largest ever response to a public consultation in the UK. The opposition to the policy in particular was well-coordinated, with the majority of it financially linked to the tobacco industry (Hatchard et al., 2016). In addition to substantive amounts of direct and indirect lobbying through groups such as think-tanks (Tobacco Tactics, 2020), tobacco companies and groups with links to the tobacco industry organised mass campaigns which encouraged the general public or professional groups to submit responses to Members of Parliament or the 2012 consultation, amounting to 427, 812 submissions total (Hatchard et al., 2016). In consultation responses, evidence cited by tobacco companies to oppose the policy was more often than not financially linked to them and/or significantly less relevant and of poorer quality compared to the available public health evidence. Transparency was also an issue. When referencing sources to support their arguments, tobacco companies did not mention that many of the sources were directly or indirectly financially linked to the tobacco industry. Policy makers would have to investigate every reference to uncover tobacco industry links (Hatchard et al., 2014, Evans-Reeves et al., 2015, Ulucanlar et al., 2014). SPECTRUM's ongoing work on obesity policy suggests that, due to the ground-breaking nature of the proposed ban on HFSS advertising online, a similar response from commercial actors may be likely. Thus, it is crucial that safeguards are put in place to minimise the risk of undue influence, for example asking actors to declare any conflict of interest prior to engaging with them. In consultations, the onus should be put on those submitting responses to declare industry funding of the research evidence or grey literature that they cite to support their arguments – this would save policymakers a lot of time.*

17. Do you agree with our proposal that advertisers are liable for compliance with a total online HFSS advertising restriction.

**Yes/No/I don't know**

Please explain your answer and provide relevant evidence

*This is in line with the polluter-pays-principle, whereby those who produce pollution should bear the costs of managing it to prevent harm to health or the environment (LSE, 2018).*

18. Do you consider that online service providers should be prohibited from running advertising that breaches the restriction or should be subject to a requirement to apply appropriate measures?



**a) Prohibited**

b) Subject to appropriate measures

c) Neither

d) I don't know

Please explain your answer and provide relevant evidence.

*Prohibition provides the most clarity to online service providers compared to the 'subject to appropriate measures'.*

19. If answered b, please expand on what you consider these measures should be.

Please explain your answer and provide relevant evidence

20. Do you consider that the sanctions available (voluntary cooperation and civil fines in instances of repeated or severe breaches) are sufficient to apply and enforce compliance with a total online HFSS advertising restriction?

**Yes/No/I don't know**

Please explain your answer and provide relevant evidence

*To ensure that sanctions are sufficient, they should be consistently applied following a robust investigatory system, whereby all breaches, investigations and rulings are made publicly available even if resolved informally. Ongoing surveillance of compliance must be built into the regulations. This may take the form of a quarterly review, in line with companies' own performance review processes. This will also allow the regulator to anticipate and respond to challenges in a timely manner.*

21. Do you consider that the imposition of civil fines by the statutory regulator is sufficient to enforce compliance with the appropriate measures requirements?

**Yes/No/I don't know**

Please explain your answer and provide relevant evidence

*Yes, but only if these civil fines are to be explicitly stated in legislation and not the responsibility of the regulator to determine. In agreement with the OHA, fines should be proportionate to the size of the business to act as a deterrent to larger corporations.*

22. Would a total restriction on HFSS advertising online have impacts specifically for start-ups and/or SMEs?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

23. What, if any, advice or support could the regulator provide to help businesses, particularly start-ups and SMEs, comply with the regulatory framework?

Please explain your answer and provide relevant evidence

24. We note the challenges of applying statutory regulation to overseas persons. It is our intention to restrict the HFSS adverts seen by children in the UK. From your sector or from

your perspective do you think any methods could be used to apply the restriction to non-UK online marketing communications served to children in the UK?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

*The issue of cross-border digital marketing is considered to be of increasing importance to address, and there are concerns as to the effectiveness of the proposed regulations to stop harmful HFSS product advertising from outwith the UK (Boyland et al., 2018). This is in part due to the borderless nature of the online environment, weak self-regulatory systems and the need for States to cooperate to ensure a consistent, robust regulatory approach to online advertising of unhealthy commodities (HFSS products, alcohol, tobacco, etc.) (Boyland et al., 2018). Large global brands will also continue to advertise their HFSS products online to audiences outwith the UK, and there is a high likelihood that will still be seen in the UK.*

25. Do you see any particular difficulties with extending the scope to non-UK online marketing communications as well as UK communications?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

*As answered in question 24, to ensure that non-UK online advertising communications are that breach the new proposed UK regulations are prevented, there ideally needs to be a coordinated approach across jurisdictions, as well as post-production techniques to block adverts and obscure product placements.*

*Furthermore, by implementing strong online advertising regulations, the UK could be a model for other countries to follow for introducing their own statutory regulations.*

26. Do you see any difficulties with the proposed approach in terms of enforcement against non UK based online marketing communications as opposed to UK based ones?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

27. Do you think these restrictions could disproportionately affect UK companies?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

### **Public sector equality duty**

28. Do you think that a total restriction on HFSS advertising online is likely to have an impact on people on the basis of their age, sex, race, religion, sexual orientation, pregnancy and maternity, disability, gender reassignment and marriage/civil partnership?

Yes/No/I don't know

Please explain your answer and provide relevant evidence. Please state which protected characteristic/s your answer relates to.

*The total ban on HFSS advertising online will have a significant positive effect on children's health and aligns with the recognition with the United Nations Convention on the Rights of the Child (The United Nations, 1990) directive that children require special protections, with governments responsibility to ensure such protections. A failure to act risks a breach of these rights.*

29. Do you think that any of the proposals in this consultation would help achieve any of the following aims?

- Eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- Advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it?
- Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it?

Yes/No/**I don't know**

Please explain which aims it would help achieve and how

Could the proposals be changed so that they are more effective? Please explain what changes would be needed

### **Socio-economic impact**

30. Do you think that the proposals in this consultation could impact on people from more deprived backgrounds?

**Yes**/No/I don't know

Please explain your answer and provide relevant evidence

*SPECTRUM considers the proposal to have a potentially positive effect on those from the most deprived communities. A recent study by Cancer Research UK (2018) reported that adolescents from the most deprived communities were 40% more likely to recall HFSS product advertisements compared to adolescents from the least deprived communities. Furthermore, modelling exercise conducted in Australia (Brown et al., 2018) showed that legislation to restrict HFSS broadcast advertising was likely to be cost-effective with most benefit for children aged between five and 15 years of age from low SES groups.*

### **Annex B: evidence note consultation questions**

31. Do the calculations in the evidence note reflect a fair assessment of the transition costs that your organisation would face?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

32. Is the time allocated for businesses to understand the regulations a fair assessment?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

33. Are there any ongoing costs that your organisation would face that are not fairly reflected in the evidence note?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

34. Is the assessment on the number of online impressions a fair assessment?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

35. It is estimated that a significant proportion of HFSS advertising online will be displaced to other forms of media. Do you think the level of displacement is correct?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

36. It is assumed that the level of displacement to other forms of media would be the same under the options outlined in the evidence note. Would you agree with this approach?

Yes/No/I don't know

Please explain your answer and provide relevant evidence

37. Do you have any evidence on how competition may vary between the options in the evidence note? This can be any form of competition, for example competition between HFSS brands or competition between other forms of advertising.

Please explain your answer and provide relevant evidence

38. Do you have any additional evidence or data that would inform:

a) our understanding of children's exposure to online adverts?

b) how different types of online advert (for example static display and video adverts) can have different effects on children's calorie consumption?

c) the estimates for additional calorie consumption caused by HFSS product advertising online?

d) the long-term impact of HFSS advertising exposure during childhood (for example on food behaviours and preferences later in life)?

e) the health benefits of either option in the evidence note?

f) how consumer spending habits will change as a result of these restrictions?

g) how advertisers might adapt their marketing strategies in response to further restrictions in HFSS advertising?

h) the impacts on the price of advertising slots, and how this might vary under both options?

Please provide the relevant evidence or data

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