

# Legislation to protect children from unhealthy food advertising and promotion

## About the proposal

The proposal was developed by the Obesity Policy Coalition, and backed by the Australian Chronic Disease Prevention Alliance (including Cancer Council Australia, Diabetes Australia and the National Heart Foundation), the Australian Medical Association, and the Coalition on Food Advertising to Children.

It sets out a plan for the federal and state/territory governments to enact legislation to restrict all forms of advertising and promotion of unhealthy food and beverages to children.

## Restrictions – types of advertising

The proposal outlines how Commonwealth and state/territory legislation should restrict different forms of unhealthy food advertising to children, including the following:

- **Free-to-air TV**  
Unhealthy food advertising on free-to-air TV from 6-9am and 4-9pm on weekdays, and 6am-12pm and 4-9pm on weekends.
- **Pay TV**  
Unhealthy food advertising on dedicated children's channels at all times, and on other channels watched by children from 6-9am and 4-9pm on weekdays, and 6am-12pm and 4-9pm on weekends.
- **Internet**  
Internet advertising and websites promoting unhealthy food to children.

- **Direct marketing**  
Mail, email and SMS messages to children promoting unhealthy food.
- **Magazines**  
Unhealthy food advertising directed to children in magazines.
- **Movies**  
Unhealthy food advertising during G movies, or PG movies directed to children.
- **Schools**  
Unhealthy food advertising or promotion in schools, childcare centres and other children's institutions (including sponsorship and fundraising).
- **Children's sports**  
Unhealthy food advertising or promotion in association with children's sports or other children's events or activities (including sponsorship and fundraising).
- **Public places and transport**  
Unhealthy food advertising directed to children in public places and on public transport (e.g. billboards and posters).

## Definitions of key terms

The proposal outlines definitions of key terms to be included in legislation, including:

- **Unhealthy food**  
Food or beverages that fail to meet Food Standards Australia New Zealand's nutrition criteria.
- **Children**  
Children younger than 16 years.
- **Unhealthy food advertisement**  
Any visual or audio message that publicises or promotes an unhealthy food or range, or a food brand (unless healthy food is the dominant feature of the advertisement).

## Federal or state governments?

Ideally the Commonwealth Government should take the lead and introduce legislation to ensure national consistency. However, according to the Obesity Policy Coalition's legal analysis, states and territories also have the power to restrict most types of unhealthy food advertising directed to children, including free-to-air television advertising. Uniform state/territory legislation could overcome any difficulties posed by advertising across state borders (e.g. internet and pay TV).