

AANA FOOD AND BEVERAGES ADVERTISING CODE REVIEW

Submission from the Outdoor Media Association

01 INTRODUCTION

The Outdoor Media Association (OMA) welcomes the opportunity to provide comment on the AANA Food and Beverage Advertising Code (the Code).

Outdoor advertising publishers have a long history of cooperation and compliance with the various levels of self-regulation that exist and understand the need to meet community expectations in such a public context.

Overall, the OMA and its members find the Code to be fit for purpose and relevant to prevailing community standards. The OMA also believes that a five-year review timeline is appropriate. However, it is important that all self-regulatory codes remain agile against the ever-changing industry landscape. The OMA therefore believes it is important that the AANA remain receptive to feedback as required.

The main issue the OMA wishes to address is the inclusion of the Responsible Children's Marketing Initiative (RCMI) and the Quick Service Restaurant Initiative (QSRI) into the Code. The OMA has concerns about how the inclusion of these initiatives within the Code will change their application to outdoor advertising.

In addition, the RCMI and QSRI add a level of complication to the Code that could create confusion for outdoor media display companies.

The RCMI traditionally did not apply to outdoor advertising as outdoor advertising is not targeted at children. This is reflected in the industry's audience measurement system, MOVE, which only measures audiences aged 14 and above. Its inclusion in the Code presumably makes the RCMI now apply to outdoor advertising. This is problematic because no outdoor sites are 'primarily directed at children'.

While it is not possible to target children with Out of Home, the OMA has put in place additional safeguards to limit children's exposure to certain advertising, and recently launched its own food and beverage policy – the National Health and Wellbeing Policy – which addresses some of the same concerns as the RCMI and the QSRI but does so in an agile and outdoor specific way.

The OMA believes that the National Health and Wellbeing Policy is better suited than the RCMI and QSRI in limiting the exposure of children to discretionary food and drink advertising and supporting families in making healthy lifestyle choices.

The OMA submits therefore, that it should be made clear in the Code that the RCMI does not apply to outdoor advertising, avoiding the issue of duplicated yet inconsistent regulation through this instrument as it applies to Out of Home.

Further, the OMA submits that careful consideration of compliance measures in relation to the QSRI is required.

02 THE AUSTRALIAN OUT OF HOME ADVERTISING INDUSTRY

OMA members advertise third party products on digital and traditional signs across a variety of outdoor formats and locations, including airports, bicycle stations, billboards, buses, bus stations, cafés, doctors' surgeries, medical centres, office buildings and lifts, pedestrian bridges, railway stations, shopping centres, taxis, trains, trams, universities and street furniture.

OMA members make significant economic contributions to government and the community. Each year, the outdoor advertising industry contributes close to \$647 million to Australia's GDP and supports 3,100 jobs. Most OMA member companies are Australian owned and operated, with profits going back to the Australian economy. The industry provides a revenue stream to government, returning \$1 in every \$2 of revenue in rent and taxes.¹

In 2019, OMA members donated \$87 million in media services and advertising placement to over 230 community groups and charities.

The industry delivers essential services and savings. For example, the outdoor advertising industry builds and maintains around \$352 million of public infrastructure. The over 17,000 pieces of public infrastructure delivered by the industry make our cities more user-friendly – the industry is investing in innovation and providing digital utility such as Wi-Fi and wayfinding services. Outdoor advertising is one of the most trusted channels to broadcast government and community awareness messages, including road safety, public health and community service campaigns.

03 THE OUTDOOR MEDIA ASSOCIATION

The OMA is the national peak industry body that represents 80 per cent of Australia's traditional and digital OOH media display companies and production facilities. Part of the role of the OMA is to help develop and advocate for policy and regulation for outdoor advertising that is fair and equitable to governments, the community and the industry. The industry's aim is to deliver high quality, well-designed and innovative signage that provides

¹ Deloitte Access Economics (2016). "Out of Home Adds Value: Out of Home Advertising in the Australian Economy," Outdoor Media Association.

economic and utility benefits to communities.

04 THE AANA FOOD AND BEVERAGES ADVERTISING CODE

The OMA is largely supportive of the Code and its aims and does not believe significant changes are required.

As demonstrated in the discussion paper, there are a relatively low number of complaints under the Code, although food and beverage product advertisements represent a significant portion of complaints under the Code of Ethics.

This would seem to demonstrate that although the content of food and beverage advertising may attract complaints, the community is less concerned about food and beverage advertising generally, outside the context of the Code of Ethics.

That being said, the OMA fully understands the concern of the community in relation to the effects of overweight and obesity and how advertising can help support a healthy lifestyle.

4.1 Inclusion of the QSRI and RCMI in the Code

The OMA's main concern with the Code is the reference to the Australian Food and Grocery Council's (AFGC) Responsible Children's Marketing Initiative (RCMI) and the Quick Service Restaurant Initiative (QSRI).

Currently, Section 4 of the Code states:

Section 4.1: Except as set out in section 4.2, Advertising or Marketing Communication for Food or Beverage Products, other than fresh fruit or vegetables, must comply with Schedule 1 of the RCMI, where applicable.

Section 4.2 Advertising or Marketing Communication for Food or Beverage Products by a Quick Service Restaurant must comply with Schedule 1 of the QSRI, where applicable.

The OMA also acknowledges that the AANA intends to take ownership of the RCMI and the QSRI from 30 June 2020.

This is concerning for the OMA because the RCMI, which currently does not apply to outdoor, has several issues pertaining to its application in relation to outdoor advertising that would make compliance with the Code difficult.

The RCMI applies to mediums which are 'directed primarily to children'. The nature of outdoor advertising as a broad audience medium means that it is never directed primarily to children.

This is reflected in the MOVE audience measurement system, in which the youngest age bracket measured is 14 to 17-years.

While outdoor advertising is not directed to children, the OMA is concerned about how the inclusion of the RCMI in the Code might be interpreted. If the RCMI requirements are to be

taken to apply to all advertising formats, including outdoor advertising, this could cause significant problems with compliance, as it is hard to ascertain which, if any outdoor advertising sites, are 'primarily directed at children'.

Further, because each individual advertiser must create a company action plan outlining how it defines 'healthier dietary choices', compliance checking from a media publishers' perspective would be onerous and almost impossible.

Unlike the RCMI, the QSRI has always applied to outdoor advertising. However, the inclusion of the QSRI in the Code means that it now applies to all advertisers, not just QSRI signatories.

Although the QSRI has specific nutritional criteria outlined, the Initiative requires signatories to create action plans against which compliance will be judged. It is impossible for outdoor media display companies to determine compliance. Therefore, for outdoor media displays companies to be held responsible for doing so is untenable.

Greater clarity about responsibilities and requirements would be needed if this were to apply to outdoor media display companies in the same way as other AANA policies and codes.

4.2 The OMA National Health and Wellbeing Policy

In February 2020, the OMA launched its own initiative in relation to outdoor advertising and healthier food and drink choices. Although outdoor advertising is generally not directed towards children, the OMA members acknowledge that advertising around schools is more likely to be seen by children on their way to school.

The OMA National Health and Wellbeing Policy (the OMA Policy) bans the advertising of certain discretionary food and drink choices within a 150-metre sightline of an Australian primary or secondary school.

The OMA Policy builds on the existing OMA Placement Policy, which has been in place for 13 years and which bans advertising of alcohol, gambling products and sexual and adult services around schools.

Food and drinks are judged against the Australian Dietary Guidelines, which denotes anything outside of the 'five food groups' as discretionary. Discretionary food and drinks cannot be advertised within a 150-metre sightline of a school unless they achieve a Health Star Rating of 3.5 or above.

The OMA Policy was created in response to developing community expectations and government priorities. The outdoor advertising industry has a long history of excellent self-regulatory compliance, borne from an understanding that, as a very public medium, the industry must hold itself to a very high standard.

The OMA acknowledges that the RCMI seeks to address more than just the food and beverage aspect of advertising, requiring that advertisements also promote 'a healthy

lifestyle’.

The OMA Policy also seeks to use outdoor advertising’s ability to be seen by a wide audience to promote healthy lifestyle choices. The industry has therefore committed \$3 million per year in donated advertising space for initiatives which support and align with the goals of the policy.

The OMA believes that the OMA National Health and Wellbeing Policy better serves the purpose of the RCMI. This is because it provides clarity around which sites would be captured as well as providing specific criteria against which food and drinks are tested. Compliance is therefore easier and the Policy is more transparent.

More information about the OMA National Health and Wellbeing Policy can be found at www.healthyoutdoor.org

4.3 Including RCMI and QSRI Principles in the Code

Whilst the OMA acknowledges that there is significant community expectation around responsible food and beverage advertising, the inclusion of the RCMI and QSRI in their entirety without consideration of the nuanced circumstances for outdoor advertising is problematic.

Although outdoor advertising is never directed to children, the industry is committed to minimising children’s exposure to certain advertising.

For this reason, the OMA has implemented an industry specific policy that addresses community concerns and supports families to make healthier lifestyle choices. Adding the RCMI and the QSRI into the Food and Beverage Code creates unnecessary complexity for the outdoor advertising industry and makes compliance difficult.

Therefore, the OMA calls on the AANA to exempt the outdoor advertising industry, explicitly, from the requirements of the RCMI. This will mean no practical change to the status quo as the RCMI, prior to inclusion in the Code, did not apply to outdoor advertising.

Further, clarification is sought regarding responsibilities and requirements for compliance under the QSRI against individual company action plans, as it applies to outdoor.

05 FURTHER INFORMATION

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