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May 12, 2010

***Re: Leadership in protecting children from commercial marketing at the World Health Assembly and in Canada***

Dear Minister Aglukkaq:

This month, the World Health Assembly will resume its consideration of regulatory options to limit marketing to children as part of its efforts to encourage national governments to implement the *Global Strategy on Diet, Physical Activity and Health*. We urge you to champion the health and well-being of children in the World Health Assembly talks, and enact strong measures in Canada to protect children from commercial marketing, including the three-quarters of Canadian children living outside of Quebec who do not have the benefit of that province's *Consumer Protection Act*.

Since 1980, the Government of Quebec has been a world leader in protecting children from the unfairness and adverse health consequences of commercial marketing targeting children under 13. As you know, Sweden and Norway later enacted similar laws and, two years ago, the United Kingdom government instituted a ban on many television advertisements for unhealthy foods and beverages targeted at children under age 16.

The Quebec government successfully justified its law to the Supreme Court of Canada by relying heavily on a staff report published by the U.S. Federal Trade Commission (F.T.C.) in 1978; in a landmark freedom of expression ruling in 1989, the Supreme Court told the offending Canadian toy company that advertising to children is “per se manipulative. Such advertising aims to promote products by convincing those who will always believe.”<sup>1</sup> The same year, Canada adopted the *UN Convention on the Rights of the Child*,<sup>2</sup> committing to ensure that policy and legislation prioritize the best interests of children over other interests. And, while the U.S. F.T.C. report has not yet led to significant policy reforms in the that country, First Lady Michelle Obama has recently emerged as an enthusiastic and powerful advocate for such protections.<sup>3</sup>

Since the Supreme Court decision was rendered, four expert literature reviews have shown that the scientific justification for limiting marketing to children has become even more compelling.<sup>4</sup>

Unfortunately, there are only token safeguards for Canadian children living outside of Quebec. The lion's share of foods marketed to children do not comport with sound dietary advice. For instance, a recent study of television advertising in Canada found that fewer than 1% of ads for foods targeted to 2-17-year-olds promoted vegetables, fruits, or juices,<sup>5</sup> however *Canada's Food Guide* recommends that vegetables and fruit comprise at least 33%-42% of food servings for children, depending on their age and gender.<sup>6</sup> A recent U.S. study estimated that children aged two to seven

see an average of 12 televised food ads per day, or 4,400 a year, and children eight to 12 see an average of 21 per day, more than 7,600 a year. For teenagers, the numbers are 17 per day, or more than 6,000 annually. Fully half of all ad time on children's television programs in the U.S. is for food and, of "8,854 food ads reviewed in the study, there were no ads for vegetables or fruits targeted at children or teens."<sup>7</sup>

While the Quebec law is a model for the world, companies operating there have begun exploiting loopholes, and the federal government could help stem the flow of marketing tactics emanating from English Canada that spill across the border through the Internet, television programming, and other media. The World Health Organization recently reported that approximately 25% of deaths in high-income countries like Canada are caused by diet-related risk-factors and a sedentary lifestyle, risk factors associated with most products marketed to children.<sup>8</sup>

We urge you to champion the health and well-being of children (and parents) by leading the charge in the at the World Health Assembly's efforts to advance strong measures—globally *and* in Canada—to protect children from commercial marketing.

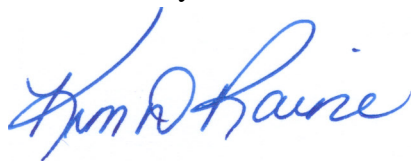
In aid of that effort, we urge you to share with all WHA delegates the leading example of the Quebec *Consumer Protection Act* as a source of pride for Canada internationally, and demonstrate the federal government's commitment to strong measures to assist Quebec in further reducing the moderate, but significant, inter-provincial cross-border marketing and, of course, to extend similar or tougher protection to the other three-quarters of Canadian children.<sup>9</sup>

We would be happy to discuss this important matter with you further and will watch with interest the Government of Canada's contribution in Ottawa and Geneva. We would like to meet with you and your Director of Policy, Ms. Leah Canning, preferably before the World Health Assembly meeting, and will be in touch with your staff to fix a time that suits your schedule.

Respectfully submitted,



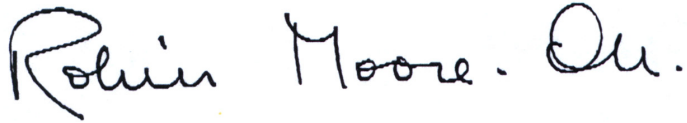
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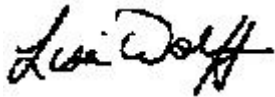
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Dr. David Butler Jones, Chief Public Health Officer  
Federal, Provincial and Territorial Ministers of Health  
Federal Provincial and Territorial Ministers Responsible for Consumer Affairs  
Federal Provincial and Territorial Ministers of Responsible for Child Protection

## References

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1 *Attorney General of Québec v. Irwin Toy, Ltd.*, [1989] 1 *Supreme Court Reports* 927 at 988-9.

2 United Nations Convention on the Rights of the Child. Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. Available at: [http://www.canadiancrc.com/UN\\_CRC/UN\\_Convention\\_on\\_the\\_Rights\\_of\\_the\\_Child.aspx](http://www.canadiancrc.com/UN_CRC/UN_Convention_on_the_Rights_of_the_Child.aspx)

3 The First Lady said, in part:

*I think we can all agree that parents need more control over the products and messages their kids are exposed to. Parents are working hard to provide a healthy diet and to teach healthy habits -- and we'd like to know that our efforts won't be undermined every time our children turn on the TV or see a flashy display in a store...But what does it mean when so many parents are finding that their best efforts are undermined by an avalanche of advertisements aimed at their kids?...But in the end, as First Lady, this isn't just a policy issue for me. This is a passion. This is my mission. I am determined to work with folks across this country to change the way a generation of kids thinks about food and nutrition.*

First Lady Michelle Obama. “Remarks by the First Lady at a Grocery Manufacturers Association Conference.” March 16, 2010. Washington, D.C. Available at: <http://www.whitehouse.gov/the-press-office/remarks-first-lady-a-grocery-manufacturers-association-conference>

4 See, for instance, three comprehensive expert literature reviews: Gerald Hastings et al., Centre for Social Marketing, University of Strathclyde & Food Standards Agency. *Review of Research on The Effects of Food Promotion to Children* (2003). London, United Kingdom, available at <http://www.food.gov.uk/multimedia/pdfs/foodpromotiontochildren1.pdf> ; Institute of Medicine of the National Academies of Sciences. *Food Marketing to Children and Youth: Threat or Opportunity* (J. Michael McGinnis, et al., ed.) 2006. Washington, D.C.; American Psychological Association. *Report of the APA Task Force on Advertising and Children* (Brian Wilcox, Chair). 2004. Washington, D.C., available on at: <http://www.apa.org/pi/families/resources/advertising-children.pdf> ; and World Cancer Research Fund. *Policy and Action for Cancer Prevention— Food, Nutrition, and Physical Activity: a Global Perspective*. 2009. Washington, D.C., available via <http://www.dietandcancerreport.org/>

5 Adams J, Hennessey-Priest K, Ingimarsdóttir, et al. Food advertising during children’s television in Canada and the UK. *Archives of Disease in Childhood*. 2009;94:658-662 at 680.

6 Health Canada. *Eating Well with Canada’s Food Guide*. Ottawa 2007. [http://www.hc-sc.gc.ca/fn-an/alt\\_formats/hpfb-dgpsa/pdf/food-guide-aliment/view\\_eatwell\\_vue\\_bienmang-eng.pdf](http://www.hc-sc.gc.ca/fn-an/alt_formats/hpfb-dgpsa/pdf/food-guide-aliment/view_eatwell_vue_bienmang-eng.pdf)

7 Gantz W, Schwartz N, Angelini JR, Rideout V. *Food for Thought: Television Food Advertising to Children in the United States*. 2007. Menlo Park, CA: Kaiser Family Foundation at 3. Available at: <http://www.kff.org/entmedia/upload/7618.pdf>

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8 World Health Organization. *Global Health Risks: Mortality and burden of disease attributable to selected major risks*. 2009 WHO. Geneva. See, esp. p. 17. Available at [http://www.who.int/healthinfo/global\\_burden\\_disease/GlobalHealthRisks\\_report\\_full.pdf](http://www.who.int/healthinfo/global_burden_disease/GlobalHealthRisks_report_full.pdf)

9 According to Statistics Canada, 89% of time children aged 2-11 spend watching TV is spent watching Canadian stations (albeit, much of that time is watching American programs re-broadcast by Canadian channels, such as Global and CTV). Statistics Canada (2006). *Television Viewing: Data Tables*. No. 87F0006XIE. Table 6.